

## Police Role in Crime Investigation of Fencing Article 480 of the Criminal Code (Study in Polres Demak)

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**Abstract.** The purpose of this research identify and analyze the role of the police in criminal investigation of Fencing of Article 480 of the Criminal Code in the jurisdiction of Police Demak and barriers and solutions encountered police officers in criminal investigation of Fencing.

The method used is the method of normative and juridical sociologic, the specifications in the study was a descriptive analytical methods of population and sampling are all objects or all of the symptoms or the entire event or the entire unit to be studied, data collection techniques using literature study and interviews, data analysis is qualitative.

**Result:** according to the Criminal Investigation: Examination of the scene, Investigation, Manufacture Minutes, examination of evidence: The search, seizure, Remarks experts, Arrest or Detention and examination of suspects, Resume, file submission. The obstacle is that not everyone knows, does not want to report to law enforcement agencies (police), collusion series of cooperation that is so neat, shrewdness suspect in storing the results of Fencing the Article applied a penalty of less leverage, less personnel in the *Resmob* Police Demak, because the territory and population is not proportional to the number of personnel *Resmob* Demak district police, the suspect did not provide information in a clear, witnesses' testimony did not support the investigation, evidence to be filed less, to overcome these obstacles, namely:

**Key Words:** Police; Investigation; Crime; Fencing; Police Demak.

### 1. Introduction

Indonesia is a country of law or material broader sense and not state law or formal narrow sense. Understanding this material means that Indonesia in implementing the rule of law is only bound Act or other legislation such as the law of the state in the narrow sense or formal, but can also act on their own volition. Countries are here not only to implement the Act or the regulations, but also organizes public interest to achieve a just and prosperous society both material and spiritual in accordance with the lofty ideals of the Proclamation of Independence August 17 and Act of 1945.

Our country is also classified as a developing country, in a developing country found many problems that are closely related to the law, besides the most prominent problem is the economic problem and the limited land a job. The average level of living is low, so they are a lot of people living in poverty and the situation is exacerbated by the difficulty in obtaining a decent job. These things are the most widely used as a reason why they take a shortcut to commit a crime.

Crime is an issue that is very interesting to discuss, because it is a problem that every time faced by every community. Besides, crimes often cause unrest and lack of army

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community.

Indonesian National Police or often abbreviated by the Police is a state institution that plays a role in maintaining security and public order, enforcing the law, and to provide protection, shelter and services to the community in order to maintaining security in the country.

In addition, in the field of law enforcement, especially with regard to the handling of criminal acts as regulated in the Criminal Procedure Code, the Police as the principal investigator who handled every crime in general in order to create security in the country, Article 16 of the Law of the Republic of Indonesia Number 2 Of 2002 concerning Indonesian National police, has set the following powers<sup>4</sup>:

- Perform the arrest, detention, search, and seizure;
- Prohibit any person leaving or entering the crime scene for the purpose of investigation;
- Bring and exposes people to an investigator in the framework of the investigation;
- Telling stop the suspect and asking and checking personal identification;
- Perform inspection and seizure of the letter;
- Calling people to be heard and questioned as a suspect or a witness;
- Bring in the experts required in connection with the case investigation;
- Hold termination of investigation;
- Submit the case file to the public prosecutor;
- Ask the request directly to the competent immigration officials at the immigration check in urgent circumstances or to prevent or counteract sudden persons suspected of committing a criminal offense;
- 11. Give the guidance and assistance to investigators investigation of civil servants as well as receiving the investigation results investigator of civil servants to be submitted to the public prosecutor; and
- Held another actions by law responsible, namely the inquiry and investigation actions were carried out with the following requirements:
  - does not conflict with a rule of law;
  - aligned with the legal obligations that require that the act was done;
  - must be appropriate, reasonable, and included in his neighborhood;
  - proper consideration based on the circumstances that force;
  - respect for human rights.

The main function of the police as stipulated in Act No. 2 2002:

- Task of community development (pre-emptive)
- Task of field Preventive
- Tasks of field Repressive

Officers Police charged with the responsibility especially for maintaining public order and deal with criminal acts, planning or policy of crime prevention as outlined in the legislation include: Planning or policy on acts prohibited what was addressed because they were considered dangerous or harmful , as well as planning or policy on what sanctions would be imposed against perpetrators of the forbidden actions (whether criminal or action) and system implementation.

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<sup>4</sup> Law of the Republic of Indonesia Number 2 Of 2002 on the Indonesian Police

Violation of criminal law in the jurisdiction of Police Demak nowadays more and more in society, varied and increasingly complex nature. Legal violations in the jurisdiction of Police Demak, such as the crime of Fencing Article 480 of the Criminal Code. Fencing criminal offense would carry a wide impact, since the thief, thief or robber will get a chance to commit a crime, there is a container and a receiver for the proceeds of crime. At least there was a shift to meet the interests of livelihood, in the interest of the service to meet the needs of the fence.

Performers Fencing promising profit doubled, because the loot was generally sold far below market cost. Crimes such as theft, muggings and extortion robbery even though it would be able to fit the proceeds of crime, and the perpetrators will eventually get the money. This impact will affect the peace of the community and make people uneasy.

Law enforcement is doing efforts to the enforcement process or the functioning of legal norms significantly as a code of conduct in legal relations in society and state. In terms of the subject is divided into two in a broad sense and narrow<sup>5</sup>.

- In a broad sense, the law enforcement process involving all subjects of law in any legal relationship. Anyone who runs normative rules or do something or not do something by basing itself on the rule of law norms, meaning he is running or enforce the rule of law.
- In a narrow sense, in terms of the subject, that law enforcement officials only be interpreted as a certain law enforcement efforts to guarantee and ensure that a legal rule as it ought to.

In ensuring the rule of law, if necessary, law enforcement officials were allowed to use the force power. In practicing of law enforcement by the police always contains two options. The first choice is law enforcement as required by law in general, where there is a forced attempt by the police to enforce the law in accordance with the procedural law set out in the Act No. 8 of 1981 on Criminal Procedure. While the second option is the action that emphasizes the belief that emphasis on personal moral and legal obligations to provide protection to members society<sup>6</sup>.

From the description above, the authors wish to conduct research in the form of a thesis entitled: "Police Role In Crime Investigation Of Fencing Article 480 Of The Criminal Code (Study In Polres Demak)".

Based above description may be filed formulation of the problem in this research is as follows: How is the role of the police in criminal investigation of Fencing of Article 480 of the Criminal Code in the jurisdiction of Police Demak? And What barriers and solutions encountered police officers in criminal investigation of Fencing of Article 480 of the Criminal Code in the jurisdiction of Police Demak?

## 2. Results and Discussion

### 2.1. The Role of the Police In Criminal Investigation of Fencing of Article 480 of the Criminal Code in the jurisdiction of Police Demak

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<sup>5</sup><https://prezi.com/9ixrzntsbuin/peran-kepolisian-negara-ri-dalam-penegakan-hukum-di-indonesi>, accessed on 6 November 2018

<sup>6</sup><http://coretan-berkelas.blogspot.com/2014/11/peran-kepolisian-negara-republik.html>, Accessed on 6 November 2018

According to the study the researchers did in Criminal Police Demak case of Fencing Article 480 of the Criminal Code with the suspect Triyono *as* Jono bin Ahmadun, Age 25, born in Demak, October 24, 1993 Gender-Male, Citizenship-Indonesian, Javanese, Religion- Islam, the last Education Junior (Grade 3). Private employee jobs, Address: Vil. Batusari Rt.06 / 03 Dist. Mranggen Reg.Demak.

With the report of the victim and for their arrest perpetrators of criminal acts of theft that is always there with the crime of Fencing, then the police, especially *Resmob* Police Demak perform a series of actions the investigation to seek and find an event that is suspected to be a criminal offense Fencing to determine the can or whether carried out investigations in a manner regulated by Criminal Law (Criminal Code)<sup>7</sup>.

In Article 1 point 5 of the Criminal Procedure Code provides understanding about the investigation, which means that a series of action / investigation to search for and find an event alleged criminal acts in order to determine whether or not the investigation conducted in the manner set forth in this law.

After an investigation and discovered a crime, then upgraded to the investigation that a series of actions the investigator in the case and in the manner set out in the legislation to search for and collect evidence, that the evidence that makes light of the crime that occurred and to find suspects.

For the case of Fencing that occurred in the jurisdiction of the police station of Demak with the suspect Triyono *as* Jono bin Ahmadun, after investigation, it should be taken further that investigation on the suspect in accordance Criminal Code, with committed the crime of Fencing Article 480 Book of Criminal Law<sup>8</sup>.

Based on the results of research by the author, it can be concluded that:

- based on the discussion Minutes Opinions (Resume) and
- witnesses and
- description of suspects and
- the evidence that was recognized by witnesses or suspects, the examiner concluded as follows:

That the presence of the suspect Suspect Triyono *as* Jono bin Ahmadun, Age 25, born in Demak, October 24, 1993 Gender Male, Citizenship-Indonesian, Javanese, Religion-Islam, Educational last junior (Class 3). Private employee jobs, Address: Vil. Batusari Rt.06 / 03 Dist. Mranggen Reg.Demak known to have been suspected of criminal conduct as proficiency level Fencing in Article 480 of the Criminal Code.

## **2.2. Barriers arising in the process of investigation of the criminal acts of Fencing and how do I overcome it**

Barriers is one result of their lack of perfection. The state of society is always changing and evolving and the legal nature it is impossible to arrange everything perfectly for humans (legal authorities) have limited ability and only God has eternal perfection.

According to the research that has been done in the jurisdiction of Police Semarang on criminal cases Fencing Article 480 the Code of Penal suspect Suspect Triyono *as* Jono bin Ahmadun, Age 25, born in Demak, dated October 24, 1993, Gender-male,

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<sup>7</sup> Bripka Afik Yudiyanto, *Personal Interview*, Kasubdit *Resmob* Polres Demak, on 29 January 2019

<sup>8</sup> Aipda Jodi Wibowo, *Personal Interview*, Assist. Investigator of *Reskrim* Polres Demak, on 29 January 2019

Citizenship-Indonesian, Javanese, Religion-Islam, Educational last junior (Class 3). Private employee jobs, Address: Vil. Batusari Rt.06 / 03 Dist. Mranggen Reg.Demak, it can be obtained by several causes an obstacle for law enforcement in terms of check / resolve crimes of Fencing, namely, among others<sup>9</sup>:

- Not everyone knows, hears criminal acts of Fencing would report to law enforcement agencies (police).
- Collusion series of cooperation so neat from top to bottom.
- Because shrewdness suspect in store the results of the Fencing and Fencing criminal ingenuity in covering crime especially with today's technology.
- Article applied less than the maximum penalty of so many people who commit such offenses and there were repeated criminal acts such Fencing
- Lack of personnel in the Police *Resmob* Demak, for the region and the number of residents is not comparable with the number of personnel of the Police *Resmob* Demak
- Suspect Gives Remarks are clear.
- Witness testimony did not support the investigation.
- Evidence will be filed incomplete.

Based on interviews with Aipda Jodi Wibowo as Assistant Criminal Police Investigator Demak, to overcome these obstacles, namely:

- Provide feedback or outreach to the community to report any presence of a crime that occurred in the community and provide protection to whistleblowers
- Criminal party should always conduct investigations into the case in accordance with the Criminal Procedure Code of Fencing
- Investigators should be completely professional in conducting the investigation do not let the perpetrator escape a criminal offense Fencing of Article 480 of the Criminal Code
- Demak district police to the area and large population, should add *Resmob* personnel, so that in case of a criminal act can be done Fencing investigation, investigation and the perpetrators do not escape criminal liability Article 480 of the Criminal Code
- Investigators in searching for and collecting evidence, should really be able to uncover the criminal offense of Fencing

### 3. Closing

#### 3.1. Conclusion

- Implementation of an investigation into suspected crimes of Fencing according to the Criminal Procedure Code regulation is done based on ordinances handling criminal offense then perform these steps: Examination of the scene, Investigation, Manufacture Minutes, examination of evidence: The search, seizure, Remarks experts, Arrest or Detention and examination of suspects, Resume, file submission. The steps that can be started from the investigation plan. The investigation began after investigators used the investigation authority in accordance with Article 7

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<sup>9</sup> *Ibid.*

Criminal Code, in the case of direct actions have involved the rights of persons suspected of committing the crime, either on his freedom, his reputation as well as the wealth.

- The obstacles that arise in the investigation of the offenses Fencing, will primarily relates to issues related to: Not everyone knows, hears criminal acts of Fencing would report to law enforcement agencies (police); Collusion series of cooperation so neat from top to bottom; Because shrewdness suspect in store the results of the Fencing and Fencing criminal ingenuity in covering crime especially with today's technology; Article are applied so that the maximum penalty of less ; Many people who commit such offenses and there were repeated criminal acts such Fencing; Lack of personnel in the Police *Resmob* Demak, for the region and the number of residents is not comparable with the number of personnel of the Police *Resmob* Demak; Suspect Gives Remarks are clear.; Witness testimony did not support the investigation; Evidence will be filed incomplete. To overcome these obstacles, namely: Provide feedback or outreach to the community to report any presence of a crime that occurred in the community and provide protection to whistleblowers; Criminal party should always conduct investigations into cases of Fencing in accordance with the Criminal Procedure Code and the Investigator should truly professional in conducting the investigation do not let the perpetrator escape a criminal offense Fencing of Article 480 of the Criminal Code; Demak district police to the area and large population, should add *Resmob* personnel, so that in case of a criminal act can be done Fencing investigation, investigation and the perpetrators do not escape criminal liability Article 480 of the Criminal Code; Investigators in searching for and collecting evidence, should really be able to uncover the criminal offense Fencing

### 3.2. Suggestions

- Investigators should observant and careful in dealing with the crime of Fencing, because of the difficulty of uncovering such offenses.
- Investigators in uncovering the crime of Fencing to be truly complete, from the statement of the obvious suspect, the witness who supports the investigation and the evidence presented must be complete.

### 4. References

- [1] Law of the Republic of Indonesia Number 2 of 2002 on the Indonesian Police
- [2] <https://prezi.com/9ixrznstbuin/peran-kepolisian-negara-ri-dalam-penegakan-hukum-di-indonesi>, accessed on November 6, 2018
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- [5] Aipda Jodi Wibowo, Personal Interview, Assist. of Investigator Demak Police, on 29 January 2019