

Effectiveness of Investigations into Aggravated Theft Crimes

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Abstract. *This study aims to determine and analyze the implementation of investigations into the crime of aggravated theft at the Bintan Resort Police and the effectiveness of the implementation of investigations into the crime of aggravated theft at the Bintan Resort Police. The approach method in this study is sociological juridical, the research specification is analytical descriptive. The data used are primary data and secondary data and the data collection method is field study and literature study, while the data analysis method uses qualitative analysis. The theory used in this study is the theory of legal effectiveness and legal certainty. The results of the study indicate that the implementation of investigations into the crime of aggravated theft at the Bintan Resort Police has been carried out in accordance with the provisions of the Criminal Procedure Code and the Regulation of the Chief of Police Number 6 of 2019 concerning Criminal Investigations so that it has fulfilled the principle of legal certainty. The implementation of investigations into the crime of aggravated theft at the Bintan Resort Police has also been effective, this is reflected in the majority of police reports that can be handled well until the stage of transferring case files to the prosecutor's office. Despite several obstacles, overall the investigation process continued to run well and was able to support law enforcement in a professional and proportional manner.*

Keywords: *Crime of Aggravated Theft; Effectiveness; Investigation.*

1. Introduction

According to the provisions of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD 1945), the Republic of Indonesia is a state based on law. Everything in state and social life is within the legal corridor.¹The Republic of Indonesia

¹Caswadi and Andri Winjaya Laksana, Ideal Formulation of Corruption Crime Investigation Conducted Under Certain Circumstances, Ratio Legis Journal, Volume 3 No. 4, December 2024, p. 836.

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upholds the law and human dignity in relation to law and government, and is obliged to enforce the law without exception.²

Law is a system for monitoring behavior, while its form is a product of a center of power that has the authority to create and implement laws.³ Law as a social institution created by humans to create order, law lives and develops in accordance with the values of its society.⁴

Law exists to balance individual and public interests and ensure that every member of society acts in accordance with applicable norms. However, not all members of society obey the law. Social patterns are influenced by developments in society, which sometimes lead to differences in prosperity, leading to the emergence of various forms of crime and criminal activity.⁵

According to Soerjono Soekanto, crime is a social phenomenon that is constantly present in societies worldwide. Because crime cannot be eradicated unless its intensity and quality are reduced, human efforts to eradicate it will never be complete.⁶

Crime is a form of behavior that deviates from societal norms and is considered a significant threat to social norms and values. This deviant behavior is considered a human and social problem because it can cause disruption both at the individual level and at the societal level as a whole. Social norms are considered the basis for an orderly social order, and if deviant behavior is left unaddressed, it can threaten the continuity of social order. Crime is not only a social problem, but also a problem related to humanity.⁷ Criminal acts arise due to various factors, including economic, social, cultural, moral and weak supervision factors.

One type of crime that frequently occurs in society is theft. In criminal law, theft is defined as the taking or embezzlement of another person's property without permission or right. This act of theft is regulated by various legal systems around the world and is generally considered a serious offense.⁸

Theft is a crime that frequently occurs in various countries, including Indonesia. Theft is an act or deed that violates the law. Article 362 of the Criminal Code defines the crime of theft as "anyone who takes something, wholly or partially belonging to another person, with the

²Lailatul Nur Hasanah and Sri Endah Wahyuningish, The Application of Justice Principles Of Rapid Simple Fee In Criminal Justice System In The State Court (Case Study in State Court of Pati), Journal of Law Daulat, Volume 2 No. 4, December 2019, p. 610

³Lukman Santoso, "Comparison of Civil Law and Islamic Law Systems and Their Interaction in the Indonesian Legal System," Jurnal Hukum, Vol. 13 No. 2, 2016, p. 193

⁴Pujiyono, 2007, Collection of Criminal Law Writings, Mandar Maju, Bandung, p. 66

⁵Heri Sumiarso, 2016, Law Enforcement Process Against Perpetrators of Violent Theft at Semarang Police, Thesis, Unissula, Semarang, p.1.

⁶Soerjono Soekanto, 1992, Crime in Society, Prisma, Jakarta, p. 5

⁷Hamdiyah, Analysis of the Elements of the Crime of Theft: A Legal Review, Tahqiqa Journal, Vol. 18, No. 1, 2024, p. 98.

⁸Ibid.

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intent to appropriate it unlawfully, is guilty of theft, with a maximum prison sentence of five years or a maximum fine of nine hundred rupiah."⁹

According to the Criminal Code, the crime of theft is divided into several categories, namely ordinary theft, aggravated theft, minor theft, theft with violence, and theft within the family. Based on the provisions of the Criminal Code,¹⁰ Theft in its principal form is regulated in Article 362 of the Criminal Code which states that anyone who takes something that is wholly or partly owned by another person with the intention of possessing it unlawfully, is threatened with theft with a maximum imprisonment of five years or a maximum fine of sixty rupiah. While in Articles 363 and 365 of the Criminal Code, it is theft in a certain way or under certain circumstances with a criminal penalty of more than 5 years imprisonment. As for minor theft in the Criminal Code is regulated in Article 364 which states that the acts described in Article 362 and Article 363 point 4, as well as the acts described in Article 363 point 5, if not committed in a house or enclosed yard where there is a house, if the value of the stolen goods is not more than twenty-five rupiah, is subject to, for minor theft, a maximum imprisonment of three months or a maximum fine of sixty rupiah.¹¹

Aggravated theft is ordinary theft which in its implementation is accompanied by certain aggravating circumstances.¹² For example, if it is committed at night, by more than one person, or by means of damage. Due to its nature, theft carries a heavier penalty.¹³ The elements that aggravate the threat of criminal punishment in theft with qualifications are caused because the act is aimed at a specific object or because it is carried out in a specific way and can occur because the act produces specific consequences.¹⁴

Aggravated theft not only causes material losses but also creates public unrest and disrupts social stability. In this regard, the role of the Indonesian National Police (Polri) is crucial, given that its primary duty and function is to maintain public order and security.

The Indonesian National Police (Polri) has both preventive and repressive functions in handling theft crimes. In its preventive role, the National Police strives to prevent theft through routine patrols, legal education, the installation of security posts, and encouraging communities to establish neighborhood security systems such as neighborhood watch (siskamling). Once theft has occurred, the National Police carry out a repressive function through investigation and prosecution.

⁹Kadek Putra Yasa, Ni Putu Rai Yulianti, Dewa Gede Sudika Mangku, Implementation of Restorative Justice in the Settlement of Criminal Acts of Theft within the Family Circle at the Prosecutor's Office, *Journal of Sui Generis Law*, Volume 3 Number 3, July 2023, 136.

¹⁰Guruh Bagus Eddy Suryana, The Implementation of Restorative Justice in Handling the Crime of Theft, *Ratio Legis Journal*, Volume 1 No. 4, December 2022, p. 703.

¹¹Andi Dwisantosa & Umar Ma'ruf, Investigation of Criminal Acts of Theft Based on Restorative Justice, *Khaira Ummah Law Journal*, Vol. 20 No. 1 March 2025, p. 68.

¹²Alan Wahyu Pratama (et.al), Legal Review of the Crime of Aggravated Theft Committed by Children Jointly (Study of Decision No. 03/Pidsus Anak/2015 /PN.Pwd). *Diponegoro Law Journal*, Vol. 5, No. 3, 2016, p. 6

¹³Hermien Hadiati Koeswadji, 1984, Property Crimes. Principles of Cases and Their Problems, Sinar Wijaya, Surabaya, p. 25.

¹⁴Wahyu Nugroho, Disparity in Sentencing in Aggravated Theft Cases, *Jurnal Judisial*, Vol. 5, No. 3, December 2012, p. 625.

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During the investigation, the Indonesian National Police (Polri) seeks and collects evidence, examines witnesses, conducts a crime scene investigation, and identifies the perpetrators for legal proceedings. During this stage, the Polri focuses not only on arresting the perpetrators but also on ensuring that the legal process is conducted professionally, objectively, and respects human rights. Firm action against perpetrators of theft provides a deterrent effect and serves as a form of protection for the community.

One of the cases of aggravated theft is case Number: LP/B/15/V/2025/SPKT/Bintan Police/Riau Islands Police, dated May 16, 2025, with suspects FAP and RSM on suspicion of aggravated theft under Article 363 Paragraph (1) 4 of the Criminal Code. The suspect and his friends stole a Jupier Z motorbike in front of the garage of a house located on Jl. Gesek Km.18 RT.013 RW.002, South Toapaya Village, Toapaya District, Bintan Regency. At the time of the motorbike theft, there were no people around the location and the vehicle was parked, in which 3 other motorbikes were also parked, namely a Honda Vario motorbike, a Suzuki Satria FU motorbike and a Honda Supra motorbike. The loss suffered by the victim was Rp. 8,000,000,-

In practice, the National Police (Polri) must face various challenges in carrying out the investigation of theft crimes, including following strict legal procedures to ensure a fair legal process. This can sometimes slow down the handling of cases. Furthermore, in theft cases, there are often no witnesses or direct evidence because the evidence is no longer with the suspect. The absence of witnesses or CCTV footage is another obstacle in identifying suspects, resulting in protracted case resolution. In facing the increasingly complex challenges of theft investigations, the National Police (Polri) is required not only to prosecute perpetrators but also to improve institutional quality and professionalism. Social change, technological developments, and increasing theft methods require the National Police to adapt and innovate to optimally protect the public. Therefore, this study aims to determine and analyze the effectiveness of the investigation of aggravated theft crimes at the Bintan Police Resort.

2. Research Methods

The approach used in this research is sociological juridical, with descriptive analytical research specifications. The data used are primary and secondary data. Data collection methods include field studies and literature reviews, while data analysis uses qualitative analysis.

3. Results and Discussion

3.1. Implementation of Investigations into Perpetrators of Aggravated Theft Crimes at the Bintan Police Resort (Polres)

Aggravated theft is one of the crimes that frequently occurs in the jurisdiction of the Bintan Police. Based on research results from 2023 to 2025, the Bintan Police received 41 reports of aggravated crimes. The details of the cases are as follows: in 2023, there were 11 cases, all of which were transferred to the prosecutor's office, in 2024 there was an increase, namely 19 cases, all of which were transferred to the prosecutor's office, while in 2025 until

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October there were 11 cases of theft handled by the Bintan Police, but only 9 cases were transferred to the prosecutor's office, while 2 cases were still under investigation because the suspect had not been found.

The factors causing the crime of aggravated theft at the Bintan Police are economic factors, low education and legal understanding of the community, the influence of the social environment, urgent needs and a consumerist lifestyle, and weak supervision and environmental security.¹⁵

Based on the results of the interview with the Head of Unit 4 of the Bintan Police Criminal Investigation Unit, the main stages in the investigation process for aggravated theft are the same as the investigation of criminal acts in general, based on the Criminal Procedure Code and the Regulation of the Chief of Police Number 6 of 2019 concerning Criminal Investigation. The stages of the investigation are as follows:¹⁶

1. Receipt of report

Report acceptance is receiving and recording Police Reports in a measured, clear, effective and efficient manner. In the case example, in this case Tim The Bintan Police Criminal Investigation Unit Opsnal together with the Gunung Kijang Police Criminal Investigation Unit received information from the public by bringing CCTV footage about the alleged presence of 3 perpetrators of the crime of motorbike theft who took a Jupiter Z motorbike which was parked in front of the garage.

2. Investigation

An investigation is the initial stage in seeking and gathering information related to suspected criminal acts. In this case, the Criminal Investigation Unit's operational tip Together with the Gunung Kijang Police Criminal Investigation Unit, they immediately conducted an investigation and located the suspects and evidence. They were then interrogated and confessed to their actions. The suspects were then taken to Bintan Police Headquarters for further questioning.

This is in line with the provisions of Article 5 paragraph (1) letters a and b of the Criminal Procedure Code states that investigators, due to their obligations, have the authority to receive reports or complaints from a person regarding a criminal act, to seek information and evidence. Furthermore, investigators can also take action in the form of arrests, prohibitions on leaving a place, searches and detention.

3. Investigation Commencement Order (SPDP)

After the report is received and sufficient preliminary evidence is found, the investigator issues an Investigation Task Order and a Notification Letter of Commencement of Investigation to be submitted to the prosecutor's office.

¹⁵Results of an interview with IPDA Yofi Akbar, as Head of Unit 1 of the Bintan Police Criminal Investigation Unit, November 25, 2025.

¹⁶IPDA Horas Sahatma Hatuaoran, as Head of Unit 4 of the Bintan Police Criminal Investigation Unit, November 25, 2025.

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4. Forced action

Coercive measures include arrest, search, and seizure when necessary. Based on the provisions of Article 18 of the Criminal Procedure Code, it is stated that the execution of the arrest task is carried out by officers of the Republic of Indonesia National Police by showing an assignment letter and giving the suspect an arrest warrant that lists the suspect's identity and states the reasons for the arrest as well as a brief description of the suspected crime and the place where he is being questioned.

Arrest is usually followed by detention. According to Article 20 of the Criminal Procedure Code, it is stated that for the purposes of investigation, investigators or assistant investigators, upon the order of the investigator, have the authority to make a detention. Furthermore, Article 21 of the Criminal Procedure Code states that a detention order or further detention is issued against a suspect or defendant who is strongly suspected of committing a crime based on sufficient evidence, in the event of circumstances that raise concerns that the suspect or defendant will flee, damage or eliminate evidence and/or repeat the crime. Such detention can only be imposed on a suspect or defendant who has committed a crime and/or attempted or provided assistance in the crime if the crime is punishable by imprisonment of five years or more. Thus, the detention of a suspect for aggravated theft is in accordance with the provisions of Article 21 of the Criminal Procedure Code considering that the penalty is 7 years.

5. Inspection, in the form of examination of witnesses, experts and suspects.

Witness examination aims to obtain information regarding the crime, the perpetrator, and the circumstances surrounding the incident. In theft cases, witness examinations typically include the victim, witnesses who saw/heard (factual witnesses), witnesses with knowledge of the circumstances, such as the person who first discovered the scene, and local security officers.

The suspect's examination is conducted to clarify the suspect's role, motive, and involvement in the crime of aggravated theft. The examination is conducted with due regard to the suspect's rights (legal assistance, freedom from pressure, and being informed of the article of suspicion). Matters explored in the suspect's examination include the motive and purpose of committing the theft, how to enter the location, the tools used, whether the act was carried out alone or in a group, where the stolen goods were taken, sold to whom, or hidden, the role of each perpetrator, and the suspect's alibi or self-defense against the investigator's suspicions. The suspect's statement must be recorded and signed, and used to match it with witness statements, evidence, and other investigative results. If necessary, an expert examination is also carried out, but in the example case, no expert examination was conducted.

6. Case title, namely a comprehensive discussion and analysis of the case

The case title based on Article 32 of the Chief of Police Regulation Number 6 of 2019 concerning Criminal Investigation is carried out to determine:

a. determine whether it is a criminal act or not;

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- b. determine the suspect;
 - c. termination of investigation;
 - d. transfer of cases; and
 - e. solving investigation obstacles.
7. Preparation of case files, by compiling the files completely and final

According to Article 27 of the Indonesian National Police Chief Regulation Number 6 of 2019, it is stated that after the investigation is completed, a summary is made as a summary and conclusion of the results of the criminal investigation. If the summary is completed, the contents of the case file are compiled, which includes the completeness of the investigation administration. The investigation administration consists of the contents of the case file; and b. not the contents of the case file.

8. Submission of case files

Article 28 of the Indonesian National Police Chief Regulation Number 6 of 2019 states that case files are submitted to the Public Prosecutor after the completion of the investigation process. If the case files are returned by the Public Prosecutor to the Investigator, the case files are returned to the Public Prosecutor after fulfilling the Public Prosecutor's instructions regarding deficiencies in the contents/material of the case files.

9. Handover of suspects and evidence

Article 29 of the Indonesian National Police Chief Regulation Number 6 of 2019 states that the handover of suspects and evidence is carried out after the case file is declared complete by the Public Prosecutor. If the suspect is not detained and is feared to flee or is uncooperative, for the purpose of handing over the suspect and evidence to the Public Prosecutor, the suspect may be arrested and detained. In the case of a speedy examination procedure which is a case of a minor crime, and/or a traffic violation case, the Investigator with the authority of the Prosecutor shall by law hand over the case file, evidence, witnesses, and defendant to the court. The investigation ends after the case file, suspect, and evidence are sent to the public prosecutor.

Based on the description above, it can be seen that the investigation of aggravated theft is conducted through an inquiry and trial process. During the investigation stage, a series of coercive measures are carried out in the form of summonses, arrests, detentions, and so on. confiscation of evidence, and examination of documents. This is in line with the provisions of Article 16 of Regulation Number 6 of 2019 concerning Criminal Investigation, which states that criminal investigation activities consist of investigation; commencement of investigation; coercive measures; examination; determination of suspects; filing; submission of case files; submission of suspects and evidence; and termination of investigation. In the case of aggravated theft handled by the Bintan Police during the period 2023 to 2025, all cases were escalated to the prosecution stage, so there has never been a termination of investigation.

3.2. Effectiveness of Investigations Against Perpetrators of Aggravated Theft at Binta Police Stationn

Legal effectiveness can be understood as a measure of the extent to which a legal norm or rule is able to realize the objectives for which it was created. The success of a legal rule in achieving these objectives can be assessed through the law's ability to direct and control societal behavior. As part of a social system, law is expected to function in harmony with its orientation, namely to provide protection and encourage the development of values that are alive and respected by society.

Law enforcement through investigative efforts aims to align prevailing values with legal principles deemed appropriate, to realize actions and behaviors that reflect the desired values, and to maintain and preserve order and peace in social life. The effectiveness of investigations into the crime of theft as regulated in the Criminal Code needs to be reviewed to assess the extent to which these legal objectives have been met, especially since the rampant violations are often related to the suboptimal implementation of law enforcement.¹⁷

Legal effectiveness reflects the degree to which a rule succeeds in achieving its stated objectives, as seen when individuals act in accordance with applicable legal provisions and regulations, and are implemented and complied with. The benchmark for legal effectiveness is reflected in the level of public compliance with existing rules as a means to achieve desired goals. Thus, the success of a legal norm can be assessed by its ability to direct and control societal attitudes and behavior in accordance with its stated objectives.

The crime of aggravated theft is a type of ordinary theft crime but accompanied by additional elements, where in addition to fulfilling the elements of the crime in the form of the main crime, it is combined with other elements as regulated in Article 363 of the Criminal Code. In the event of an incident suspected of being a crime, the first thing the police do after receiving a report and/or complaint is to carry out an investigation and inquiry.¹⁸

Based on research at the Bintan Police, investigations into aggravated theft have been quite effective. This is reflected in the successful handling of the majority of police reports, ultimately leading to the transfer of case files to the prosecutor's office. This effectiveness is supported by several factors, including the following:¹⁹

1. Competence of investigative personnel, most of whom have adequate education and technical skills

¹⁷Nisa Amalia Adlina, Effectiveness of Online Gambling Law Enforcement in Indonesia: Overcoming Regulatory and Implementation Barriers, *Journal of Contemporary Law Studies*, Volume 2, Number 2, 2025, p. 203.

¹⁸Agung Budiarto, Proving the Elements of the Crime of Aggravated Theft at the Investigation Level (Case Study at the Boyolali Police Resort), *Legal Dynamics*, Volume 13, No. 3, October 2022, p. 27

¹⁹Results of an interview with IPDA Yofi Akbar, Head of Unit 1 of the Bintan Police Criminal Investigation Unit, November 25, 2025

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In terms of capabilities, Satreskrim personnel generally possess good competencies and are capable of carrying out their duties. However, some new personnel are still adjusting to the workload and pace of the Satreskrim Unit, requiring time for adaptation.

2. Availability of investigative facilities and infrastructure, such as examination rooms and supporting equipment for the investigative process

Based on research at the Bintan Police, it was found that the investigative facilities and infrastructure at the Bintan Police Criminal Investigation Unit are generally adequate and can support the implementation of their duties. Available facilities include an investigator's office, an examination room, computers, printers, an internet connection, recording equipment, official vehicles, and other administrative equipment. With this infrastructure support, the investigation process can proceed effectively according to operational needs. However, regular maintenance, strengthening, and updating of infrastructure are still necessary to improve the quality of investigations.

3. Good coordination with the community, especially in reporting, information delivery and witness statements

Good coordination with the community is a crucial factor in supporting the effectiveness of criminal investigations, including aggravated theft. In relation to investigations at the Bintan Police, a harmonious relationship between police officers and the community serves as a bridge to obtain initial information, clues, and relevant information in solving a case. Reports from the community are the first entry point in the investigation process, so a rapid response and easy access for the public to file reports are indicators of the quality of this coordination. Public support in providing accurate and timely reports helps investigators effectively handle cases from the initial stages.

The effectiveness of the investigation of aggravated theft at the Bintan Police can be analyzed by examining the extent to which the investigation process is able to fulfill the objectives of law enforcement, namely to find material truth and ensure that the suspect can be held accountable in accordance with applicable legal provisions. In the context of implementation in the field, the Bintan Police have in principle implemented the normative framework as stipulated in the Criminal Procedure Code and the Regulation of the Chief of Police Number 6 of 2019 concerning Criminal Investigation, so that the procedural aspects of the investigation have generally been carried out according to established operational standards. This is reflected in the orderly administration of the investigation, the clarity of the process of examining witnesses and suspects, and the careful collection of evidence that forms the basis for determining the suspect.

The Bintan Police Department has been able to assess the effectiveness of the investigation into aggravated theft. However, the investigation still faces challenges, such as the perpetrator fleeing, limited eyewitnesses, and the vast scope of the investigation, which

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requires more time to handle. Despite these challenges, the overall investigation process continues to run smoothly and supports professional and proportional law enforcement.²⁰

4. Conclusion

The investigation into the crime of aggravated theft at the Bintan Police Resort has been carried out in accordance with the provisions of the Criminal Procedure Code and the Regulation of the Chief of Police Number 6 of 2019 concerning Criminal Investigations, thus fulfilling the principle of legal certainty. The investigation into the crime of aggravated theft at the Bintan Police Resort has also been effective, as reflected in the majority of police reports being handled properly, up to the stage of transferring the case files to the prosecutor's office. Despite several obstacles, the overall investigation process continues to run smoothly and is able to support law enforcement in a professional and proportional manner.

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