

Handling Of Perma NO. 2 OF 2012 In Cases Of Light Accepting Offences In The Jurisdiction Of The Rokan Hilir Police Region

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Abstract

The method used in this study is normative legal research, namely research on problems by looking at the sources of applicable regulations related to the title of Handling of Perma No. 2 of 2012 in cases of minor receiving in the jurisdiction of the Rokan Hilir Police. In the Decision of the Rokan Hilir District Court No. 9 / Pid.C / 2023 / PN Rhl, the verdict states that the Defendant Rosa Mayheppi Simurat alias Rosa above was legally and convincingly proven guilty of committing the crime of minor receiving; Sentencing the Defendant therefore to imprisonment for 14 (fourteen) days. In this case, the verdict handed down by the Panel of Judges against the Defendant was lower than the demands of the Public Prosecutor who had demanded for 1 month, this was due to the existence of mitigating factors for the defendant which were taken into consideration by the Panel of Judges in making the verdict. The author hopes that the Rokan Hilir Police will be consistent in pursuing the receiver of every minor theft crime, which is also one of the benchmarks for reducing crime itself.

Keywords: Handling, PERMA No. 2 of 2012, Light Handling, Rokan Hilir Police;

INTRODUCTION

(Wirawan et al., 2023) Criminal acts are usually committed in various modes, sometimes starting with the perpetrator's intention or because of the opportunity. In general, perpetrators of criminal acts also do not think about the losses caused by their actions. People who have become victims of crime will usually take legal steps to report the incidents they experienced to the police. (Manullang et al., 2020) Reports are one of the legal efforts to realize the function of law as a *social control* or social control is a process that has been planned in advance and aims to encourage, invite, order or even force members of society to comply with legal norms or legal regulations that are currently in force (JASMINE, 2014).

(Hakim & Kusno, 2018) The process of examining whether or not a criminal act has occurred can be known through the investigation process, but before the investigation is carried out, an investigation process is carried out by the investigator. (Adiyatmika et al., 2009) Crimes that have been reported / complained about must have laws and regulations that regulate them, so that if the regulations do not regulate it, then the person should be free from all legal charges (Farit Kurniawan, 2011: 2). An act cannot be punished, except based on the strength of existing statutory provisions based on the adagium *nullum delictum noela poenna praevia sine lege poenale* as stated in article 1 of the Criminal Code (Mahmud Mulyadi, 2008: 211).

(Hukum & Ummah, 2022) The enactment of Supreme Court Regulation No. 2 of 2012 concerning Adjustment of the Limitation of Minor Crimes and the Amount of Fines in the Criminal Code has changed the limits in minor criminal cases as stated in Articles 364, 373, 379, 384, 407 and Article 482 of the Criminal Code which were originally limited to a minimum of Rp250,- (two hundred and fifty rupiah) to Rp2,500,000 (two million five hundred thousand rupiah). Against perpetrators of theft, fraud, embezzlement and receiving money with a loss of less than Rp2,500,000 (two million five hundred thousand rupiah) does not need to be detained and the case is carried out through a quick examination procedure with the Application of Restorative Justice.

The Supreme Court of the Republic of Indonesia in an effort to implement it at every level of the criminal justice system has signed a Memorandum of Understanding with the Minister of Law and Human Rights of the Republic of Indonesia, (Ballu, 2018) the Attorney General of the Republic of Indonesia and the National Police of the Republic of Indonesia regarding the Implementation of Supreme Court Regulation No. 2 of 2012 concerning Adjustment of the Limitation of Minor Crimes and the Amount of Fines in the Criminal Code.

The implementation of the Supreme Court Regulation has so far reaped controversy from a number of parties, especially for the people in Labuhanbatu Regency. The implementation of the Supreme Court Regulation is considered a policy that is contrary to the Law, because the perception of how much the loss is not the same in all places, such as Labuhanbatu Regency, a value of that amount is very meaningful for the survival of the community. One thousand kilograms (1000 kg) of oil palm bunches which is calculated to reach Rp. 1.5 million in the Rokan Hilir Regency area is certainly very valuable for oil palm farmers, as well as 1 goat which is worth less than + Rp. 2,500,000 , - (two million five hundred thousand rupiah) is very meaningful and is the basis of life for livestock breeders, if this is not done, detention will certainly arise some public understanding about injustice and neglect of criminals.

In this study, the author focuses on the perpetrators of the receiver. The crime of receiving money is regulated in Article 480 of the Criminal Code, Articles 481 and 482 of the Criminal Code. (Dan et al., 2023) The crime of receiving money is an act that is prohibited by law, because receiving money is obtained from a crime, it can be said that helping or facilitating the perpetrator's crime can complicate the investigation of the crime in question, in trying the defendant who committed the crime of receiving money because, it must first prove whether the defendant really committed a crime because the criminal goods were obtained from the proceeds of crime and the receiver here becomes the second perpetrator in terms of its implementation, so the authorities must first prove whether someone is capable of being held accountable in other words there is an element of error and intent

Since the enactment of Supreme Court Regulation No. 2 of 2012 concerning Adjustment of the Limits of Minor Crimes and the Amount of Fines in the Criminal Code , the majority of the implementation of Supreme Court Regulation No. 2 of 2012 concerning Adjustment of the Limits of Minor Crimes and the Amount of Fines in the Criminal Code is only aimed at the perpetrators of theft, so in this study the author wants to see the cases that exist in 2024 in the jurisdiction of the Rokan Hilir Police have conducted investigations and inquiries into criminal acts of receiving proceeds from minor theft that have arrived and/or have been tried at the Rokan Hilir District Court.

This research is expected to be a consistency for the Rokan Hilir Police to pursue the perpetrators of receiving stolen goods in every minor theft crime, which is also one of the benchmarks for reducing crime itself;

RESEARCH METHODS

This study uses a normative legal research method. Normative legal research is researching law from an internal perspective with the object of research being legal norms. In other words, legal research that places law as a building of a norm system. The norm system in question is regarding the principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings). This study uses a legislative approach and a conceptual approach . The legislative approach is used to get an overview of the Legal Analysis of the handling of perma no. 2 year 2012 in the case of mild detention in the jurisdiction of the rokan hilir police jurisdiction

RESULT AND DISCUSSION

1. Legal Regulations Regarding Minor Criminal Offenses in Cases of Minor Receiving;

Legal regulations on minor criminal acts are basically regulated in Article 205 paragraph (1) of Law No. 8 of 1981 concerning the Criminal Procedure Code, including the procedure for resolving minor criminal cases through a quick examination procedure as stated in Articles 205-210 of the Criminal Procedure Code. If the integration of other legal regulations with Article 205 paragraph (1) of the Criminal Procedure Code is carried out, it can be obtained that other legal regulations that are oriented towards minor criminal acts are Article 301 paragraph (2), 352 paragraph (1), 364, 373, 379, 384, 407 paragraph (1), 482, 315 of the Criminal Code, and Perppu No. 16 of 1960 concerning Several Amendments to the Criminal Code.

In the enforcement of Tipiring perpetrators, the judicial system generally refers to the Criminal Procedure Code (Musrizal et al., 2020). This basic benchmark, the entire process and criminal justice system has been set as a standard of quality and its size in the Criminal Procedure Code. This also applies to the handling of Tipiring cases.

In the examination of minor crimes there are several special provisions, namely:

1. The one who functions as a prosecutor is an investigator with the authority of the public prosecutor, where the meaning of 'with the authority' is 'by law'.
2. No indictment was made, because the basis for the examination were the notes and files sent by the investigator to the court.
3. Witnesses do not take oaths or promises, unless the judge deems it necessary.

The initial stage of handling Tipiring is a complaint. The essence of the complaint of the Tipiring examination procedure is so that the case can be examined with a simpler procedure, because the Tipiring examination procedure is quite effective (Zainuri et al., 2003). For the examination of minor crimes, no indictment is used, this is because the prosecutor is the investigator. The basis for the examination is the notes along with the files sent by the investigator to the court.

The mechanism for minor criminal cases (Tipiring) is as follows:

1. Filing of a case: The investigator submits the case file without going through the Public Prosecutor.
2. File examination: The judge examines the case files using three filters, namely the value of the loss, the type of charge, and whether the defendant is detained.
3. Determination of trial date: The court determines the trial date within 7 days.
4. Trial:
 - The trial was opened and declared open to the public.
 - The accused was called and his identity was checked.
 - The Public Prosecutor read out the indictment.
 - The defendant was asked whether he understood and would file an exception.
 - The accused was questioned.
 - The judge showed the evidence to the witnesses and the defendant.
 - The defendant was given the opportunity to present a defense.
 - The judge handed down the verdict.

2. Handling of Perma NO. 2 of 2012 in the Case of Light Handling in the Jurisdiction of the Rokan Hilir Police

The position of the case handling of minor criminal cases in the Rokan Hilir Police Jurisdiction is related to minor receivers as in the example of a case that has been rolling, namely case register No. 9/Pid.C/2023/PN Rhl **Which one** The suspect Rosa Mayheppi Sinurat alias

Rosa can be suspected of having committed the minor crime of receiving 8 (eight) bunches of oil palm fruit, as referred to in Article 482 of the Criminal Code.

Based on the results of the examination at the investigation level, Rosa Mayheppi Sinurat alias Rosa has committed the minor crime of receiving 8 (eight) bunches of oil palm fruit, as referred to in Article 482 of the Criminal Code, which were purchased from stolen goods;

The actions of Rosa Mayheppi Sinurat alias Rosa who committed the Minor Criminal Act of Receiving 8 (eight) bunches of oil palm fruit have fulfilled the elements as per Article 482 of the Criminal Code in conjunction with Perma NO. 2 of 2012;

One example of a case handling a minor criminal case that has reached the trial as per case register number: 9/Pid.C/2023/PN Rhl **which the Rokan Hilir Police have conducted investigations, inquiries and prosecutions against** Case of Minor Handling in the Jurisdiction of Rokan Hilir Police which in its course has been in accordance with the applicable legal mechanisms and provisions.

In the indictment, (Area, 2021)the public prosecutor stated that based on the discussion of the facts/evidence in the case analysis and the legal analysis, the suspect Rosa Mayheppi Sinurat alias Rosa is strongly suspected of having committed a minor crime of receiving 8 (eight) bunches of oil palm fruit, which is known to have occurred on Tuesday, August 15, 2023, at around 07.00 WIB, on Jl. Lintas Riau-Sumut Balam Km. 36 Kep. Balam Jaya District. Bagan Sinembah Regency, Rohil Regency, precisely at the house of the suspect Rosa Mayheppi Sinurat alias Rosa. Therefore, the suspect Rosa Mayheppi Sinurat alias Rosa can be suspected of having committed the minor crime of receiving 8 (eight) bunches of oil palm fruit, as referred to in Article 482 of the Criminal Code .

Then the panel of judges who examined and tried the case issued a verdict, namely:

TO JUDGE:

1. Declaring the defendant **Rosa Mayheppi Sinurat alias Rosa** above, proven legally and convincingly guilty of committing the crime of receiving minor goods;
2. Sentencing the Defendant to 14 (fourteen) days imprisonment ;
3. Ordering that the said sentence need not be carried out unless at a later date there is another order in the Judge's decision because the Defendant committed a crime before the 3 (three) month probation period had expired or ended;
4. Establishing evidence in the form of:
 - 12 (twelve) bunches of oil palm fruit;

Returned to the investigator to be used as evidence in the case on behalf of Benget Silaban alias Wewek and Rahmad bin Sutrisno;

5. Charge the Defendant with paying court costs amounting to Rp. 5,000.00 (five thousand rupiah);

In this case, the author is of the opinion that the verdict was issued based on the demands of the public prosecutor and the facts revealed in the trial. Then the consideration for the panel of judges to issue a verdict. In this case, (SHELEMO, 2023)the defendant was charged with Article 480 paragraph (1) concerning receiving money. After examining all the facts revealed in the trial, the Panel of Judges was convinced that the defendant was legally and convincingly proven guilty of violating the provisions of Article 480 paragraph (1) concerning receiving money. After that, the Panel of Judges considered whether there were reasons that could be the basis for eliminating the criminal penalty for the Defendant, both forgiving reasons and justifying reasons.

In this case,(Adolph, 2016) the verdict handed down by the Panel of Judges against the Defendant was lower than the demands of the Public Prosecutor who had demanded for 1 month, this was due to the existence of mitigating factors for the defendant which were taken into consideration by the Panel of Judges in handing down the verdict. (Okamahendra, 2017)The author hopes that

the Rokan Hilir Police will be consistent in pursuing the receiver of every minor theft crime, which is also one of the benchmarks for reducing crime itself (Basuki, 2021).

CONCLUSION

Based on the results of the study on the implementation of PERMA No. 2 of 2012 in the jurisdiction of the Rokan Hilir Police regarding cases of receiving minor crimes, it can be concluded that: PERMA No. 2 of 2012 has provided clear guidelines for law enforcement officers in resolving minor criminal cases, including receiving minor crimes, in a faster and more efficient manner through a fast trial mechanism (fast trial procedure). Handling of minor criminal cases at the Rokan Hilir Police has generally followed the provisions contained in the PERMA, especially in terms of the value of losses that do not exceed the specified limits and the case resolution process that is submitted directly to the District Court.

Obstacles faced in the implementation of this PERMA include the lack of understanding of some members of the public regarding the limits of minor crimes and limited resources at the investigator level, which sometimes causes obstacles in accelerating case resolution. Efforts made by the Rokan Hilir Police to support the implementation of this PERMA include providing training to investigators and conducting outreach to the public about the importance of a fast, fair, and proportional legal process in minor cases. Overall, PERMA No. 2 of 2012 has made a positive contribution to the effectiveness of handling minor receiving cases in the jurisdiction of the Rokan Hilir Police, although it is still necessary to increase understanding and synergy between law enforcers to optimize its implementation.

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