



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

Agus Mahendra¹, Muhammad Ridwan Lubis²

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

Email : donytriananda922@gmail.com¹, muhammadridwanlubis76@gmail.com²

ARTICLE INFO

History of the article:
Received: 04/07/2024
Corrected: 09/07/2024
Accepted : 30/07/2024
Published: 30/07/2024

Keywords:
Law Enforcement, Theft, Aggravated.

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 uphold 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 obliged 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*).

Several key factors contribute to aggravated theft (*curanmor*) in the Medang Deras Police Sector: perpetrators commit aggravated theft to sell the stolen goods for extravagance and to purchase illegal drugs; the increasing number of firearms in circulation, leading to the use of firearms in aggravated theft; economic problems, such as numerous debts, and opportunities to commit aggravated theft.

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

The dominant factor driving perpetrators to aggravated theft is economic factors. Generally, perpetrators commit aggravated theft (*curanmor*) due to economic factors. Economic factors cause or fuel the urge to commit aggravated theft (*curanmor*). 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 engage in aggravated theft (curanmor).

Other factors that lead perpetrators to commit aggravated theft (curanmor) include environmental factors or social relationships, 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 the crime is the method used by perpetrators to commit the crime. Understanding the modus operandi of the crime provides a clear picture of the type of crime committed by the perpetrator. The types of crimes 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 themselves are used as the basis for classification.

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

There has now been a sharp shift toward modern crime patterns, characterized by complex methods, periods not tied to a specific pattern (periodic), high mobility, and relatively more advanced infrastructure and technology. Consequently, handling them is relatively more difficult than handling traditional crime patterns. Crime patterns constantly change with each passing period. The aforementioned shift from traditional to modern crime patterns is certainly experienced by all types of crime.

Aggravated theft (curanmor) is mostly committed by more than one person or a group, with each perpetrator having a different role and task. The impact of aggravated theft (curanmor) includes injuries, ranging from minor to serious, even leading to death. 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 (curanmor) perpetrators employs 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 modus operandi used by perpetrators is well-planned and well-organized, as each perpetrator has their own role and task, making it easy for the perpetrator to escape. The modus operandi of aggravated theft (curanmor) involves the perpetrator following the victim and slashing them if they resist. In aggravated theft (curanmor), women act as bait for the violent theft.

Aggravated theft (curanmor) is a crime committed by using violence against drivers, posing as passengers requesting a ride. They are then confronted along the way by two other suspects. Perpetrators of aggravated theft (curanmor) in the Medang Deras Police Sector typically pose as 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 (curanmor). Conceptually, the essence and meaning of law enforcement lies in harmonizing the values outlined in established rules and attitudes as a series of final steps to create, maintain, and preserve peaceful social interactions.

Law is the foundation of societal hope and trust for regulating social interactions. 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 principles but rather 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 law enforcement institutions according to their respective professional areas and based on a sound system of cooperation. Simply put, criminal policy is a rational effort by a state to combat crime.

Formal criminal law regulates how substantive criminal law can be enforced. 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 crime prevention, or perhaps a remedy in 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. Crime prevention is crucial, or more accurately, a priority, because criminal activity disrupts the development of socioeconomic 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 theft 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 aggravating elements. Therefore, what is regulated in this article is actually only one crime, and not two crimes consisting 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 in the Medang Deras Police Sector.

The Medang Deras Police Department 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, searches, 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. Suspects will attempt to conceal their actions to avoid detection or even reveal the aggravated theft.

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

The role of the Medang Deras Police Sector is based on the aggravated theft (motorcycle theft) case, as stipulated in Article 2 of Law Number 2 of 2002 concerning the National Police, which states that the police function is one of the functions of the 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 agencies, striving to maximize their efforts to uncover cases of aggravated theft (*curanmor*). The police take various strategic and constructive steps to enforce the law in





accordance with their rights and authorities, in order to ensure public safety and order, and uphold the law.

In efforts to combat aggravated theft (*curanmor*), government agencies, specifically the police and their staff, consistently implement several preventive and repressive measures. Repressive measures taken by the police, as an investigative agency, represent 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, urging 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.





References

- Arif, Barda Nawawi, Bunga Rampai Kebijakan Hukum Pidana", Citra Aditya Bakti, Bandung, 2016.
- Bassar, M. Sudradjat, Tindak-Tindak Pidana Tertentu di Dalam Kitab Undang-Undang Hukum Pidana. Remadja Karya, Bandung, 2014.
- Dirdjosisworo, Soedjono, Ruang Lingkup Kriminologi, Remadja Karya, Bandung, 2016
- Dellyana, Shanti, Konsep Penegakan Hukum Liberty, Yogyakarta, 2018.
- Gosita, Arif, Masalah Korban Kejahatan, Akademika Presindo, Jakarta , 2015.
- Hamzah, Andi Asas-Asas Hukum Pidana, Rienka Cipta, Jakarta, 2010.
- Irsan, Hak Asasi Manusia Suatu Pengantar, Sinar Grafika, Jakarta, 2010.
- Lamintang, P.A.F., Dasar-Dasar Hukum Pidana Indonesia, Citra Aditya Bakti, Bandung, 2012.
- Akhyaruddin, A., Marzuki, M., & Mukidi, M. (2023). ANALISIS YURIDIS TINDAK PIDANA PENCUCIAN UANG DARI HASIL TINDAK PIDANA NARKOTIKA (Studi Putusan Mahkamah Agung RI Nomor 250 K/Pid.Sus/2018). *Jurnal Meta Hukum*, 2(2), 27-38. <https://doi.org/10.47652/jmh.v2i2.420>
- Akhyar, A., Danialsyah, D., & Bukhari, B. (2023). ANALISIS YURIDIS TINDAK PIDANA PEMBUNUHAN DISERTAI PEMERKOSAAN (Analisis Putusan Nomor 271/Pid.B/2019/PN Mrb). *Jurnal Meta Hukum*, 2(2), 39-50. <https://doi.org/10.47652/jmh.v2i2.421>
- Simalango, D. ., Marzuki, M., & Mukidi, M. (2023). PERTANGGUNGJAWABAN PIDANA OLEH KURATOR ATAS TINDAKANNYA YANG MERUGIKAN BUNDEL PAILIT (Studi Kasus Putusan Pengadilan Negeri Jakarta Pusat Nomor 2081/Pid.B/2011/PN.Jkt.Pst). *Jurnal Meta Hukum*, 2(2), 51-62. <https://doi.org/10.47652/jmh.v2i2.422>
- Sianipar, E. P. U. ., Lubis, M. Y. ., & Akhyar, A. . (2023). ANALISIS YURIDIS PERTANGGUNGJAWABAN PIDANA PERMUFAKATAN JAHAT (SAMENSPANNING) DALAM KEJAHATAN NARKOTIKA YANG DILAKUKAN OLEH ANAK (Studi Putusan Nomor 57/Pid.Sus-Anak/2022/PN Lbp). *Jurnal Meta Hukum*, 2(2), 63-76. <https://doi.org/10.47652/jmh.v2i2.423>



- Marzuki, M., Faisal, F., & Akhyar, A. . (2023). PENEGAKAN HUKUM TERHADAP TINDAK PIDANA PEMALSUAN SURAT PERSETUJUAN BERLAYAR (Studi Putusan Nomor 249/Pid.B/2021/PN Ktp). *Jurnal Meta Hukum*, 2(2), 77-88. <https://doi.org/10.47652/jmh.v2i2.424>
- Mustamam, M., Bachri, H. ., & Mukidi, M. (2023). IMPLEMENTASI UNDANG-UNDANG NOMOR 35 TAHUN 2009 TENTANG NARKOTIKA MELALUI FUNGSI ASESMEN DALAM UPAYA PENYELESAIAN TINDAK PIDANA PENYALAHGUNAAN NARKOTIKA (Studi Di Kepolisian Sektor Aceh Selatan). *Jurnal Meta Hukum*, 2(2), 89-104. <https://doi.org/10.47652/jmh.v2i2.425>
- Gulo, I. E. ., Mukidi, M., & Mustamam, M. (2023). ANALISIS YURIDIS PENERAPAN DIVERSI DALAM PERADILAN PIDANA ANAK ATAS TINDAK KEJAHATAN PIDANA PENGANIAYAAN DI INDONESIA (Studi Kasus Pengadilan Negeri Gunung Sitoli). *Jurnal Meta Hukum*, 2(2), 105-115. <https://doi.org/10.47652/jmh.v2i2.426>
- Affan, I., Jonizar, J., & Mukidi, M. (2023). ANALISIS YURIDIS TINDAK PIDANA MENGGUNAKAN SURAT PALSU DALAM PELEPASAN HAK PENGUASAAN DENGAN GANTI RUGI DALAM JUAL BELI TANAH (Studi Putusan Nomor 1722/Pid.B/2021/PN Lbp). *Jurnal Meta Hukum*, 2(2), 116-128. <https://doi.org/10.47652/jmh.v2i2.427>
- Triyunda, R. ., Mustamam, M., & Danialsyah, D. (2023). PERTANGGUNGJAWABAN PIDANA AHLI WARIS YANG MENJADIKAN HARTA WARISAN SEBAGAI JAMINAN KREDIT TANPA PERSETUJUAN AHLI WARIS (Studi Putusan Pengadilan Negeri Metro Nomor 121/Pid.B/2021/PN. Met). *Jurnal Meta Hukum*, 2(2), 142-154. <https://doi.org/10.47652/jmh.v2i2.429>
- Montana, V. ., Lubis, M. Y. ., & Affan, I. . (2023). PENEGAKAN HUKUM TERHADAP PRAJURIT TNI YANG MELAKUKAN TINDAK PIDANA PENYALAHGUNAAN NARKOTIKA (Studi Putusan Pengadilan Militer I-02 Nomor 109-K/PM.I-02/AL/XI/2022). *Jurnal Meta Hukum*, 2(2), 168-181. <https://doi.org/10.47652/jmh.v2i2.431>