



The Role of Law Enforcement Officials to Overcome the Theft Crime Collectively with Violence in Jayapura City

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<http://dx.doi.org/10.18415/ijmmu.v10i2.4470>

Abstract

The theft crime with violence collectively at Jayapura was caused by the perpetrator's economic deficiency, the opportunity factor which attached to the weak victims, the negligence factor towards the valuable goods which owned by the victims, the factor of the victim who does not pay attention to its own safety, the wrong association factor of the perpetrators, the high price factor and the intermediary, and the factor of alcohol effect which consumed by the perpetrators. Law enforcement against the perpetrators of theft crime with violence collectively at Jayapura city has been running according to the law. The perpetrators which were caught by the officials have been processed up to the court and have been sentenced to prison. However, the judge's decision is considered very mild, and has not been able to create a fear and deterrent effect to the theft. Moreover, there's still other perpetrators who have fled and have not been caught and the status is still on the Wanted Person Lists. The role of law enforcement to tackling the criminal act of theft with violence at Jayapura city has taken pre-emptive, preventive, and repressive efforts.

Keywords: *Causal Factors; Countermeasures; Violence Theft*

Introduction

Over two years our world has been hit by the pandemic of Corona Virus Disease 2019 (Covid-19), it seems the level of crime against valuable things has increased. The increase in the number of theft crimes is caused by the restrictions on the operating hours of food stalls, kiosks, shops, and other trading activities in the community. At first the businesses could operate up to 24 hours a day, but due to the government regulations regarding "Large Scale Social Restrictions", the operational hours of all activities are limited. As a result, many stalls, kiosks, and shops were completely closed because of the lack of customers, and even went bankrupt (out of business) until the laying off all their employees.

This resulted in most of society losing their job until they're stuck in debt. The factor of inability to fulfilling the everyday needs are the factor which made a person to choose a shortcut which are to do a theft crime. The theft crimes are not only committed by a person but also evolved into a group. On several times, the perpetrators carry out the acts of theft together accompanied by the violence against their victims.

The perpetrators are quite intelligent on reading the situation and condition of the victims which has been looked up as the target before. In general, the victim which chosen by them are a woman, alone, and on the quiet place. Those conditions are the trigger of the perpetrators and even being the favorite by perpetrators to run the theft act because the victims were known to be weak and if they resist toward the theft, it will be easy to deal with. Even though there are several perpetrators who have been caught up and has previously sentenced, but still there are some who are reckless and brave enough to do the same crime. It turns out, the punishment on Article 365 of Criminal Law Code (KUHP) on Paragraph (1) are 9 years, Paragraph (2) are 12 years, Paragraph (3) are 15 Years, and Paragraph (4) death penalty or life imprisonment or 20 years,¹ does not make the perpetrators of the theft with violence fear or deterrence in the slightest.

According to the data on the field, the number of theft crime at Jayapura City in 2018 are 1.308 cases, in 2019 are 1.015 cases,² in 2020 are 927 cases.³ The condition of this crime including the high number and could be increased if its not prevent properly. Therefore, it needed an appropriate policy to find the factor that caused it, so these theft cases with violence can be prevented. Even if the effort which is chosen are firm law enforcement, and maximum legal imposition. If so, the mindset of the police has been passive in waiting for reports and complaints from the public, then it needs to be changed to be actively involved to prevent and deal with them.

According to the analysis above, this research is focused on the factors that cause and countermeasures of theft crime with violence collectively in Jayapura City.

Research Method

The approach methods on this research are a normative-judicial approach and supported with empirical-judicial approach. The normative-judicial approach used to observe the regulations which related with the process of handling the theft crime with violence collectively. The empirical-judicial is used to examine the legal acts and preventive measures that have been done by the Police, the prosecutors and court.

The type and source of data which is used as primary data is obtained directly through the source person that is competent in its field through interview. The secondary data is obtained through indirect sources which are documentation, archives, and literature which supported this research.

The data collection is done through library research, which is obtained from laws and regulations, books, and research papers. While the field research is obtained through observation and interview. The interview was done to gain information and answer from the person who are observed.⁴

The analysis which is used in this research is qualitative analysis. The process of qualitative data analysis is carried out in stages, namely the result of data acquisition is classified, described systematically using deductive technique based on facts, characteristics, and the relationship between the events investigated so that a conclusions can be accounted for and according to the target can be obtained and achieved.

¹ Chazawi, A. (2004). *Kejahatan Terhadap Harta Benda*. Bayumedia, Jakarta. p.29

² Ridwan. (2020, March 19), Kota Jayapura Lebih Dominan Kasus Curanmor. *Pacific Pos*. <https://www.pacificpos.com/kota-jayapura-lebih-dominan-kasus-curanmor/>

³ Yolanda, F. (2020, December 31). Curanmor Dominasi Kasus Kejahatan di Jayapura Pada 2020. *Republika*. <https://www.republika.co.id/berita/qm6iu6370/curanmor-dominasi-kasus-kejahatan-di-jayapura-pada-2020>

⁴ Saptano, A. (2009). *Pokok-pokok Metodologi Penelitian Hukum Empiris Murni Sebuah Alternatif*. Penerbit Universitas Trisakti. Jakarta. p.85

Factors Causing the Crime of Theft with Violence in the City of Jayapura

According to the result this research it showed that the number of crimes on the city of Jayapura according to Head of Investigation and Criminal Unit, Resort Police of Jayapura,⁵ it is dominated by theft case, which are; on 2019 there are 1.015 cases (784 cases has completed), on 2020 there are 927 cases (447 cases has completed), and 2021 there are 879 cases (318 cases has completed). Specifically, on theft cases which are preceded, accompanied, or followed with violence threat (violence theft) on 2019 the number of reports are 320 cases (73 cases has revealed), on 2020 number of reports are 273 cases (161 cases has revealed), on 2021 number of reports are 271 cases (160 cases has revealed), and on 2022 (until may) the number of reports are 134 cases (80 cases has revealed).

According to the result of research, the theft cases which are dominant in Jayapura City are the theft cases which included accompanied by violence that are done in a team as regulated on Article 365 of Criminal Code. As for the chronological of the theft case with violence which is done in a team at Jayapura it can be referred as follow:

1.1st, case number 358/Pid.B/2021/PN Jap, the defendant JUNIOR FERNANDO SANDIEGO BONAY UPUYA alias JUNIOR with his sibling ADON KAPISA (with wanted status) is charged with committing an act as stated and subject to criminal penalties in Article 356 Paragraph (2) point no. 2 of Criminal Code. The victim is suffering a loss in the form of leather bag in black which contains 1 unit of an iPhone 12, 1 wallet, and important letters, worth around Rp. 23.000.000, - (twenty-three million rupiahs).

The public prosecutor is suing the defendant with Article 365 Paragraph (2) point no. 2 with imprisonment for 2 years and 6 months. The judge of Public Court of Jayapura passes a criminal verdict of imprisonment for 2 years to the defendant.

2.2nd, case number 572/Pid.B/2021/PN Jap, that the defendant THOMAS WILLYAMS RAWEYAI with SIMSON JOWEY (with wanted status) is charged with committing an act as stated on Article 363 Paragraph (1) point no. 4 of Criminal Code. The victim is suffering a loss in the form of 1 unit of iPhone 6S Plus with Space Gray color, worth around Rp. 5.000.000, - (five million rupiahs).

The public prosecutor is suing the defendant with Article 363 Paragraph (1) point no. 4 of Criminal Code with imprisonment for 3 years and 6 months. The judge of Public Court of Jayapura passed a criminal verdict of imprisonment for 3 years and 6 months.

3.3rd, case number 78/Pid.B/2022/PN Jap, the defendant TINUS LAGUAN with a person name FEBY IKINIA (with wanted status) is charged with committing a primary as stated on Article 365 Paragraph 2, point no. 2 of Criminal Code subsidiary with Article 363 Paragraph (1) point no. 4 of Criminal Code. The victims are suffering a loss in the form of 1 unit of Yamaha Mio Soul Motorcycle in black-red with license plate number PA 3990 QC, worth around Rp. 12.000.000, - (twelve million rupiahs).

The public prosecutor is suing the defendant with Article 365 Paragraph (2) Point No. 2 of Criminal Code, with imprisonment for 8 years. The judge of Public Court of Jayapura passed a criminal verdict of imprisonment for 5 years.

⁵ Interview with AKP. Handry M. Bawiling, S. Sos, M.M. as Head of Investigation and Criminal Unit, Resort Police of Jayapura (16 June 2022, 13.00 WIT)

According to those three cases, it can be known the factor that caused of this kind criminal act with violence is:⁶

1. Economic factor. Economic factors are the main trigger for perpetrators to commit acts of theft with violence. This condition is often associated with perpetrators who no longer have a job due to being laid off, so they are in debt and unable to meet their daily needs.
2. Opportunity factor. Opportunity factors could be a trigger because the quiet condition of a road, the condition on night, a weak victim, the victim is a woman, is alone, is a children, and the victim is off guard. When the opportunity arises, then the intention of the perpetrators arises to commit a theft crime with violence collectively. The chance of success will be bigger if the crime was done with violence which is done with perpetrators partners.
3. Negligence factor. The negligence factor is also one of the triggering elements which cause theft with violence. Most of the victims are neglecting to bring, keep, and put their own things hence it is inviting the perpetrators to do their crime. Sometimes the victims are carrying a bag on their back or only worn in their side arm. Therefore, the perpetrators can easily pull the victim bag.
4. Safety factor. Safety factors are closely related to the safety of driving and road safety. This factor is triggering the theft crime with violence collectively because the victim was driving (e.g., motorcycle) while also using their phone, the victim was driving slowly while reading and replying to their messages and sometimes the victims also calling someone. This act is tended to invite the perpetrator because it's giving a chance/opportunity to confiscate their belonging things, and if the victims resist the perpetrator does not hesitate to commit violence or threaten violence against each of the victims.
5. Social factor. Society factors influence people's behavior. Someone who associates with bad person, will affecting their own behavior soon or later. The environment will affect how good or bad a person is. According to the interview result, the perpetrators committed a theft with violence because they're influenced by a friend.
6. The high price factor and there is a collectors. The high price factor and there is a collector cause the perpetrator to easily sell their stolen goods, is one of the motivations for the perpetrators of theft with violence in Jayapura. The perpetrators in general work together with potential buyers of stolen goods or collectors which collect stolen goods on purpose, then sell it to other places to gain a big profit. Therefore, it's not often for collector to call the perpetrators to because there is an order (such as phone, laptop/pc, electronic goods, and motorcycle) which needed by the black buyer and the collector offering a high price if the perpetrator got a goods which suitable with the order.
7. The factor where the perpetrators was under alcohol effect. The effect of alcohol really triggers a person to do a crime, including theft crime with a violence which done in a team in Jayapura. Someone who already consumes alcohol little or much, in general can easily affect their mind (on how they will think) and on acting. Even the perpetrators could be brave, cruel, and hurt their victim if the victim was against them.

The Countermeasures on Theft Crime with Violence Collectively in Jayapura

According to the research result, it showed that the law enforcers on do the countermeasures of theft crime with violence collectively in Jayapura have taken various effort both pre-emptive. Preventive,

⁶ Interview with AKP. Handry M. Bawiling, S. Sos, M.M. as Head of Investigation and Criminal Unit, Resort Police of Jayapura (16 June 2022, 13.30 WIT)

and repressive efforts. The pre-emptive effort is made with prioritizing the approach to society through advice, training, distribution of pamphlets, or persuasive communications to persuade the society to act well behaved and obey the laws and regulations. The preventive effort is made with patrol in the crime prone area while preventing the condition which can create a problem in society. The efforts of the Jayapura City Police have tried to appeal to the society of Jayapura to always be vigilant and careful while riding a motorcycle, being orderly in traffic, not using phone while driving and not pass on lanes that are quite and prone to crime. If forced to become a victim of theft with violence, the person needs to report the case immediately at the nearest police station. This is to prevent that there are no other victims and the main thing that is the perpetrators can be tracked and arrested immediately. Repressive effort is made to enforce the laws and regulations that are applicable for the perpetrators.

To follow up on reports and complaints from Jayapura City residents, members of the Jayapura City Police Criminal Investigation Unit have attempted to carry out law enforcement duties mandated by laws, namely arrest, detention, search, confiscation, examination of suspects and case a file settlement process. The repressive effort that has been done so far is by coming to the scene of the incident to find the perpetrators, and if the perpetrators are escape there will be a search and chasing by Rapid Reaction Team Unit (URC). The arrest is done by criminal detective by showing the work orders including the reason of arresting, also with brief explanation about the case which is suspected. In order for inspection process, then the investigator will do a detention of a suspect for 20 days and could be extended for 40 days. If the settlement of case file process is done before the last day, then the next step is handover or submission of case file to the public prosecutor (pre-prosecution). This submission of case file is done on first step which are on submission of the case file and second step which is handover the responsibility for the suspect and evidence after the case file is declared complete by the public prosecutor.

Before the case is brought to trial, the public prosecutor will first make a draft of an indictment based on the elements of the crime which has been done by the defendant. After the draft is done, the public prosecutor will hand over the case to the court. Before the trial begins, the case will be registered to get a case number for trial matter. The head of Public Court will be studying about the case that is handed over, if it falls under the jurisdiction of the court he presides over, then the Head of Public Court will appoint a judge that will be authorized to inspecting and adjudicate the case, until the decision. If the defendants proven to be guilty, then the next step is the implementation of punishment by social institution.

Based on the case that is analyzed, it revealed that the perpetrators which are proven to be guilty are only sentenced with a light punishment and there none which convicted to sentenced to life in prison or sentenced in prison for 20 years. This because the act of the perpetrators is handled by criminal investigator unit of Jayapura city not to case the victim to suffer a serious injury of cause a death. The punishment which applied on the 1st case number 358/Pid.B/2021/PN Jap, the prosecutors demand a sentenced in prison for 2 years and 6 months, and the judge make a lighter decision which are sentenced in prison for 2 years. The 2nd case no. 572/Pid.B/2021/PN Jap, the prosecutor demand for 3 years and 5 months, and the judge made the same decision as what the prosecutor demand for. The 3rd case no. 140/Pid.B/2021/PN Jap, the prosecutor demands a prison sentence for 2 years and 6 months, and the judge made a lighter decision which are sentenced in prison for 2 years.

Based on the verdict which has been sentenced to the defendant, that the sentence which was made by the judge is still not optimal and not giving any deterrent effect to the theft perpetrators. Even though it needed to be acknowledged that the process of law enforcement was already running until the perpetrators are sentenced by the judge, if it examined through the criminal perspective, the punishment of for the offender is still light. In fact, if the instruments that are members of the criminal justice system namely police, prosecutors, and courts⁷ are firm ad applying the maximum sentence, then in twill

⁷ Budiyanto. (2017). Revitalisasi Peradilan Adat Sebagai Alternatif Penyelesaian Delik Adat Pada Masyarakat Hukum Adat Papua. *Intelegensia Media*. Malang. p.67

certainly affect the level of awareness and deterrence of the perpetrators. The main problems lie in the influencing factors.⁸ The law enforcement known to be successful if the perpetrators which are guilty is arrested, and processed until the court level and the offender which are legally proven to be guilty and convincing in the court are sentence with a maximum prison sentenced. Maximum imprisonment becomes the expectation of all society, because it can give the thieves feel afraid and deterrent and not to repeating the crimes. Hence, society will be safe, calm, and peaceful in society.

So far, the police also considered to have not fully carried out their role in law enforcement duties to the fullest. This is proven from all the reports that related to theft crime with violence, not all cases can be revealed and completely resolved. Moreover, regarding the other perpetrators who have fled (Wanted List), all of them have yet to be caught and tried. In the criminal justice system, the position of the theft victims is required to report to the police so that their criminal cases could be processed.⁹ The victims whose position has changed usually act as reporters or reporting witnesses.¹⁰ Based on the three cases which are analyzed, all of them there are other perpetrators who are included in the Wanted List Person and have not been caught until today. This also can be scary and worrying for the safety of Jayapura City Residence. Police Officers, as the vanguard who carry out their duties and functions as a subsystems of law enforcement, should try to be more serious and careful and thorough in pursuing the perpetrators of the theft. In addition, the police must also actively cooperate and invite members of the public to play an active role in helping and maintain security and order to provide information regarding the theft cases and the whereabouts of the perpetrators who fled. This is intended so that all information originating from the members of the society can be followed up immediately so that the perpetrators can immediately arrested and tried, and not causing terror or fear, especially the society of Jayapura City.

Conclusion

1. The factors which are the cause of theft crime with violation in Jayapura City are economic factor, opportunity factor, negligence factor, safety factors, socialization factor, high price and collectors' factor, and the factor on perpetrators which consuming alcohol.
2. The role of Law enforcer in tackling the crime of theft with violence collectively in Jayapura City has taken pre-emptive, preventive, and repressive efforts. The repressive efforts were carried out by the members of Jayapura City Police Criminal Investigation Unit in the form of arrest, detention, search, confiscation, examination of suspect, and the process of completing case files. The completed case files are then delegated to the public prosecutor until they are submitted to trial. The judge' decision is still considered to be very mild and has not been able to create fear and doesn't have a deterrent effect on the perpetrators of theft. Moreover, there are still other perpetrators who have fled, have not been caught, and their statis will be on the wanted list.

Recommendation

1. It is suggested to the Jayapura City Police, Prosecutors, and judges to be more assertive in acting and giving maximum punishment to perpetrators of theft with violence collectively, so that victims are not increase, and cases can be prevented and handled.

⁸ Soekanto, S. (2004). Faktor-faktor yang Mempengaruhi Penegakan Hukum. PT. Raja Grafindo Persada. Jakarta. p.5

⁹ Akub. S., & Badaru, B., (2013). Wawasan Due Process of Law Dalam Sistem Peradilan Pidana. Rangkang Education. Yogyakarta. p.11.

¹⁰ Waluyo, B. (2015). Penegakan Hukum di Indonesia. Sinar Grafika. Jakarta. p.19.

2. It is recommended for the society to be more vigilant and cautious on bringing valuable goods and always take the situation and condition on the road into account. So that they don't become a victim of theft cases with violence collectively. If you become a victim of a theft case, you should immediately report it to the nearest police station so that the perpetrators can be arrested immediately.

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