

The Role of the Torgamba Police Criminal Investigation Unit in Law Enforcement for Perpetrators of Theft Crimes

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Abstract

This study aims to determine the Role of the Torgamba Police Criminal Investigation Unit in Law Enforcement of Theft Criminal Acts and the constraints faced by the Torgamba Police Criminal Investigation Unit in Law Enforcement of Theft Criminal Acts. The type of research used is the empirical normative research method. Empirical normative research is a legal research method that combines normative and empirical approaches. This method is used to study the implementation of normative law in people's lives. Empirical Normative Legal Research (applied law research), which is a study that uses empirical-normative legal case studies in the form of legal behavioral products. Research Results and Discussion: 1. The Torgamba Police Unit plays a role in receiving reports of public complaints related to alleged theft criminal acts in the Torgamba Area, making arrests and detentions of suspects, conducting investigations, which are then continued with the transfer of files to the public prosecutor to be forwarded to the examination of cases in court. 2. Several factors that hinder the Torgamba Police Criminal Investigation Unit in Enforcing the Law on Perpetrators of Theft Crimes include: Limited number of investigators, Inadequate facilities and infrastructure to support investigator performance, Minimal participation of witnesses to provide information in the investigation process of theft cases.

Keywords: *Role, Criminal Investigation, Police, Law Enforcement, Perpetrators, Criminal Acts, Theft.*

INTRODUCTION

The police are a law enforcement tool that can provide protection, protection, and prevent crime from occurring in people's lives (A et al., 2023), which is in accordance with what was conveyed by Rahardi who said that "Police are one of the functions of state government in the field of maintaining security and public order"

Based on the provisions of Article 2 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, it is stated that: (Wandi Purba et al., 2021) "The function of the police is one of the functions of state government in the field of maintaining security and public order, law enforcement, protection, protection and service to the community." Thus, the police are an institution tasked with maintaining security and public order as well as law enforcement officers.

(Erlangga et al., 2023) The police are one of the functions of the State government in the field of maintaining public security and order, aimed at realizing internal security which includes maintaining public security and order, order and upholding the law, providing protection, protection and service to the community, as well as maintaining public peace by upholding human rights.

The police are part of the criminal justice system as investigators who have law enforcement (repressive) as well as preventive and preemptive capabilities. (Agustin et al., 2024) As an institution tasked with law enforcement, of course it will still be faced with various obstacles in its implementation. (Pencurian et al., 2021) Therefore, law enforcement can be interpreted as the act of applying certain legal means to impose legal sanctions to ensure compliance with the provisions set by the authorities. According to Satjipto Rahadjo, law enforcement is a process of realizing legal desires into reality.

Basically, the main task of the police is "to maintain security and public order. According to C.H. Niewhuis, "to carry out this main task the police have 2 (two) main functions, namely:

1. The preventive function is for prevention, which means that the police are obliged to protect the state and its institutions, public order and order, people and property, by preventing the commission of acts that can be punished and other acts that can essentially threaten and endanger order and peace;
2. Repressive or controlling function, which means that the police are obliged to investigate criminal cases, arrest the perpetrators and hand them over to investigation for punishment."

Specifically in the field of criminal proceedings, the police have the authority as regulated in Article 16 of the Police Law which reads: "1. In order to carry out the duties as intended in Articles 13 and 14 in the field of criminal proceedings, the National Police of the Republic of Indonesia has the authority to:

- a. Carrying out arrests, detention, searches and confiscations;
- b. Prohibit anyone from leaving or entering the crime scene for investigation purposes;
- c. Bringing and presenting people to investigators in the context of an investigation;
- d. Instruct suspected people to stop and ask and check personal identification;
- e. Carrying out inspection and confiscation of letters;
- f. Summoning people to be heard and examined as suspects or witnesses;
- g. Bring in the necessary expert persons in connection with the examination of the matter;
- h. Holding an end to the investigation; i. Submit case files to the public prosecutor;
- i. Submit a request directly to the authorized immigration official at the immigration checkpoint in an urgent or sudden situation to prevent or deter a person suspected of committing a criminal act;
- j. Providing guidance and investigative assistance to civil servant investigators and receiving the results of investigations by civil servant investigators to be submitted to the public prosecutor; And
- k. perform other actions according to the responsible law.

(Alexander & Angie, 1945) As for other Actions as referred to in paragraph (1) letter l are research and investigation actions that are carried out if they meet the following conditions:

- a. Does not conflict with any legal regulations;
- b. In line with the legal obligations that require the action to be carried out;
- c. Must be appropriate, reasonable, and included in the scope of the position;
- d. Reasonable consideration based on exigent circumstances; and
- e. Respect human rights.

Based on this description, the researcher formulated the problem: What is the role of the Torgamba Police Criminal Investigation Unit in enforcing the law for perpetrators of the crime of theft. And the obstacles faced by the Torgamba Police Criminal Investigation Unit in enforcing the law for perpetrators of criminal acts of theft.

RESEARCH METHODS

The type of research used is the empirical normative research method. Empirical normative research is a legal research method that combines normative and empirical approaches. This method is used to study the implementation of normative law in people's lives. Normative-Empirical Legal Research (applied law research), namely research that uses normative-empirical legal case studies in the form of legal behavioral products. The problem approaches used include

statutory approaches, conceptual approaches and case studies. Sources of data or information used include primary data and secondary data. Primary data is data obtained raw and then analyzed further, originating directly from the community or law enforcement officials related to this research. Meanwhile, secondary data is data obtained through literature study by studying literature, scientific writings, statutory regulations, and documents obtained by agencies related to the research object and the problems raised.

RESULT AND DISCUSSION

The Role of the Torgamba Police Criminal Investigation Unit in Law Enforcement for Perpetrators of Theft Crimes.

The Indonesian Police is an institution that has direct authority to enforce the law for all criminal acts, including criminal acts of theft using violence. This is in accordance with the function of the police, namely as law enforcement, (Jasmine, 2014) as well as maintaining security and public order. In article 3 of Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia, it is explicitly stated that the National Police aims to enforce the rule of law.

(Sidabutar, 2020) According to Lawrence M. Friedman, the effectiveness and success of law enforcement depends on three elements of the legal system, namely legal structure, legal substance and legal culture. Based on this, the police carry out various important activities, namely: receiving complaints from the public, carrying out investigations, which are then followed by handing over files to the public prosecutor to be forwarded to the examination of the case in court.

Handling of criminal acts of theft in the criminal justice system was carried out for the first time by the police as the front guard of law enforcement, especially criminal law in Indonesia (Saktiyono & Abdul, 2023). In this case, the police carry out their function to carry out inquiries and investigations into a criminal case. The police also have duties and authorities as regulated in the Police Law.

The main duties of the police are regulated in the Police Law, namely Article 13, which reads: "The main duties of the National Police of the Republic of Indonesia are:

1. Maintain public security and order;
2. Enforcing the Law, and
3. Providing protection, protection and service to the community."

In research conducted by the author at the Torgamba Police Unit, the Torgamba Police Unit played a role in receiving reports of public complaints related to alleged criminal acts of theft in the Torgamba Region. The complaint report is proven by a police report with number LP/B/6/I/2024/SPKT/SEK TORGAMBA/LABUHANBATU SELATAN POLRES, on January 6 2024, as well as assignment warrant number SPT/06/I/2024/Reskrim dated January 6 2024, to arrest the perpetrator of the theft. The perpetrator is ASSP, male, 15 years old and Muslim, is a resident of Sumber Sari I Hamlet, Torganda Village and is the next door neighbor of the victim's house.

Chronology of events

- a. That on January 1 2024, the complainant left the house locked, but on January 2 2024, after checking the CCTV from his cellphone, the complainant discovered that the CCTV was off, and the house was in a mess.
- b. Merchandise and cash amounting to Rp. 4,000,000,- lost.

- c. On January 3 2024, after returning home, the reporter checked the condition of the house and repaired the CCTV. The results of these repairs revealed that the perpetrator of the theft was ASSP. Due to this incident, the victim reported the incident to the Torgamba Police.
- d. This report was followed up by the Torgamba sector police, then on January 6 2024, South Labuhanbatu Police Criminal Investigation Unit personnel and the Torgamba Police Criminal Investigation Unit succeeded in arresting the perpetrator at his residence. The perpetrator was arrested while playing on his cellphone in his house.
- e. During the arrest process, evidence was found in the form of a black long-sleeved t-shirt, one piece of black and gray training trousers, one black hat, and one black Levis brand wallet containing the remaining money from the theft amounting to Rp. 336,000,-.
- f. The perpetrator and the evidence were taken to the Torgamba Police for further legal proceedings. The actions taken involved securing the perpetrator, transporting him to the Torgamba Police, and equipping a mindik to support the investigation and case handling process.

The regulation of the crime of theft from the perspective of the Criminal Code is contained in Article 362 which states: "(Pokhrel, 2024) Anyone who takes something, which wholly or partly belongs to another person, with the intention of possessing it unlawfully, is threatened for theft with a maximum imprisonment of five years or a maximum fine of nine hundred rupiah." Furthermore, Article 363 (1) states: "Perishable with a maximum imprisonment of seven years: 1. theft of livestock; 2. theft when there is a fire, eruption, flood, earthquake, or sea earthquake, volcanic eruption, shipwreck, stranded ship, train accident, riot, rebellion or danger of war; 3. Theft at night in a house or closed yard where there is a house, committed by a person who is there unknown or not wanted by the rightful person; 4. Theft committed by two or more people; 5. (Prakoso, 2020) Theft in order to enter the place where the crime has been committed, or to get to the goods taken, is carried out by breaking, cutting or climbing, or by using a fake key, a fake order. If the theft is committed with violence, it is regulated in Article 365 of the Criminal Code Paragraph (1): With a maximum prison sentence of nine years, theft is punished by being preceded, accompanied or followed by violence or threats of violence against a person, (Hartono, 1992) with the intention of preparing or facilitating the theft or if caught red-handed (caught) in order to If there is a chance for himself or his friend who also committed the crime to escape or for the stolen goods to remain in his hands, then Articles 89 and 335 of the Criminal Code apply.

Obstacle factors faced by the Torgamba Police Criminal Investigation Unit in enforcing the law for perpetrators of criminal acts of theft.

There are several obstacle factors faced by the Torgamba Police Criminal Investigation Unit in enforcing the law for perpetrators of criminal acts of theft, including:

1. Limited number of investigators

The number of investigating personnel in the Torgamba Police unit is usually fewer than investigators at the Labuhanbatu resort police level. So it sometimes becomes an obstacle in supporting the main tasks of the police, especially in terms of investigating theft cases in the Torgamba area. Moreover, criminal cases are rife in the Torgamba jurisdiction. With the small number of personnel, there was a long queue for carrying out the investigation, and personnel from the South Labuhanbatu Resort Police even had to be assisted by personnel.

2. Insufficient facilities and infrastructure to support the performance of investigators

Facilities and infrastructure are very supportive in supporting the performance of police investigators in the Torgamba sector unit. The lack of facilities and infrastructure at the Torgamba Police is an obstacle in uncovering cases of theft, so that sometimes you have to coordinate with the Labuhanbatu District Police to assist the investigation process due to the lack of supporting facilities and infrastructure in the Torgamba sector.

3. Minimal participation from witnesses to provide information in the process of investigating theft cases.

In cases of theft, (Agung et al., 2020) witnesses are usually reluctant to testify and provide information about the theft incident. Meanwhile, witnesses have an important role in helping to reveal the crime of theft committed by the perpetrator. By not providing information, or not testifying, this case cannot be resolved as well as possible. If there are no members of the public who are reluctant to testify, then the perpetrator of the theft can be free from punishment that would otherwise ensnare him due to the lack of evidence or witnesses that determine whether or not the perpetrator can be tried before a court.

CONCLUSION

1. The Torgamba Police Unit plays a role in receiving reports of public complaints related to alleged criminal acts of theft in the Torgamba Region, arresting and detaining suspects, carrying out investigations, which are then followed by handing over files to the public prosecutor to be forwarded to the case examination in court.
2. Several obstacle factors faced by the Torgamba Police Criminal Investigation Unit in enforcing the law for perpetrators of the crime of theft, include: Limited number of investigators, inadequate facilities and infrastructure to support the performance of investigators, minimal participation from witnesses to provide information in the process of investigating theft cases.

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- Agung, A., Laksmi, S., Made, N., Karma, S., Hukum, F., Warmadewa, U., Bermotor, P. K., & Kriminal, R. (2020). *semakin naik , sehingga mempengaruhi kondisi sosial ekonomi masyarakat . Kondisi ini , mudah menujang keberlangsungan kehidupannya . dengan kegagalan . Dengan demikian peran kepolisian sangat diperlukan dalam menanggulangi semua jenis yang sulit didekteksi oleh aparat kepolisian (Azmi , 2014). Salah satunya ialah mengubah warna kendara menjadi sebuah tren dalam kehidupan keseharian masyarakat di berbagai daerah di Indonesia . Salah satu berawal dari adanya dua laporan kepada pihak kepolisian . Yakni , pencurian di Art Shop Jelitop dan Art Shop Artha Kesuma (<http://bali.tribunnews.com/2019/11/26/operasi-pekak-polsek-ubud-ringkus-2-maling-motor-di-tampaksiring-amankan-miras>). Dengan demikian peranan aparat kepolisian dalam menangani menyelesaikanny secara tuntas dengan memberikan sanksi sesuai dengan ketentuan peraturan perundang- (Spector , 1975 ; Britt , 1997 ; Copes , 1999 ; Walsh & Taylor , 2007 ; Levy , 2014 ; Piza et al ., 2017). Terdapat dilakukan karena terpaksa demi memenuhi kebutuhan (Paternoster & Bushway , 2001 ; Cantor & Land , . 1(1), 14–20.*

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- Alexander, R., & Anggie, O. (1945). Website : <https://journal.unilak.ac.id/index.php/semnashum/index> *Penegakan Hukum Tindak Pidana Pencurian Dengan Kekerasan Di Wilayah Hukum Kepolisian Sektor Minas PENDAHULUAN Indonesia sebagai negara hukum dinyatakan dalam Pasal 1 ayat (3) Undang-undang Dasar Negara Republik Indonesia tahun 1945 , yakni “ Negara Indonesia adalah Negara Hukum ”. Di samping itu Pasal 27 ayat (1) UndangUndang Dasar Negara Republik Indonesia Tahun 1945 yang berbunyi “ Segala warga n egara bersamaan kedudukannya di dalam hukum dan pemerintahan dan wajib menjunjung hukum dan pemerintahan itu dengan tidak ada kecualinya ”, memperkuat kedudukan Indonesia sebagai Negara Hukum yang menjamin setiap warga negara Indonesia berkedudukan yang sama di dalam hukum , selalu menjamin hak segala warga negara bersamaan dengan kedudukannya di dalam hukum dan pemerintahan serta wajib menjunjung hukum dan pemerintahan . Dengan demikian segala tingkah laku warga negaranya harus berpedoman pada norma hukum yang ada . Untuk itu Indonesia sudah seharusnya berupaya menciptakan iklim dimana warga negaranya sadar akan hukum , sehingga terwujud tertib hukum . Norma hukum dibuat untuk dipatuhi , sehingga apabila dilanggar maka dikenakan sanksi . Pemerintah harus menjamin adanya suasana aman dan tertib dalam masyarakat dalam arti bila ada warga negara yang merasa dirinya tidak aman , maka ia berhak meminta perlindungan hukum kepada yang berwajib atau pemerintah . Oleh karenanya dalam menegakkan atau menjamin untuk keamanan dan ketertiban masyarakat , maka diperlukan sansi atau hukuman . Dalam hal terjadi pelanggaran maupun tindak pidana terhadap norma hukum , pemerintah melalui Kepolisian Negara Republik Indonesia memiliki tugas dan kewajiban untuk mengambil tindakan hukum . Dalam rangka pencegahan tindak pidana terhadap masyarakat maka kepolisian mempunyai kewenangan yang diatur dalam Pasal 15 ayat (1) huruf (a) sampai dengan huruf (j) , serta Pasal 16 ayat (1) huruf (a) sampai dengan huruf (i) dan ayat (2) Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia . Masyarakat mempunyai penghargaan agar polisi menanggulangi masalah yang ada dalam masyarakat . Begitu banyak macam kejahatan yang terjadi dalam masyarakat , salah satunya tindakan pencurian dengan kekerasan yang meresahkan warga masyarakat . Perilaku yang tidak sesuai norma tersebut atau dapat disebut sebagai penyelewengan terhadap norma yang telah disepakati menyebabkan terganggunya ketertiban dan dan s.... 3, 1–25.*
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