

Overcoming the crime of motor vehicle theft in the legal area of minas police Siak district

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ABSTRACT

Countermeasures are efforts made to prevent, dealing with, or overcoming a situation includes preventive activities and at the same time seeks to improve the behavior of someone who has been found guilty (as an inmate) in a correctional institution, in other words efforts to tackle theft can be carried out preventively and regressively. Preventive control has the goal of taking steps to prevent violations of norms, while repressive control has the goal of taking action against violations of norms, so as to create a deterrent effect for the perpetrators. Countermeasures are a prevention that is useful to minimize the events or actions that have occurred so that these events or actions do not occur again. The author chooses this type of observational research by means of direct survey writer to obtain primary data and secondary data. In collecting data, the authors interviewed several respondents, namely: Head of Criminal Investigation Unit, Members of the Police, and Actors. The results of the research that the authors get, there are several factors that cause perpetrators to commit crimes of motor vehicle theft, namely: internal factors (Education, individuals), external factors (economy, environment, global developments). The modus operandi for tackling the crime of motor vehicle theft is: pretending to borrow/rent a motorbike, using the T key, stalking, following and then blocking potential victims, making credit with fake identities, spreading nails on certain roads, looking for a place to live in an area.

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1. INTRODUCTION

Punishment is a general term used in all types of sanctions in the form of civil, criminal, administrative and disciplinary law. Lemaire is that criminal law consists of norms that contain obligations/obligations as well as prohibitions (formed in laws) that have been associated with sanctions, namely in the form of punishment. "Thus it can also be said, that criminal law is a system of norms that determine which actions (by doing something or not doing something where there is a necessity to do something) and in what circumstances the punishment can be imposed, as well as what punishment can be imposed for these actions. Which in this country has been regulated in Law Number 8 of 1981 or what is referred to as the Criminal Procedure Code.

Countermeasures are efforts implemented to prevent, deal with, or overcome a situation including preventive activities and at the same time trying to improve the behavior of someone who

has been found guilty (as a convict) in a correctional institution, in other words efforts to tackle theft can be carried out preventively and repressively. *feit* itself in Dutch means a part of a fact or *een gedelte van de werkelijkheid*, while *strafbaar* means punishable so that literally the word *strafbaar feit* can be translated as a part of a fact which can be punished, which is of course inappropriate, by because later we will know that what can be punished is actually a human being as a person and not the reality of deeds or actions.

Criminology is a science that studies or discusses crime from various aspects. Crime is also referred to as a social phenomenon that is more influenced by various aspects of life in society such as economics, politics, socio-culture and other matters related to efforts to defend and secure the State. Because criminal law itself is essentially only focused on efforts to resolve criminal acts that have occurred and not on knowledge of how criminal acts occur in prevention.

Elements of criminal acts (criminal act) which includes actions and unlawful nature of the act. The Indonesian Criminal Code (KUHP) defines a crime known as *strafbaarfeit* and *delik* which is also often used as a term for criminal law in the literature. While a formulation in the law, the making of the law uses the term criminal incident, criminal act or criminal act.

The definition of criminal acts in our daily behavior is influenced by many norms that are not listed in the law, which are sometimes not recognized by law and are not even disclosed, only some of the norms that regulate human behavior are legal norms, namely those that are established by lawmakers. The law is included in the provisions of the law and is applied by the judge in disputes. Legislators are determined to make a norm of behavior a legal norm in whole or in part, so what is often contained in the intent is, among other things, to provide "protection" to the public interest related to that norm, and of course that protection cannot be absolute. but it can be hoped that the determination of the punishment will help the fulfillment of these norms.

The criminal law used by foreign experts uses the term criminal act or criminal act or criminal act with the terms: a. *Strafbaar handlung* is a criminal act in translation used by German Criminal Law scholars c. The Criminal Act is a *Strafbaarfeit* criminal act which in Dutch is called *delik*, consisting of three words, namely *straf*, *baar* and *feit*. *Straf* means law and criminal b. *Feit* means events, deeds, violations and actions (Ilyas, 2012, p. 18 Meanwhile, according to Jonkers, *strafbaarfeit* is formulated as a criminal incident which can be interpreted as an unlawful act (*wederrechtelijk*) related to a person who can be held accountable for the gaps or mistakes he has made. 75) From the explanation above, it can be understood that a crime is a translation of *Strafbaarfeit*, even though there are many other terms

In criminal law, use in solving crimes is only "treating symptoms" or called *kurieren am sympton* but not like factors that use methods to eliminate the cause of the crime. Criminal sanctions are imposed solely as a tool to eradicate a disease caused by symptoms and not a drug to eradicate the cause of the disease.

Based on practice from the point of view, the author believes that criminal law cannot prevent a crime that occurs due to the enforcement of such criminal law. There are many theories circulating to solve a problem that exist in many types of fields of science, so that in the end the theory will be left behind due to the continuous development of problems. Crime will not go away on its own, on the contrary crime cases are becoming more frequent and the most dominant type of crime is property crime, especially what includes the crime of theft.

2. METHOD

The research conducted and used in this research is "sociological or empirical legal research, namely research that was initially examined on secondary data and then continued with research on primary data in the field or on society." (Soekanto, 2006, p. 52). Efforts made in research are to see the effect of positive law enforcement on society so that the author goes directly to the field to obtain the data under study. And in terms of its descriptive nature, the research will provide a clear picture of the problems to be examined. In accordance with the author's title which discusses the Minas Polesek area of Siak Regency, the authors conducted research in the Minas Polesek area.

In accordance with the author's title which discusses the Minas Polesek area of Siak Regency, the author conducted research in the Minas Polesek area. Retrieval of data from the author, namely directly at the Minas Police, precisely on Jalan Yos Sudarso, West Minas District. The population is the entire object that will be known in this study. The samples in this study are objects that have been

selected to carry out the interaction process in finding data based on research instruments that have been prepared. So this method is carried out or used when members of the population are considered uniform.

Table 1. Population and Respondents

No	Criteria	Respondents
1	Minas Police Chief	1
2	Minas Police Criminal Investigation Unit	1
3	Minas Police Criminal Investigator	4
4	Theft Perpetrators	2
Total		8

The crime of theft in the main form is regulated in Article 362 of the Criminal Code, whose original formulation in Dutch reads as follows: (Satyadi, 2014) Meaning: "Anyone who takes an object that partially or wholly belongs to another person, with the intention of controlling the object unlawfully, being guilty of committing theft, shall be punished with imprisonment for a maximum of five years or with a maximum fine of nine hundred rupiahs. "According to Simons, a crime is an act that is threatened in law, contrary to law and committed by mistake by someone who is capable of being responsible. It can be concluded that theft is a deviant act because it violates the law, and harms one of the parties.

The act of taking An element of the crime of theft is the act of taking goods. It is common in the term theft when people steal liquids such as beer by opening a faucet to flow it into a bottle placed under the faucet, even electricity is now considered to be stolen with a piece of wire.

The object is an object. We all know that the nature of the crime of theft is to harm the wealth of the victim, so the item taken must be valuable. In this case it is meant that the occurrence of the act must be based on the desire of the perpetrator to own the object in a way against the law, where the location of the unlawful act in this case is possessing people's goods by stealing or taking other people's things without the owner's knowledge.

Types of Theft Regarding theft, the science of criminal law classifies the act as a crime against a person's property. In the criminal law regarding theft, it is regulated in several articles where in outline the theft is regulated in Articles 362, 363, 364 where theft of the three articles is called ordinary theft, aggravated theft and petty theft; Ordinary theft, regulated in Article 362 of the Criminal Code which reads: "Whoever takes an item, which completely or partly belongs to another person, with the intention of owning the item 58 against rights, is punished for theft with eternal imprisonment five years or a maximum fine of Rp. 900"; Aggravated theft, also known as theft, is qualified with a heavier penalty when compared to ordinary theft, in accordance with Article 363 of the Criminal Code, it reads as follows: "Shall be punished with imprisonment for a maximum of seven years"; Minor theft, this is theft in the principal form, except that the items stolen are not more than two hundred and fifty thousand.

This theft is regulated in article 364 of the Criminal Code which reads: "the acts described in Article 362 and 4th Article 363, as well as the actions described in Article 363 5th, if they are not carried out in a closed house or yard where there is a house, if the price stolen goods of not more than twenty-five rupiahs, are subject to, for light theft, imprisonment for a maximum of three months or a fine of up to sixty rupiahs". 2 of 2002 concerning the Indonesian National Police in article 1 paragraph 1,2,3 and police regulations in paragraph 4. Article 1 paragraph 1, reads: "the police are all matters relating to the functions and institutions of the police in accordance with laws and regulations " Verse 2,reads: "Members of the State Police of the Republic of Indonesia are civil servants in the State Police of the Republic of Indonesia" Paragraph 3, reads: "Officials of the State Police of the Republic of Indonesia are members of the State Police of the Republic of Indonesia based on the law having general police authority and as well as police regulations in paragraph 4 explained Paragraph 4 reads: "Police regulations are all regulations issued by the Indonesian National Police in the framework of maintaining order and ensuring public security in accordance with statutory regulations."Officials of the State Police of the Republic of Indonesia are members of the State Police of the Republic of Indonesia based on the law having general police authority and as well as police regulations in paragraph 4 explained" Paragraph 4, reads: "police regulations are all regulations issued by the State Police of the Republic of Indonesia in order to maintain 60 order and ensure public security in accordance with statutory regulations."Officials of the State Police of the Republic of Indonesia are members of the State Police of the Republic of Indonesia based on

the law having general police authority and as well as police regulations in paragraph 4 explained" Paragraph 4, reads: "police regulations are all regulations issued by the State Police of the Republic of Indonesia in order to maintain 60 order and ensure public security in accordance with statutory regulations.

From the description above, it shows that the Indonesian National Police is indeed one of the government institutions under the President which has the main role, function and task of carrying out internal security affairs which include: (1) maintenance of security and public order; (2) law enforcement; (3) protection, protection and service to the community. The Indonesian National Police is an institution that is never free from public scrutiny. This is because the duties of the Police as protectors, protectors and public servants require this organization to be able to solve problems that exist in society. Not infrequently, the problems that arise are not within the authority of the Police, but in their resolution they are still considered by the community as a form of accountability for the Police.

Apart from these problems or not being true, the most important thing that must be realized by the Police is that the performance of the Police is monitored and assessed by the public (society). If domestic security problems cannot be resolved quickly, then this is seen as the incapacity of the Polri institution. Accuracy in solving any problems that arise is a demand from society that cannot be separated from the assessment of organizational performance. The main duties of the Indonesian National Police are as follows: Provide protection, protection and service to the public Indonesian National Police in accordance with other authorized laws and regulations.

3. RESULTS AND DISCUSSION

In The formation of criminal law basically aims to eradicate crime so that one day this world will be free from crime which creates comfort in society, but in reality crime is increasing day by day, resulting in a fact that criminal law is not fully effective. Therefore, crime arises, the greater the desire and the ability to exceed the limits that eventually trapped The crime of motor vehicle theft (curanmor) can occur because there are several factors that encourage the occurrence of these actions. Because the causes of the crime of motor vehicle theft can come from internal factors and external factors to the perpetrator.

Table 2. Number of respondents' answers about motor vehicle theft.

No	Source	Type	Amount
1	internal factor	educational factor	1
		individual factor	1
2	external factor	economic factor	1
		environmental factors	3
		Global development factor	1
Total			7

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3.1 The Modus Operandi of Motor Vehicle Theft Actors in the Legal Area of the Minas Police, Kab. Siak

Countermeasures or at least prevention efforts from all parties, both the community and law enforcement officials, which must be identified so that it can run in an orderly, directed and planned manner and take firm action against the perpetrators of motor vehicle theft in order to suppress the rate of its development as much as possible.

Because it is not impossible that in its development theft can be considered as a normal phenomenon in society, so that more and more people have to become victims of the irresponsible acts of the perpetrators of the theft. Along with the times, the way to commit motor vehicle theft is also growing, from the generally traditional/simple modus operandi to a modern modus operandi.

It is the duty of the police to study the new modes that are carried out by perpetrators of motor vehicle theft in order to complete the disclosure of cases or maybe even be able to anticipate the occurrence of an act of theft in the future. Studying or at least knowing the new, increasingly complex modes the police can prevent the recurrence of cases of motor vehicle theft by providing counseling to motorized vehicle owners and the general public on how the perpetrators commit their crimes. So that the community as a party who generally becomes a victim can provide anticipatory ways to prevent himself from becoming a victim of motor vehicle theft.

Table 3. The mode used by perpetrators of motor vehicle theft.

No	operating mode	Amount
1	Borrow / Rent a Motorbike	1
2	Using the T key	3
3	Scout, Follow and Obstacle	2
4	Credit Using Fake Identities	-
5	Spread nails on the road	-
6	Looking for Housing	1
	Amount	7

The table above shows the various modus operandi that are often used by perpetrators of the crime of motor vehicle theft. The favorite modus operandi is to use a T key which then destroys the key housing of the motorbike itself, this mode has been used for a long time by perpetrators of motor vehicle theft. The next mode is to borrow or rent the victim's motorbike, usually the reason is also a way easiest way to do the theft.

Efforts to overcome crime can be carried out, one of which is by enforcing criminal law, criminal law is essentially also part of law enforcement efforts, especially in criminal law enforcement. Thus it can be concluded that the countermeasures referred to in this study are processes, methods, actions or efforts made in minimizing motor vehicle theft by associating it with criminology.

The existence of this stage is to arrest the perpetrators and reveal the network, operations in vulnerable areas in order to intercept or catch the hands of the perpetrators, examine the results of prosecution in the framework of the case settlement process, follow-up investigations as the development of the results of prosecution, pursuit of suspects who leave the area.

Continuing the process of resolving cases resulting from prosecution, publication or information to the public regarding the escalation of war through electronic media, print media and an overall evaluation of the implementation of the entire operation, as well as the preparation of final report materials. There are three ways to deal with crime, namely pre-emptive, preventive and repressive. Pre-emptive Efforts Pre-emptive measures are the initial efforts made by the police to prevent crime from occurring. Efforts made in pre-emptive crime prevention are instilling good values and norms so that these norms are internalized in every person.

In an effort to overcome this pre-emptive action, the Police as law enforcers prevent the crime of motor vehicle theft by providing an understanding of the importance of complying with applicable laws. Other related parties who can be the parties involved in this stage are religious leaders or clerics, clerics can provide enlightenment to the community about religious law if they commit a crime, or by providing moral lessons to the community.

Apart from the police and clerics, the parties that are also making these 78 efforts are the mass media, the mass media, both print and electronic, can prevent crimes from happening by carrying out massive reports about the occurrence of crimes that are rife and the impact they have on an ongoing basis, so that a culture is formed. a society that does not compromise with various forms of crime. With this effort, it is hoped that the community will be able to comply more with all existing regulations so that they do not commit any type of crime, including the crime of motor vehicle theft which is currently rife. The emphasis on preventive efforts is to eliminate opportunities to commit crimes. The Police in this effort conducts legal counseling related to crime and provides lessons about legal arrangements related to crime.

Apart from that, the Police also provide counseling to the public about actions that can lead to crime, for example, people must be careful when placing motorized vehicles and also avoid passing through quiet streets, roads that are damaged and poorly lit. (in his interview on 25 October 2021), regarding efforts to deal with the crime of motor vehicle theft carried out by the police in the Polesek area by means of: Give regular appeals to the people of Minas about the importance of looking after each other and protecting each other; Provide information to the public if a crime of motor vehicle

theft occurs so that they report it to the authorities (don't judge yourself); Conduct outreach to the people of Minas (especially owners of motorized vehicles) to use safety locks or vehicle alarms.

4. CONCLUSION

The conclusions drawn by the author include the factors causing the crime of motor vehicle theft in the jurisdiction of the Minas Police, Siak Regency; Internal factors which include: (Educational Factors and Individual factors); external factor (Economic factors, Environmental factors and Global development factors).

The factors above can be carried out with the initial mode carried out by perpetrators such as the modus operandi of handling the crime of motor vehicle theft in the jurisdiction of the Minas Police, Siak Regency, such as: Pretending to borrow/rent a motorbike; Using the T key; stalking, following and then confronting potential victims; Make credit using a fake identity; Spread spikes on certain streets, and Pretending to be looking for a place to live (a boarding house/rent) in an area.

To avoid this, countermeasures carried out by law enforcers or police officers include the following: Pre-emptive are the initial efforts made by the police to prevent crime by instilling good values and norms so that these norms are internalized in every person; Preventive. These preventive efforts are a follow-up of pre-emptive efforts which are still in the prevention stage prior to the occurrence of a crime. The emphasis on preventive efforts is to eliminate opportunities to commit crimes; Repressive Countermeasures carried out are by taking action against the perpetrators of crimes according to their actions and repairing them again so that they are aware that the actions they have committed are unlawful and detrimental to society.

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From the conclusions above, it is hoped that the police and other law enforcers will be consistent with existing regulations, both state law and customary law. For the police, it is better for the police to know what are the factors that cause the crime of motor vehicle theft that occurs in society, and must be more careful in handling such crime cases, so that the crime of motor vehicle theft does not increase in society and for the community. Penitentiary institutions, it is hoped that Correctional Institutions will provide guidance and skills training on an ongoing basis to convicts as an effort to equip convicts to face life in the community in the future as well as for the community, to participate in the process of overcoming motor vehicle theft crimes must be realized by the community itself, where the crime was born from the community itself. In addition, the community is also responsible for security in the surrounding area. Therefore the participation and awareness of the community is needed in tackling this crime.

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