



LAW ENFORCEMENT AGAINST THE CRIMINAL ACT OF AGGRAVATED THEFT (MOTORCYCLE THEFT) IN THE MEDANG DERAS POLICE SECTOR AREA

Agus Mahendra¹, M. Ridwan Lubis²

^{1,2} Fakultas Hukum Universitas Muslim Nusantara Al Washliyah Medan

Email : mahendraagus400@gmail.com¹, muhammadridwanlubis76@gmail.com²

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ABSTRACT

The crime of aggravated theft (curanmor) is increasingly common. Most perpetrators are more than one person or in groups and each perpetrator has a different role and task, the impact of the crime of aggravated theft (curanmor) is causing injuries, both minor and serious injuries to death. Based on the description above, this thesis aims to determine the factors that cause the crime of aggravated theft (curanmor), the modus operandi of the crime of aggravated theft (curanmor), police efforts in prosecuting perpetrators of the crime of aggravated theft (curanmor). The modus operandi of aggravated theft (curanmor) is carried out by more than one person or in groups by looking at the place or location that will be targeted and the planning of aggravated theft (curanmor) is carried out in a planned and organized manner and each perpetrator has a different role and task. The police's efforts to prosecute perpetrators of aggravated theft (curanmor) are through preventive (prevention) and repressive (action) efforts, such as conducting patrols, installing banners appealing to Kamtibmas, communicating with residents. Repressive efforts include analyzing recidivist data, forming a special team to uncover, analyze and evaluate each incident that occurs.

1. Introduction

The police are an institution authorized to maintain order, ensure public safety, and enforce the law in accordance with statutory regulations. According to Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, the police function is one of the functions of state government in the areas of maintaining public order and security, law enforcement, protection, and service to the community.

As the party responsible for public security, the police are obligated to create a sense of security for the community. One of the police's duties is to uncover crimes, including robbery. The term "robbery" is not found in the Criminal Code. It is a term used in everyday conversation to refer to the act or deed of using





violence to force another person to hand over an item. This act or deed is carried out using a sharp weapon or firearm to threaten someone.

The police's role in uncovering perpetrators of violent theft, for example, is the arrest of two suspects specializing in motorcycle theft (curanmor). The two men, identified as ABP alias Anggi (23), a resident of Utama Hamlet, Durian Village, and PA alias Puja (23), a resident of Sentosa Hamlet, Durian Village, Medang Deras District, Batu Bara Regency, are suspected of stealing a motorcycle belonging to Muhammad Wahyu (22), a resident of Setia Hamlet, Durian Village.

Both suspects are alleged to have participated in the theft of the motorcycle belonging to the victim, Muhammad Wahyu. The two suspects are strongly suspected of collaborating with another suspect, identified as MKA alias Ali, who stole a Supra X 125 motorcycle from Tanah Lapang Hamlet, Durian Village, Medang Deras District, on Wednesday (1/3/23) at approximately 10:30 PM WIB. ABP alias Anggi and PA alias Puja took the victim for a walk and stopped at an empty house in Tanah Lapang Hamlet, Durian Village. Upon arriving at the desired location, the motorcycle theft gang began carrying out their respective roles, and the two suspects were charged under Article 363 paragraph (1) in conjunction with Articles 55 and 56 of the Criminal Code.

2. Research Method

This research is descriptive in nature, meaning it merely describes the state of an object or event without any intention of drawing general conclusions. Given that the object of the research is positive law, the type of research used in this study is a normative juridical approach. As a normative juridical study, this research is also conducted by analyzing law, both written in books (law as it is written in the book) and law as it is decided by the judge through the judicial process (often referred to as doctrinal research).





The collected data will be thoroughly analyzed using qualitative analysis or described in sentences. Qualitative analysis is "analysis based on the paradigm of the dynamic relationship between theories, concepts, and data, which constitutes feedback or constant modification of theories and concepts based on the collected data."

3. Research Results And Discussion

Vehicle theft with violence is indeed very different from theft. However, the substance of violent theft is the same as theft. The difference lies in the technicalities involved. Violent theft is theft that occurs when the victim is aware of it, while theft is committed when the victim is unaware.

Violent theft is categorized as the crime of theft with violence, as regulated by Article 365 of the Criminal Code. This crime is preceded, accompanied, or followed by violence directed at a person with the intention of facilitating the act.

The crime of aggravated theft, or theft with violence, as regulated by Article 365 of the Criminal Code, is theft with qualifications or is theft with aggravating elements. Therefore, what is regulated by this article is actually only one crime, and not two crimes consisting of theft and the crime of using violence against a person.

Every year, criminal acts, including theft, continue to increase, particularly in the jurisdiction of the Medang Deras Police Sector, Batu Bara Regency. This can be seen from the number of theft reports received by the Medang Deras Police Sector in Batu Bara Regency between 2020 and June 2024.

Most motorcycle thefts are committed by more than one person or in groups, with each perpetrator having a different role and task. The impact of motorcycle theft can range from minor injuries to serious injuries and even death. In addition to physical losses, victims also experience material and psychological losses. Therefore, violent theft cannot be categorized as a minor crime.





The factors contributing to aggravated theft (curanmor) in the Medang Deras Police Sector area are deliberate and premeditated, resulting in aggravated theft (curanmor).

The aggravated theft (curanmor) in the Medang Deras Police area can be detailed into several main factors that are the causes of the occurrence, namely, the perpetrators carry out aggravated theft (curanmor) to sell in order to get money from the sale to have fun and also used to buy illegal drugs, the increasing number of firearms in circulation so that many aggravated thefts (curanmor) use firearms, there are economic problems, namely the perpetrators have a lot of debt everywhere, and there are opportunities or chances to carry out aggravated theft (curanmor).

Humans naturally experience changes from childhood to adulthood, both physically and spiritually. A person reaching a certain age, namely approaching adulthood (adolescence), may engage in certain acts, such as juvenile delinquency. This form of juvenile delinquency is only known in adolescents approaching adulthood. There are no crimes like juvenile delinquency committed by parents.

The dominant factor that leads perpetrators to commit aggravated theft (curanmotor) is economic factors. Generally, perpetrators commit aggravated theft (curanmotor) due to economic factors. Economic factors cause or fuel the urge to commit aggravated theft (curanmotor). This is because the proceeds from aggravated theft can be directly used to meet daily needs. Perpetrators who lack the money to cover daily living expenses often resort to aggravated theft (curanmotor).

The next factors that cause perpetrators to commit aggravated theft (motorcycle theft) are environmental or social factors, family, opportunity, low religious understanding, unemployment, the influence of mass media, the influence of alcohol, and finally, low mental and emotional resilience.





The modus operandi of a crime is the method used by perpetrators to commit a crime. Understanding the modus operandi of a crime provides a clear picture of the type of crime committed by the perpetrator. The symptoms of crime are categorized according to the act or group of acts, but the act can also be seen as an expression of the perpetrator, and then the perpetrators serve as the basis for this classification.

Recent advances in science and technology have brought about a shift from traditional, static patterns of social behavior to modern, dynamic patterns. This change encompasses crime patterns as an existing social subsystem, shifting from traditional, static patterns of crime to modern, dynamic patterns of crime.

There has now been a sharp shift toward modern crime patterns, characterized by non-simple methods, time constraints (periodic), high mobility, and relatively more advanced infrastructure and technology. Therefore, handling it is relatively more difficult than dealing with traditional crime patterns. Crime patterns change over time. The shift from traditional to modern crime patterns mentioned above is certainly experienced by all types of crime.

Most aggravated theft (*curanmotor*) is committed by more than one person or a group, with each perpetrator having a different role and task. The impact of aggravated theft (*curanmotor*) can result in injuries, ranging from minor to serious, even fatal. In addition to physical losses, victims also experience material and psychological losses. Therefore, violent theft cannot be categorized as a minor crime.

The modus operandi of aggravated theft (*curanmotor*) perpetrators is carried out using various methods, depending on the location or location of the target and the planned and organized nature of the theft, including violence or threats of violence.

The perpetrator's modus operandi was well-planned and well-organized, as each perpetrator had their own role and task, making it easy for them to escape. The modus operandi for aggravated theft (*curanmor*) involves the perpetrator





following the victim and slashing them if they resist. Aggravated theft (curanmor) involves using a woman as bait to commit a violent theft.

Aggravated theft (curanmor) involves violence against the driver by posing as a passenger requesting a ride, then being confronted by two other suspects along the way. Perpetrators of aggravated theft (curanmor) in the Medang Deras Police Sector typically pretend to be passengers, then, in a secluded area, hold a knife to the victim's neck. If the driver resists, the perpetrator will not hesitate to stab them.

Perpetrators of aggravated theft (curanmor) must be punished for their actions. In other words, law enforcement must be carried out against perpetrators of aggravated theft (motorcycle theft). Conceptually, the essence and meaning of law enforcement lies in harmonizing the values outlined in established rules and attitudes as a series of final-stage values to create, maintain, and preserve social peace.

Law is the foundation of societal hope and trust for regulating social interaction. Law is the embodiment or manifestation of these values. Law enforcement, as a process, is essentially the application of discretion involving decision-making that is not strictly regulated by legal norms but contains elements of personal judgment.

The policies to be implemented will encompass areas of law enforcement activities primarily aimed at improving order and legal certainty in society. To this end, the coordination system will be strengthened and the duties of law enforcement agencies harmonized. This will be achieved, among other things, by streamlining the functions, duties, powers, and authorities of institutions tasked with enforcing the law according to their respective professions and based on a sound cooperative system. Simply put, criminal policy is a state's rational effort to combat crime.

Formal criminal law regulates how substantive criminal law can be implemented. The term "law enforcement" is broad, encompassing those directly





and indirectly involved in law enforcement. Law enforcement is not solely about legislation, although in reality, this tends to be the case in Indonesia, making the concept of law enforcement popular. Furthermore, there is a strong tendency to interpret law enforcement as the implementation of judges' decisions.

The increasing and frequent occurrence of crime in society is a matter of great concern, thus calling on the government (state), as a servant and protector of the community, to address the spread and increase of crimes that violate the values and norms that exist and apply within a society, thus making these crimes criminalized by the state. Criminal law is an important tool in combating crime, or perhaps a remedy for eradicating crimes that disturb and harm society in general and victims in particular.

Crime prevention is a simple and targeted approach that can prevent people from becoming victims. Preventive measures against crime are very important or more precisely, must be prioritized, because criminal acts will disrupt the development of socio-economic activity sectors and social welfare in general.

Aggravated theft (*curanmotor*) is categorized as the crime of theft with violence, as regulated by Article 365 of the Criminal Code. This crime is preceded, accompanied, or followed by violence directed at a person with the intention of facilitating the act.

The crime of aggravated theft, or theft with violence, as regulated by Article 365 of the Criminal Code, is also a theft with qualifications or is a theft with aggravating elements. Therefore, what is regulated in this article is actually only one crime, and not two crimes consisting of the crime of theft and the crime of using violence against a person.

After explaining the factors causing aggravated theft (*curanmotor*) in the jurisdiction of the Medang Deras Police Sector, we will explain the efforts that have been taken to address aggravated theft (*curanmotor*) in the Medang Deras Police Sector.



The Medang Deras Police Sector is a law enforcement agency, primarily responsible for maintaining public order, safety, and security. The police are the first institution to be consulted in the criminal justice process. They have the authority to conduct inquiries, indictments, detentions, and seizures until a crime is discovered.

As the party responsible for public safety, the police must ensure this sense of security. When uncovering aggravated theft (curanmor), the police must work diligently to identify the perpetrators and promptly punish them.

Suspects in aggravated theft cases strive to conceal their actions from others and the police. They will cover any traces of their actions to avoid detection or even reveal the crime.

When aggravated theft (curanmor) occurs, the role and duties of the police are crucial in uncovering it, ensuring the arrest of the perpetrators, thus providing a sense of security for the public, even though uncovering the crime is not easy.

The role of the Medang Deras Police Sector is based on a case of aggravated theft (curanmor), as stipulated in Article 2 of Law Number 2 of 2002 concerning the National Police. The police function is one of the functions of state government in the areas of maintaining security and order, law enforcement, protection, patronage, and public service.

The police's role in enforcing the law against perpetrators of aggravated theft (curanmor) is part of their role as law enforcement officers, striving to maximize their efforts to uncover these cases. The police take various strategic and constructive steps to implement legal protection in accordance with their rights and authorities, in order to ensure public security and order, order, and uphold the law.

In efforts to combat aggravated theft (curanmor), government agencies, in this case the police and their staff, consistently carry out several preventive and repressive activities. Repressive actions taken by the police, as an investigative agency, constitute an effort to take action and enforce the law against the actual





threat of aggravated theft (curanmor) by unauthorized and irresponsible individuals.

The elements or subsystems within the criminal justice system involve elements of the police, the prosecutor's office, the court, and correctional institutions. Therefore, the functioning of the criminal justice system can be understood as the functioning of each of these elements in their respective functional capacities to face and/or handle the crime of aggravated theft (curanmor) that occurs. Based on this understanding, the functioning of the criminal justice system begins when there is information about the alleged occurrence of, is occurring, or has occurred.

4. Conclusion

Factors contributing to aggravated theft (curanmor) include the perpetrator stealing to sell the vehicle for cash, the perpetrator having numerous debts, the presence of opportunities to commit theft, drivers operating at night, and drivers transporting passengers through vulnerable and secluded areas, making it easier for the perpetrator to commit the crime.

The modus operandi of aggravated theft (curanmor) in the Medang Deras Police Sector is often carried out by more than one person or a group, with the perpetrators identifying the target location. The planning of aggravated theft (curanmor) is carried out in a planned manner, with each perpetrator having a distinct role and task. The impact of aggravated theft (curanmor) includes injuries ranging from minor to serious, even fatal. In addition to physical losses, victims also experience material and psychological losses. Therefore, the crime of theft with violence cannot be categorized as a minor crime.

Police efforts to prevent aggravated theft (curanmor) in the Medang Deras Police area include preventive measures, such as increasing patrols in areas prone to crime, encouraging the public to be more vigilant, and using safe routes.





Repressive measures (enforcement) include analyzing recidivism data and forming a special team to uncover, analyze, and evaluate each incident.

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