

POLICE EFFORTS IN ENFORCING THE LAW AGAINST CRIMES INVOLVING THE BREAK-IN OF SELF-SERVICE ATM MACHINES (A Research Study at the Criminal Investigation Directorate of the North Sumatra Regional Police)

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ABSTRACT

The crime of breaking into an automated teller machine in Indonesia is classified as aggravated theft, which is regulated in Article 363 of the Criminal Code. The research questions are: how is the criminal offense of ATM machine tampering regulated in Indonesia, how is law enforcement carried out against perpetrators of ATM machine tampering, what are the obstacles to law enforcement in cases of ATM machine tampering, and what efforts are being made to overcome these obstacles. The research conducted is normative research supported by empirical legal data, specifically interviews with Commissioner Sumaryono, Director of Criminal Investigation at the North Sumatra Regional Police. The data analysis used is qualitative data. Based on the research findings, it is known that the legal framework for ATM theft crimes in Indonesia is regulated under the Criminal Code (KUHP) and the Information and Electronic Transactions Law (ITE). The enforcement of law against perpetrators of ATM hacking crimes is carried out in the same manner as for aggravated theft crimes. Perpetrators may be charged under Article 363 of the Criminal Code. The obstacles to the enforcement of law regarding ATM hacking crimes include several factors, both legal and technical.

1. Introduction

The increasing circulation of money encourages economic growth in society. The real sector will become more active, and ultimately, development goals will be achieved more quickly. For money to circulate properly, a financial institution capable of playing an active role in maintaining economic stability is needed. That financial institution is a bank, as almost all sectors related to various financial activities always require banking services¹. Banks are institutions that depend on public trust.² Banks, as financial institutions, play an important and significant

¹ Cashmere. 2012. *Fundamentals of Banking*. Jakarta: Rajawali Press, p. 1.

² Muhammad Djumhana. 2016. *Banking Law in Indonesia*. Bandung: Citra Aditya Bakti, p. 337.

role in society. In carrying out their role, banks act as a form of financial institution that aims to improve the welfare of the community by providing credit, financing, and other services. The main function of Indonesian banks is to collect and distribute public funds. Banks can function as credit recipients, credit distributors, and financiers. investments, accepting deposits, creating money, and other services such as storage of valuables³.

Banking is a strategic tool in supporting national development in the economic and financial sectors. Banks are the main function of banking, which is a financial institution for individuals, private and state-owned enterprises, and even government agencies.⁴ As banks develop facilities to facilitate services, this means that the technology owned by a bank also becomes more diverse and complex. The implementation of technology in any field, including banking, aims to streamline internal company operations and also to facilitate customer service. For example, the use of ATM (Automatic Teller Machine) facilities, also known as self-service cash machines, Internet Banking, SMS (Short Message Service) Banking, and other electronic banking products have replaced banking services that were previously only available through branch offices.⁵

Legal protection for customers is protection provided by applicable laws and regulations or positive law. Legal protection for customers aims to protect the interests of customers against the risk of losing their funds. The loss of customer funds is a result of the bank's lack of protection for its customers. Losses suffered by customers can occur both when conducting transactions and when not conducting transactions, such as the theft of customer funds through skimming (duplication of ATM cards). The loss of customer funds through ATM card duplication is one of the technological crimes in the banking sector. An example of an ATM hacking crime occurred at Bank Rakyat Indonesia (BRI) Unit Marindal on Jalan SM Raja, Medan Amplas District. The police arrested one of the two ATM hackers named Asfan (30). The suspect, along with his accomplice NK, stole Rp 200 million from the safe and then split the money. The safe was last filled with Rp 300 million on Wednesday, November 14, 2018, at 7:45 PM WIB, by an employee named Wahyu (the key holder), assisted by Dani as the driver and Arif as the security guard, who is also the Branch Manager of PT Beringin Gigantara. Following the victim's report, an investigation was immediately conducted, including reviewing CCTV footage from the ATM and questioning witnesses present at the scene.

³ Zainal Asikin. *Introduction to Indonesian Banking Law*. RajaGrafindo Persada, Jakarta, 2016, p. 16.

⁴ *Ibid.*, p. 4.

⁵ Shidarta. *Indonesian Consumer Protection Law*. Grasindo, Jakarta, 2014, p. 120.

Based on the above case, the police are tasked with handling criminal cases, as it is well known that such cases cannot be handled by ordinary people and must be handled by the police, who must also deter the perpetrators. Given the increasing number of criminal cases involving ATM theft through skimming, the aim is to reduce the occurrence of such criminal activities. The phenomenon of ATM machine break-ins through skimming methods necessitates legal sanctions against the perpetrators, and the police play a crucial role in preventing and addressing such crimes. The police are following up on criminal acts of ATM skimming, implementing measures to combat such crimes in accordance with their duties, functions, and authority as law enforcement officers, as stipulated in Law No. 2 of 2002 on the National Police of the Republic of Indonesia.

The primary duties of the police, as stated in Article 13 of Law Number 2 of 2002, are to maintain public safety and order; enforce the law; and provide protection, assistance, and services to the public. The functions of the police, as stipulated in Article 2 of Law No. 2 of 2002, are to carry out the government's functions in the areas of maintaining public safety and order, enforcing the law, and providing protection, assistance, and services to the public.

The investigation conducted by the police is carried out to search for and collect evidence that, at the initial stage, must be able to provide confidence, albeit provisional, to the public prosecutor regarding what actually happened or the criminal acts that have been committed, as well as who the suspects are. If, based on this confidence, the public prosecutor believes there are sufficient grounds to bring the suspect before the court for immediate trial. Here, it can be seen that an investigation is a task carried out to clarify a case, which can then be used by the public prosecutor as a basis for bringing the suspect and the available evidence before the court. If we look closely, this task has legal aspects, because the entire task is aimed at the court proceedings. Investigations are conducted for the purposes of the judicial system, particularly for the purposes of prosecution, namely to determine whether or not an action or act can be prosecuted. Banks must provide legal protection against various crimes that occur using technological developments, particularly the theft of bank customer funds, one of which is through the use of ATM card cloning (skimming). Based on the above, the author wishes to further examine and research the topic with the title: "Police Efforts in Enforcing the Law Against ATM Machine Theft (A Study at the Criminal Investigation Directorate of the North Sumatra Regional Police)."

The research questions in this study are:

1. How are crimes involving the hacking of automated teller machines (ATMs) regulated in Indonesia?

2. How are crimes involving the hacking of automated teller machines (ATMs) enforced?
3. What are the obstacles to law enforcement in cases of ATM hacking, and what efforts are being made to overcome these obstacles?

2. Research Method

This research is descriptive and analytical in nature,⁶ This means that this research describes, examines, explains, and analyzes issues related to forest arson crimes in relation to legislation, which is then analyzed. Analysis of legal aspects in terms of applicable regulations regarding police efforts in law enforcement against crimes involving the breaking and entering of automated teller machines. The type of legal research used is normative jurisprudence, which is "research that places norms as the object of research, both legal norms in legislation and legal norms derived from a law."⁷ Also known as doctrinal legal research, which is "legal research that uses secondary data."⁸ This normative legal research is supported by empirical legal data obtained from investigators at the North Sumatra Regional Police Headquarters. This study uses materials obtained from literature research. From the literature research, secondary data was collected, including primary legal materials, secondary legal materials, and tertiary legal materials.⁹ For normative research, the data required is secondary data. Secondary data has a very broad scope, ranging from personal letters and diaries to official documents issued by the government.¹⁰

3. Results and Discussion

1) Police Obstacles in Combating Criminal Acts of Theft by Breaking into Automated Teller Machines.

The occurrence of criminal acts of theft by breaking into ATM machines means that the role and duties of the police are very important in uncovering them so that the perpetrators can be caught, thereby providing a sense of security for the community, even though uncovering them is not easy for the police. The role carried out by the North Sumatra Regional Police based on cases of theft involving the breaking into of ATM machines is in accordance with Article 2 of Law Number 2 of 2002 concerning the National Police, which states that the

⁶Bambang Waluyo, *Legal Research in Practice*, Sinar Grafika, Jakarta, 2016, p. 8.

⁷Soerjono Soekanto and Sri Mamudji, *Normative Law Research, A Brief Review*, Raja Grafindo Persada, Jakarta, 2013, p. 70

⁸Ronny Hanitjo Soemitro, *Legal Research Methodology*, Ghalia, Jakarta, 2018, p. 10.

⁹Soerjono Soekanto and Sri Mamudji, *Op.Cit*, p. 39.

¹⁰Abdul Kadir Muhammad, *Law and Legal Research*, Citra Aditya Bakti, Bandung, 2014, p. 122.

function of the police is one of the functions of the state government in the field of maintaining security and order, enforcing the law, protecting, safeguarding, and serving the community.

According to an interview with Police Commissioner Sumaryono, Director of Criminal Investigation at the North Sumatra Regional Police, the role of the police in enforcing the law against theft by breaking into ATM machines is part of the police's role as law enforcement officers to do their utmost to uncover cases of theft by breaking into ATM machines. By implementing various strategic and constructive measures in carrying out legal protection in accordance with their rights and authority, the police aim to achieve public safety and order, as well as the enforcement and upholding of the law.¹¹

The North Sumatra Regional Police, in its efforts to combat theft crimes involving the breaking and entering of ATM machines, carries out its primary role of conducting investigations and inquiries. Investigators promptly respond to any reports from members of the public regarding theft crimes involving the breaking into of ATM machines by conducting investigations, as such reports must be supported by strong evidence to determine whether they constitute criminal offenses or not. The primary purpose of investigative actions is to uncover the truth and uphold justice, not to seek out someone's mistakes. Therefore, an investigator is required to work objectively, without arbitrariness, and always within the framework of respect for Human Rights. The role of the North Sumatra Regional Police in uncovering cases of theft involving the breaking into of ATM machines is very important in identifying the perpetrators of such thefts.¹² The basis of the investigation of the alleged crime of theft by breaking into the Automated Teller Machine is the existence of a Police report received from the complainant or victim about the alleged crime of theft by breaking into the Independent Cash Machine in the jurisdiction of the North Sumatra Regional Police, the Police Report is received by the Central Officer of the Integrated Police Service (SPKT), then the handling is delegated to the Criminal Investigation Unit to be handled by the investigators or auxiliary investigators and a preliminary examination is carried out in the form of an Examination Report (BAP) against the complainant or victim to find the existence of a criminal event and whether

¹¹ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

¹² Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

there is sufficient evidence.¹³ The case file is ready for investigation, then the investigator immediately conducts Phase I or the transfer of the case file to the Public Prosecutor (JPU) and within 14 (fourteen) days after the case file is handed over and there is no indication from the Public Prosecutor, then the Case File has been considered complete (P21) by the public prosecutor and the investigator immediately carries out Phase II or the submission of the Suspect and Evidence to the Public Prosecutor, The investigation process by the Investigator is completed after carrying out Phase II or the submission of suspects and evidence.¹⁴ The implementation of the investigation in initiating the investigation process, which is only carried out by the SPK, is due to the fact that the administration of the criminal process that regulates the implementation of the investigation is not clearly determined. The implementation of investigation activities is basically carried out by investigators and assistant investigators. This began after the police report was received by investigators and assistant investigators.¹⁵ The ongoing crime of theft by breaking into Automated Teller Machine in the jurisdiction of the North Sumatra Regional Police has made the Police make efforts to be able to handle the occurrence of theft by breaking into the Automated Teller Machine machine.

The efforts and roles that have been carried out by the North Sumatra Regional Police are still not successful. With the rise of theft cases by means of Automated Teller Machines (ATMs). Efforts have not been successful to overcome the crime of theft by breaking into Automated Teller Machines (ATMs) due to the many obstacles found. The factors faced by the police in dealing with criminal acts of fraud by breaking into the Cash Machine.

2) Police Efforts to Overcome Theft Crime by Breaking into Automated Teller Machine

Theft is a crime that has occurred from ancient times to the present. The development of the perpetrators of theft crimes is increasingly dangerous, the crime of theft by breaking into the Automated Teller Machine (ATM) is an act of robbery of another person's property with destruction. Efforts to combat crime have been carried out by all parties, both the government and society in general. Various programs and activities that have been carried out continue

¹³ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

¹⁴ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

¹⁵ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

to find the most appropriate and effective way to overcome these problems. The role of the Police is very important to overcome and investigate cases of theft crimes by breaking into Automated Teller Machines (ATMs). The various tasks that have been carried out by the North Sumatra Regional Police in dealing with theft crimes by breaking into Automated Teller Machines (ATMs) are in accordance with the applicable regulations contained in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. Police efforts are an integral part of social policy. Social policy can be interpreted as a rational effort to achieve community welfare (*social welfare policy*) and at the same time includes community protection (*social defence policy*).¹⁶ So in a nutshell, it can be said that the ultimate goal or main goal of criminal policy is "the protection of society to achieve welfare". The city of Medan is one of the areas that is prone to theft crimes by breaking into Automated Teller Machines (ATMs).

Based on the results of a study at the North Sumatra Regional Police, it shows an increase and lack of handling in resolving cases, for the crime of theft by breaking into Automated Teller Machines (ATMs). As in the case that occurred on Wednesday, November 14, 2024 at 20.00 WIB, the ATM of Bank BRI Marindal unit was suddenly offline. Officers from PT Beringin Gigantara, arrived at the location the next day, Thursday (November 15, 2024 at 03.00 WIB in the early morning). They found that the money storage was no longer locked, and after checking it turned out that the money in the 2nd and 3rd shelves had disappeared. Money worth Rp.200 million was known to have disappeared from the ATM machine. The perpetrator named Asfan and his colleague with the initials N (DPO) stole money from an ATM machine and then divided it in half. Not long ago, there was also a case of breaking into an Automated Teller Machine (ATM) in Medan City carried out by three perpetrators with the initials TH and IW who were successfully secured and another person with the initials R (DPO) is still being pursued by Police officers.¹⁷ The perpetrators were recorded to have acted seven times in the Medan and Binjai City areas. In their action, the three perpetrators inserted a toothpick into the hole in the ATM machine's card so that when the victim withdrew money and got stuck, they would pretend to help take out the card, ask for the PIN number, then exchange the victim's ATM card. As a result of the perpetrators of this crime, they were blamed for violating Article 363 of the Criminal Code with a threat of punishment of more than 15 years in prison.

¹⁶ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

¹⁷ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

The rise of theft crimes by breaking into Automated Teller Machines (ATMs) in Medan City, the North Sumatra Regional Police in handling break-in cases is always in accordance with the SOPs that have been determined. Efforts to counter theft crimes by breaking into Automated Teller Machines (ATMs) can be carried out with enforcement or eradication (repressive) and preventive efforts.¹⁸

From the information above, what is prioritized is the preventive task (prevention), it is a conclusion that it is better to prevent the onset of a disease, than to treat a disease that has arisen, besides requiring a large cost sometimes it is difficult to treat a disease that has deepened. Non-penal enterprises can cover a very wide range of fields in all sectors of social policy or national development. The main purpose of these non-penal efforts is to improve certain social conditions that indirectly have a preventive effect on crime. Thus, from a criminal political point of view, all non-penal preventive activities actually have a very strategic position. Non-penal businesses hold a key position that is intensified and effective. The main purpose of non-penal means is to improve certain social conditions. The use of non-penal facilities is an effort that can be carried out covering a very wide field in all social policy sectors.

Crime is a social process (*criminal as social proces*), so that in the implementation of law enforcement, it must also be seen in the framework of preventive criminal politics (prevent crime) in a repressive way between ain and criminal law enforcement and imposing penalties on the perpetrators. Such a way is not the only way. Various types of crimes (*total crime*) for their success also need to be approached through criminal politics to achieve social welfare. Based on the above explanation, it can be identified that the following crime prevention and control efforts:

- 1) Crime prevention and control must support goals, social *welfare*, and social *defence*.
- 2) Crime prevention and control must be carried out with an integral approach, namely there is a balance of penal and non-penal facilities. From the perspective of criminal politics, the most strategic policy through non-penal means because it is preventive and penal policy has weaknesses because it is repressive and must be supported at high cost.
- 3) Prevention and control of crime by penal means is a "*penal policy*" or "*Penal Law Enforcement Policy*" that is functionalized/operationalized. Factors that are obstacles in tackling the crime of theft by breaking into ATMs. Crime

¹⁸ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

prevention is essentially the main goal of criminal policy. However, it must be admitted that the concept and its definition are still too weak, so people tend to talk about crime prevention in the context of a model.¹⁹

Basically, crime prevention is better done before crime occurs. Crime prevention is also carried out through the following three prevention methods:

- 1) Social prevention that is addressed to the root of evil.
- 2) Situational prevention directed at reducing the opportunity to commit crimes.
- 3) Community prevention is an action to increase the capacity of the community to reduce crime by increasing their ability to use social control.

The three ways of prevention are social prevention,²⁰

Situational prevention, and community prevention are not strict separations, but complement and relate to each other. In preventive and pre-emptive efforts, it is how we make a positive effort, as well as how we create conditions such as economic conditions, the environment, and the culture of society which are a dynamic force in development and not the other way around, such as raising social tensions that encourage the emergence of deviant acts, as well as how to increase public awareness and participation that security and order are responsibilities. Answer together.²¹

Based on the results of the above research, the author can conclude that based on the rampant theft by breaking into Automated Teller Machines (ATMs) in Medan City, this may happen because of the countermeasures carried out by the North Sumatra Regional Police, especially in preventive efforts, have not been maximized. Increasing raids, patrols and guards only when there is a crime of theft by breaking into Automated Teller Machines (ATMs), however, it will not be less effective to overcome the crime of theft by means of such break-ins.

Trying to tackle the crime of break-ins without involving the surrounding community will also make the police less than optimal work because of the limited number of police personnel in a unit. The penal and non-penal efforts initiated by the North Sumatra Regional Police have been good, however, if they are not included with consistency and strategy by the police members, the perpetrators will easily read and prepare new modes to facilitate their actions so that the crime of theft by breaking into Automated Teller Machines (ATMs)

¹⁹ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

²⁰ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

²¹ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

will continue to exist and increase.²² A more important effort to be considered in tackling theft crimes by breaking into Automated Teller Machines (ATMs) is to consistently carry out preventive efforts that aim to protect and prevent the occurrence of criminal threats from the community, such as for law enforcement officials to routinely carry out operations/patrols through areas not only that are easy to reach but also to remote areas. So that the community feels protected from the threat of crime.

This preventive legal effort must be prioritized because if the police, the community and the bank have synergized and worked well with each other, it is likely that the crime of theft by breaking into the Automated Teller Machine (ATM) can be overcome because the supervision of this crime does not only come from the police but also from the bank and the community itself to protect the environment.²³ In preventive and pre-emptive efforts, it is how we make a positive effort, as well as how we create a condition such as the state of the economy, the environment, and the culture of the community which is a dynamic force in development and not the other way around, such as causing social tensions that encourage the emergence of deviant acts, as well as how to increase public awareness and participation that security and order is a shared responsibility

4. Conclusion

- a. The legal regulation of the criminal act of breaking into Automated Teller Machines (ATMs) in Indonesia is regulated in the Criminal Code (KUHP) and the Electronic Information and Transaction Law (ITE). ATM break-ins can be classified as theft with aggravation (Article 363 of the Criminal Code) or ordinary theft (Article 362 of the Criminal Code) depending on the modus operandi and the elements involved. In addition, the crime of ATM break-in can also be charged with the ITE Law if it involves the use of information technology to commit crimes.
- b. Law enforcement against the perpetrators of the crime of breaking into Automated Teller Machines (ATMs) is carried out in the same way as the crime of theft with aggravation. The perpetrator can be subject to Article 363 of the Criminal Code because this crime often involves theft with the embezzlement of information, or Article 365 of the Criminal Code if accompanied by violence or threats of violence. The article that is often used

²² Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

²³ Interview Results with Kombes Pol Sumaryono, Director of Criminal Investigation of the North Sumatra Regional Police, Monday, May 05, 2025 at 10.00 WIB.

to prosecute the perpetrators of ATM break-ins is Article 363 of the Criminal Code, which regulates theft with aggravation. Article 365 of the Criminal Code can also be used if the ATM break-in is accompanied by violence or threats of violence

- c. Obstacles to law enforcement for the crime of breaking into Automated Teller Machines (ATMs) include several factors, both from legal and technical aspects. Some of these obstacles are: difficulties in proving ATM break-ins, often perpetrators use methods that are difficult to trace, and lack of public awareness to report ATM break-ins. In addition, law enforcement can also be hampered by a lack of coordination between relevant agencies and a lack of technological support to monitor ATM transactions and efforts to overcome obstacles involving various actions, including arrest, investigation, prosecution, and criminalization of perpetrators. This criminal act is often categorized as theft with aggravation (Article 363 of the Criminal Code) and can involve various other forms of crime, such as embezzlement of information and skimming.

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