

Juridical Analysis of the Role of Investigators in the Crime of Theft with Violence

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Abstract

The purpose of this research is to determine investigators' efforts to uncover criminal acts of violent theft and to find out the factors behind someone committing a criminal act of violent theft. Research method with a qualitative analysis approach in obtaining valid, empirically juridical data through interviews, documentation studies, and field observations. Data collection techniques in the form of in-depth interviews with all those involved in matters involving law enforcement officers, law enforcers, and suspects by the research focus, field observations observing events in the research environment, and studying documentation in the form of archives and notes of relevant judges. Conclusion Investigation is an investigative activity with restrictions that involve coercive measures after there is sufficient evidence to make clear a case that is suspected of being a criminal act. Investigation functions to look for incidents that commit crimes based on data and information. Factors that cause someone to commit a crime, so it is easy to find shortcuts by committing crimes that are influenced by environmental and social factors. Economic factors, educational factors, and religious factors are carried out by teenagers because their needs are not met, and there is a lack of parental supervision.

Keywords: Investigators, Crime, Theft, Violence

A. Introduction

Crime which is called deviant behavior always exists and is inherent in every form of society, no society is devoid of crime, therefore efforts to overcome crime are continuous and continuous efforts. Nothing is final, this means that every crime prevention effort cannot promise with certainty that the crime will not be repeated or will not give rise to new crimes. One form of crime that often occurs in society is theft. Seeing the current state of society, people can look for shortcuts by stealing.

Theft is the illegal taking of someone else's property without the owner's permission is a type of crime against human property regulated in the Criminal Code (KUHP) and is a problem that is endlessly punishable by punishment for this crime. is the act of "taking", namely bringing an object under one's absolute and real control. The crime of theft is a crime that is very common in society and is a crime that can be said to be the most disturbing to society.

Theft with violence or referred to and known by the public as robbery or robbery. The terms between theft with violence and robbery are different but have the same meaning, for example,

theft with violence or accompanied by threats of violence is the same as robbery. Robbery is also a criminal act, even though it is not listed in the Criminal Code, its formulation as a criminal act has been regulated so that it deserves to be punished like theft with violence.

Theft is a crime that causes great loss, and disappointment and creates a feeling of fear. To realize justice and prosperity, the problem of crime needs to receive serious attention from all parties. So good cooperation is needed between the government and the community as well as law enforcement officials. So that unavoidable crime can be reduced so that harmony can be established. The economic situation that greatly influences the crime of theft is a reality that often occurs in society because of pressing economic pressures, namely having to meet family needs, and buying clothing and shelter. Considering that this criminal act of theft has been heard very often in various information or seen in criminal news.

So that the rules of social life are truly obeyed and adhered to so that they become legal rules. So these social regulations must be equipped with an element of coercion. Thus, the law has the nature of regulating and forcing everyone to obey the rules in society and providing strict sanctions (in the form of punishment) against anyone who does not want to comply. The criminal case resolution process according to the Criminal Procedure Code includes 3 (three) stages, as follows: (1). Examination stage at the inquiry and investigation level (2). Prosecution stage (3). Examination stage at the court hearing.

Resolving this criminal case requires the commitment of law enforcers to carry it out. The law enforcers include the police, investigations, investigations), the prosecutor's office, and the judiciary. This investigation stage can be carried out after a person's actions are declared a criminal act in the investigation process. Investigation according to Law no. 8 of 1981 concerning Criminal Procedure Law is a series of investigative actions in terms and according to the methods regulated in this law to search for and collect evidence to shed light on the criminal act that occurred and to find the suspect.

B. Research Methods

This research uses a descriptive qualitative approach and analysis to obtain accurate information and data, so the research uses empirical juridical research, which is carried out through literature studies and field studies, including the following:

- a Interviews with law enforcement officers, law enforcers, and criminals, as well as suspects to obtain accurate data, following the research focus, then validated and intervened by researchers
- b Literary research is where research is carried out by collecting legal materials by examining theories, concepts, legal principles, statutory regulations, and legal books about criminal law and accurate truths by existing regulations. applies to obtain permanent legal certainty.
- c Empirical Legal Research or Field Research is research carried out directly in the field to obtain more accurate information and data to complete the data.

1. Data Source

The data sources obtained and used and seen from the sources that can be validated on primary data and secondary data are as follows:

- a. Primary data is the main data in legal research, because of the tendency in the descriptive nature of legal research. Primary data is obtained directly from the source, through informants.
- b. Secondary data is supporting data obtained through library research, including: (1). Primary legal sources as materials that have binding legal force consist of Law Number 1 of 1946 concerning the Criminal Code. (2). Secondary legal sources are in the form of scientific works, books, and scientific literature. (3). Tertiary legal sources are materials

that can supplement primary and secondary legal materials, consisting of articles and the internet.

2. Data Analysis

Data analysis carried out in this research is by qualitatively analyzing and describing primary and secondary data then using theories and principles by the research focus to be able to draw several conclusions that can be scientifically justified.

C. Results and Discussion

1. The role of investigators in uncovering criminal acts of theft with violence

Crime is an integral part of the criminal investigation process with the Public Prosecutor and Judge according to the author, enforcement of criminal cases including criminal acts of theft with violence through a prior investigation process. Investigation The Criminal Procedure Code defines an investigation as "an investigation is a series of investigative actions to search for and discover an event that is suspected of being a criminal act to determine whether or not the action can be investigated according to the method regulated under this law.

Investigation The Criminal Procedure Code defines an investigation as "a series of investigative actions in terms of and according to the methods set out in this law to search for and collect evidence that will shed light on the criminal act that occurred to find the suspect. "Sometimes it is difficult for people to differentiate between investigation and investigation. An incident suspected of being a crime can be known by an investigator through a report or complaint.

In that case, the next thing that needs to be done immediately is to investigate to look for evidence that the incident was a crime. If there is existing evidence, investigative activities can be carried out. In searching for evidence that someone has committed a crime, criminal acts are carried out by search, examination, arrest, and detention. If the evidence confirms that someone has committed a criminal act and the case is made into a case file, the investigator then sends the case file to the prosecutor's office.

In Dutch, this is the same as opposing. According to De Pinto, investigating (opposing) means "initial inspection by officials appointed by law as soon as they hear the news that is merely reasonable that there has been a violation of the law." Knowledge and understanding of investigations need to be stated with certainty and clarity because this directly offends and limits human rights. The parts of criminal procedural law that relate to investigations are as follows:

- a. Provisions regarding investigative tools.
- b. Provisions regarding whether an offense has occurred.
- c. Inspection of the scene.
- d. Summoning the suspect or accused.
- e. Temporary detention.
- f. Search.
- g. Examination or interrogation.
- h. Event reports (search, interrogation, and on-site inspection).
- i. Foreclosure.
- j. Dismissal of the case.

Based on the results of the author's research through interviews with investigators, according to Mr. Ipda Nur Ustad, Head of the Tangerang Police Criminal Investigation Unit, the investigation process in the crime of theft with violence:

- a. Receiving the report means that the investigator knows what the previous chronology was like, what evidence there was, and who the witnesses were.

- b. The examination means that the victim is asked what the chronology is like, then what the goods are, and how much loss there is.
- c. A summons is an investigator's action to present witnesses or suspects to hear their statements regarding the criminal act that occurred.
- d. Arrest is an investigator's action in the form of temporarily restraining the freedom of a suspect or defendant if there is sufficient evidence for investigation or prosecution and/or justice in matters and according to the methods regulated in the Law.
- e. Detention is the placement of a suspect or defendant in a certain place by an investigator public prosecutor or judge with his or her determination, in the terms and according to the method regulated in the Law.
- f. A search is to search for and find a suspect and/or search for and find evidence.
- g. Confiscation is a series of actions by investigators to take over and/or keep under their control movable or immovable objects, tangible for evidentiary purposes in investigations, prosecutions, and trials.

Efforts to reduce and prevent violent theft crimes, among others

- a. Preemptive efforts include early prevention of criminal acts, such as providing education to the public, giving advice, and providing guidance to public awareness to maintain order and prevent crime from occurring to create a sense of security and peace.
- b. Preventive efforts are real prevention such as patrols, raids, and monitoring.
- c. Repressive efforts, namely taking action against the perpetrators of crimes according to the actions they have committed and correcting them so that they are aware that the actions they have committed have violated the law and are detrimental to society.

Based on the results of the author's research through interviews with investigators. According to the Head of Crime Sub Unit, Tangerang Police, an Investigation is a series of investigative actions to look for an incident, the form of investigation is

- a. Interviews are used to obtain information and information from people who are suspected of having information. Interviews can be carried out in an open or closed manner and/or a combination of both, for example, information can be obtained from family, relatives, friends, and neighbors.
- b. Interrogation is conducting direct questions and answers by asking questions systematically.
- c. Undercover (disguise) is carried out for an investigation which is not possible in an open manner, therefore a disguise is needed, the intruder enters the target to obtain information and information, then the identity of the officer must be adjusted to the situation and conditions of the target, while all personal identities that do not support the implementation Undercover activities must be eliminated (removed), including KTP, SIM, business cards and others.
- d. Eliciting (disguised interview) is a technique for obtaining information through a conversation with someone who is not aware that the person concerned is being asked for information.
- e. Cellphone tricks are investigations via social media.

The author's analysis is that investigative activities are one of the activities in the investigative mechanism which aims to obtain information and obtain clarity and identification regarding suspects, witnesses, and the criminal act that occurred which is equipped with the elements of a criminal act. The elements of action are by their role in carrying out examinations of crime suspects. Therefore, the investigation process must be carried out based on applicable law (KUHAP) while always respecting human rights.

The examination process is one of the investigative tasks which is not only aimed at obtaining a confession but to uphold justice and therefore the examination is intended to reveal the truth. The

meaning of truth in this case may be that the suspect is the perpetrator of a crime or, conversely, the suspect is not the perpetrator of a crime. Thus, in the criminal justice system, investigations are carried out when a criminal act has occurred and examination is one of the activities in the investigation process to search for and find evidence which, with this evidence, can shed light on the criminal act that occurred. Forms of activity in the process of investigating a criminal act include summons, arrest, search, confiscation, examination, case filing, and sending case files to the Prosecutor as Public Prosecutor.

2. Factors that motivate someone to commit a criminal act of theft with violence

Theft accompanied by violence is an act of taking someone else's property accompanied by violence which can be in the form of beatings so that it can injure the victim or even kill the victim. The development of this world has not only had a big influence on the Indonesian state but also the development of society, behavior, and shifts. culture in society. Moreover, after the reform period, Indonesia's economy worsened. Not only is there an economic crisis but there is also a moral crisis, there is an increase in population, social inequality, and an increase in unemployment which automatically makes a person's passion increase to commit a crime.

With this economic pressure, many people take shortcuts to justify any means to get money to meet their needs, so in densely populated urban areas, the crime rate is very high compared to rural areas. Each region has a diverse culture and traditions. This is seen from different social, economic, and cultural aspects, and crime in an area will naturally be different. One crime phenomenon that is increasingly occurring in big cities in Indonesia is violent theft. Trigger Factors for the Crime of Theft

2.1. Internal factors

- a. Intention of the perpetrator Intention is the beginning of an action, in committing a criminal act of theft, the intention of the perpetrator is important in the occurrence of theft. Before committing theft, the perpetrator usually intends and plans how he will carry out the act.
- b. Morals and moral education here means the level of awareness of the norms that apply in society. A person's legal awareness is one of the internal factors that can determine whether the perpetrator can commit acts that violate community norms. A person's level of education also determines whether a person can commit the crime of theft. Because most of the perpetrators of theft have a low level of education.

2.2. External factors

In other words, the factors that cause crime are various factors that cause crime and the motives for someone to commit it according to Saherodji are:

- a. Internal factors are factors that come from within the perpetrator himself, for example, lack of self-discipline, and lack of belief in religion, so that he can be accepted in the social environment and the perpetrator can also feel frustrated.
- b. External factors are factors that come from outside the perpetrator himself, for example, the condition of the surrounding environment and still seeking attention from the people around him.
- c. Unfavorable environmental factors for the perpetrator,
- d. Changes in society's consumption patterns, namely the desire of society to consume goods in excess beyond their financial capabilities.
- e. Social factors
- f. The factor in the judge's decision by the perpetrator is still considered very light.

The author's analysis shows that the internal and external factors that led the defendant to

commit a negligent crime of theft with violence (legal) came from his lack of discipline and lack of belief in religion, as well as being influenced by environmental conditions, economic conditions and lack of attention. from the people around him so that the defendant wants to commit crimes of theft with violence, and robbery, to get what he wants most of the perpetrators of the crime have a low level of education and are unable to develop skills, creativity, and performance so that the applicable legal norms and rules are ignored.

The crime of theft is a crime that is very common in a society where looking at the current state of society people can look for shortcuts by stealing and theft is a crime that can be said to be the most disturbing to society. A society is said to be prosperous if its economic level can be resolved very well.

D. Conclusion and Suggestions

1. Conclusion

Based on the results found and the discussion above, several conclusions can be drawn as follows:

- a. An investigation is a follow-up to investigative activities with strict requirements and restrictions on the use of coercive measures after collecting sufficient initial evidence to make clear an incident that is reasonably suspected to constitute a criminal act. The function of an investigation is to look for a series of events that led to a crime based on the data or information that has been obtained. In carrying out their duties, investigators have the authority to uncover criminal acts, especially criminal acts of theft with violence. When the investigator carries out the first inspection, that is, at the scene of the incident, which does not in any way change or damage the conditions at the location where a crime occurred to take action against an incident and instructions in examining to obtain clarity to complete the information or report that has been completed. The framework of an action occurred and this is what is used as the basis for the BAP, which is then used as the reason for the indictment of the public prosecutor.
- b. Factors that cause a person to commit a crime are due to changes in human beings so that it is easy to find a shortcut by committing a crime are usually influenced by social environmental factors, hereditary factors, family factors as well as external factors, namely economic improvement factors, educational factors, weak factors. mental, religious factors, and law enforcement factors and mostly carried out by teenagers because teenagers' needs are not met, lack of supervision from parents, and influence of teenagers' social environment factors. Not fulfilling one of the needs of these teenagers makes them potential criminals, the bad relationships that enter adolescence become uncontrolled and what's more, there is a lack of parental supervision. This factor is what makes someone commit a crime so what they do causes harm to society.

2. Suggestions

Based on the results and several conclusions, suggestions can be made as follows:

- a To law enforcers, law enforcers should act more quickly when carrying out inquiries and investigations based on reports or complaints from the public regarding the existence of a crime or criminal act, to respond more quickly in examining, arresting, detaining, searching, confiscating objects, examining and interrogating suspects with asking questions both orally and in writing to suspects of criminal acts to obtain clues and evidence, to find out the extent of involvement of deviants who have caused harm and crimes which have harmed society and people's lives and to obtain sufficient evidence to maintain order and uphold the law in the interests of public welfare as well as detecting crimes to prevent criminal acts and increasing public confidence in the law. By legislation, carried out professionally, quickly, and thoroughly.

- b To the parties, family, and government to regulate the factors that motivate someone to commit the crime of theft with violence. (1). It is hoped that there will be legal firmness that is as fair as possible in the imposition of sentences so that it will have a deterrent effect on perpetrators of criminal acts of theft, especially violent theft, considering that the law imposed 1 year on defendants is too light. (2). It is hoped that families will teach their children to take a religious approach and there is also a need for a sense of awareness to be more grateful for what we already have so that crimes will not be repeated which can disturb society and there is also a need for the government to play a role in improving the welfare of society in Indonesia, especially in the economic sector and in the educational sector.

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