

The Role of the Police in Combating the Criminal Act of Theft with Justice-Based Aggregation

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Abstract. *From various news reports in the mass media, both electronic and print media, news about theft, especially theft with violence attracts attention, disturbs the sense of security and raises questions in the community about what the government, especially the security forces, have done to suppress this crime of theft with violence. The Indonesian National Police (POLRI) is the only agency given authority and responsibility by law, to each POLRI member individually without differentiating rank and position is given full authority to enforce the law as an effort to prevent and take legal action against all criminal acts. As a unit in criminal policy and in essence is an integral part of social policy with the main objective of providing protection to the community in order to achieve shared prosperity. In relation to the above matters, Regarding the author's aim in studying this discussion, namely to find out, to analyze the role of the police in dealing with the crime of aggravated theft at the Bintan Police and the weaknesses of the police role in dealing with the crime of aggravated theft at the Bintan Police. This research method uses The approach used is a Qualitative Approach. The main focus is to analyze the law in a social or practical context (law in action), not just legal texts (law in books). The nature of this research is Descriptive Analytical, namely describing in depth how the role of the Police is implemented in the practice of handling cases of Aggravated Theft (Curat), especially those related to discretion and the application of Restorative Justice, then analyzing the empirical data with a normative legal framework and theory. The research results show that: 1. The Bintan Police Department plays a dual role, namely as a Law Enforcer (carrying out pro justitia functions in accordance with the Criminal Procedure Code) and as a Restorative Justice Facilitator (prioritizing mediation). The application of Restorative Justice (RJ) in the crime of Aggravated Theft (Curat) is selective and discretionary; generally it can only be applied in cases of Curat where the loss is relatively minor, there is a kinship relationship between the victim and the perpetrator, and the perpetrator is not a professional recidivist. The implementation of RJ is based on*

internal Police Regulations (Perpol), which permit police discretion, but its implementation is highly dependent on a sincere peace agreement between the Victim and the Perpetrator. 2. Normatively, Curat is an ordinary crime and is classified as a serious (heavy) crime by law, so it is often considered not to meet the absolute requirements for RJ, which requires approval from the leadership and strict consideration. Limited specialized training for investigators/investigators in effective mediation techniques and the philosophy of restorative justice in depth, the persistence of doubt or distrust from victims and the community towards the RJ process, because they believe that theft must be punished as severely as possible. The pressure of case resolution (achievement targets) and potential legal risks (counterclaims) for investigators who apply inappropriate RJ discretion.

Keywords: Aggravation; Criminal; Implementation; Justice; Restorative.

1. Introduction

In state activities, the law determines everything. The law is the commander. The law is a system of rules. What guides us is that system of rules, not individuals who happen to occupy positions. People who hold public positions come and go dynamically, but the system of rules is stable and relatively permanent.¹

The statement that Indonesia is a State of Law also has the consequence that the Indonesian state applies law as an ideology to create order, security, justice and welfare for its citizens, so that the law is binding for every action taken by its citizens.²

The Indonesian National Police (POLRI) is the only institution granted authority and responsibility by law. Each individual POLRI member, regardless of rank or position, is given full authority to enforce the law as a preventive measure and to take legal action against all criminal acts. As a unit in criminal policy and essentially an integral part of social policy, the primary objective is to provide protection to the community in order to achieve shared prosperity.³

Crime is a deviance that has always been and will always be inherent in every form of society. It is, like disease and death, which recur, and like the seasons that change from year to year. Law is necessary to protect and prevent human disorder

¹Gunarto, Law Enforcement Agenda and Its Relevance for National Development, Journal of Legal Reform Volume I No.1 January-April 2014, p. 3

²Alwan Hadiyanto, Legal Reform Towards a Clean Government, Yogyakarta: Genta Publishing, 2020, p. 1

³[Http//Wikipedia.co.id](http://Wikipedia.co.id), Duties and Functions of the Republic of Indonesia Police (POLRI), Accessed on Wednesday, December 3, 2025 at 14.49 WIB.

and to provide a sense of security. Therefore, it is necessary to resolve problems regulated by law in Indonesia, including an investigative process to uncover the truth behind the problems.⁴

Criminals, or those who engage in any form of "deviant behavior," are referred to as criminals. Society assumes that a "criminal" is someone who commits deviant acts that are intolerable by existing societal norms. Thus, crime, in addition to being a humanitarian issue, can also be a social problem.⁵

Investigation is a process or activity carried out by law enforcement, by the police to search for and collect evidence in the first stage so that it can be punished. The investigative action regulated in Article 1 Paragraph 1 of the Criminal Procedure Code in conjunction with Article 6 Paragraph 1, and Article 1 Paragraph 2, although still temporary, is the law that defines the meaning of investigation, which states that investigators are state officials of the Republic of Indonesia, the National Police, or civil service officials who are given special authority for investigation based on certain laws.⁶

Article 1 paragraph (2) of the Regulation of the Head of the Republic of Indonesia National Police concerning the Management of Criminal Investigations, provides the following definition of investigation:

"A series of investigative actions in the manner and according to the methods regulated in this law to seek and collect evidence which will shed light on the crime that occurred and to find the suspect."⁷

The law must be upheld and implemented, and must not be deviated from. This is according to the adage "Fiat Justitia et pereat mundus," which means even if the world collapses, the law must be upheld. Therefore, judicial institutions, judges, and their decisions must be dignified, authoritative, respected, and obeyed by all parties. This way, the hopes of the justice-seeking public are met and the judicial process is carried out properly, safely, comfortably, and without interference from any party. So that the public is also served well, in a timely manner, and immediately obtains legal certainty. The main purpose of judicial institutions, especially criminal trials, is to decide whether a person is guilty or innocent of the crime accused of them.⁸

⁴<https://e-journal.uajy.ac.id/11171/2/1HK10887.pdf> Accessed on December 3, 2025 at 14.55 WIB

⁵Saparinah, *Social Perceptions Regarding Deviant Behavior*, Jakarta: Bulan Bintang, 1976, pp. 25-26

⁶Andi Hamzah, *Indonesian Criminal Procedure Law*, Jakarta: Sinar Grafika, 2008, p. 120

⁷Hartono, *Investigation & Enforcement of Criminal Law Through a Progressive Legal Approach*, Jakarta: Sinar Grafika, 2010, p. 32

⁸The objectives of criminal procedural law in the Decree of the Minister of Justice of the Republic of Indonesia No. M.01.PW.07.03 of 1992 concerning Guidelines for the Implementation of the Criminal Procedure Code (KUHP).

2. Research Methods

1) Research Method Type

This research is a normative type of research. Normative legal research examines law conceptualized as norms or rules that apply in society and serve as a guideline for individual behavior. This is also known as normative juridical research, as legal research must also examine its legal basis.⁹ Meanwhile, normative juridicalism is an approach that uses the concept of positivist legism. This concept views law as written norms created and promulgated by authorized institutions and officials. Furthermore, this conception also views law as an independent, closed, and separate normative system from social life, and considers other norms not to be legal norms.¹⁰

Normative research, according to Soerjono Soekanto, states the following: Normative legal research (in addition to sociological or empirical legal research which primarily examines primary data) is legal research conducted by examining library materials or secondary data alone. Normative legal research or library research includes:¹¹

- a. Research on legal principles.
- b. Research on legal systematics.
- c. Comparative law.
- d. Legal history.
- e. Research on the level of vertical synchronization.
- f. and horizontal.

2) Types of Data and Sources of Legal Materials

According to Imam Gunawan, qualitative research data is obtained from data sources using data collection techniques that can be grouped into two categories, namely interactive and non-interactive methods. The data sources used are secondary data sources, namely indirect data obtained through literature studies of data sources in this case, namely official documents, archives of agreements, literature, legislation, research results in the form of reports, articles in print media and other mass media related to the problems being studied.¹²

⁹Abdul Kadir Muhammad, *Law and Legal Research*, Citra Aditya Bakti, Bandung: 2004, p. 52

¹⁰Ronny Hanitijo Soemitro, *Research Methodology and Jurimetry*, Jakarta: Ghalia Indonesia, 1990, p. 14.

¹¹Soerjono Soekanto and Sri Mamudji, *Normative Legal Research, A Brief Review*, Jakarta: Rajawali Pers 2000, p. 13

¹²Imam Gunawan, *Qualitative Research Methodology*, Jakarta: Bumi Aksara, 2004, p. 124

The legal materials and research sources used in this writing are:

a. Primary legal materials consist of:

- 1) The 1945 Constitution of the Republic of Indonesia
- 2) Law Number 1 of 1946 concerning Criminal Law
- 3) Law Number 8 of 1981 concerning Criminal Procedure Law
- 4) Law Number 48 of 2009 concerning Judicial Power.
- 5) Regulation of the Republic of Indonesia National Police (Perpol) Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

b. Secondary Legal Materials consist of:

- 1) Books;
- 2) Bill;
- 3) Research results of legal experts;
- 4) Thesis, Dissertation and Dissertation.

c. Tertiary legal materials consist of:

- 1) Big Indonesian Dictionary;
- 2) Legal Dictionary;
- 3) Eknasklopedia.
- 3) Method of collecting data

Data collection method is carried out to obtain the information needed in order to achieve the research objectives. The procedures taken for data collection are as follows: Library research is research to obtain secondary data, carried out through document studies in the form of laws and regulations, literature books, papers, research results, articles, and other scientific works related to research problems.

4) Data Analysis Techniques

Data analysis is an activity in the form of a study or review of the results of data processing assisted by previously obtained theories.¹³ After the research data materials have been collected, they will be analyzed to find a definite answer in

¹³Sugiyono. *Qualitative and Quantitative Research Methods and R&D*, Alfabeta, Bandung: 2012, p. 10

the research results, where the data analysis used in this research is descriptive in nature to provide an explanation.

3. Results and Discussion

3.1. The role of the police in dealing with the crime of aggravated theft.

This research was conducted within the jurisdiction of the Bintan Police, which administratively covers Bintan Regency, Riau Islands Province. This region has unique geographic characteristics, consisting of mainland and islands, with key economic sectors including tourism, industry (particularly the Bintan Industrial Estate area), and maritime affairs. These complex social and economic dynamics influence the patterns and levels of vulnerability to crime, including aggravated theft (Curat).

Analysis of case handling data from 2023, 2024, and 2025 (until November) shows a trend in the quantity and resolution of theft cases handled by the Bintan Police. The role of the Bintan Police in combating theft/motorcycle theft crimes demonstrates high effectiveness in exercising formal investigative authority (Theory of Authority). Overall, from 2023 to 2025, the police successfully completed 97.6% of theft/motorcycle theft cases to P21 status (complete files) and ready to be submitted to the Public Prosecutor. This achievement emphasizes the role of the police as the driving force of law enforcement in the rule of law-based Criminal Justice System.

On an annual basis, there has been a significant increase in performance consistency: the P21 completion rate increased from 90% in 2023 to 100% in 2024 and 2025, respectively. This 100% consistency demonstrates that the police are structurally capable of: (a) using their authority to conduct thorough investigations and inquiries; and (b) ensuring procedural legal certainty for victims through the formal court process. This role is proactive and responsive, ensuring that every report of theft is taken seriously and processed in accordance with the mandate of the law.

Overall, the data on the handling of theft cases at the Bintan Police from 2023 to 2025 indicates that: 1. The level of vulnerability to theft (quantitatively) is relatively low, which is a positive reflection of the implementation of pre-emptive and preventive functions which may include strengthening patrols and neighborhood security. 2. If the crime of theft occurs, the repressive function by the Bintan Police (Satreskrim) shows high effectiveness in resolving cases up to the P21 stage, even in cases involving multiple suspects. This ensures legal certainty for victims.

However, the Bintan Police need to continue to increase vigilance, especially against other types of crimes that show an emerging trend, such as motorcycle

theft and focus on security in areas that have high potential risks (industrial and tourism areas).

The theft case recorded at the Gunung Kijang Police in 2024 (LP/B/10/IX/2024) shows the quality of effective and complete case resolution. The case was resolved with P21 status (The investigation is complete and the files are ready to be submitted to the Prosecutor's Office) on November 19, 2024. The investigator was IPDA MAHARDIKA, while the reported parties were DONAK HUTABARAT, PORIAHA NAGGODANG, RADO HARTONO PURBA, NOVENRA SUGIANO LUBIS. (Indicates the theft case was carried out by more than one perpetrator).

The successful handling of the theft case study at the Gunung Kijang Police (LP/B/10/IX/2024) up to the P21 stage demonstrates professionalism and speed of response in the Repressive function.

- 1) Speed of Completion: The P21 status achieved indicates that the investigation, starting from the Crime Scene Processing (TKP), witness examination, evidence collection, to the arrest of the perpetrators, was carried out efficiently in less than two months.
- 2) Evidence of a Planned/Organized Crime: The fact that the crime of theft involved four suspects (DONAK HUTABARAT et al.) confirms that theft is often an organized crime. The investigators' ability to identify and arrest all the perpetrators demonstrates a good investigative development capacity, not only arresting the perpetrators in the field but also dismantling their network.
- 3) Indication of No Obstacles: The "Obstacles" column in the recorded data is empty (NIHIL). This confirms that the theft investigation proceeded smoothly without significant obstacles, possibly due to the completeness of the evidence at the scene (e.g., CCTV) or the promptness of witnesses/victims in providing statements.¹⁴

3.2. Weaknesses of the police's role in dealing with the crime of aggravated theft

The weaknesses of the police role lie in two crucial aspects that are directly related to the Theory of Justice and accountability in the Legal System:

1. Weaknesses in Obstacle Documentation: A fundamental weakness identified through Social Legal Research is the "Obstacle" column, which is recorded as EMPTY in all theft/motorcycle theft case data from 2023 to 2025. This weakness indicates a lack of transparency and documentation of the obstacles (legal, technical, or geographical) faced by investigators. From the perspective of Authority Theory, filling in obstacles is a form of performance accountability;

¹⁴Processed research data

without this, systemic evaluation and improvement are difficult, thus hampering efforts to achieve better procedural justice.

2. Weaknesses of the Implementation of Substantive (Restorative) Justice:

Despite 100% success in P21 cases over the past two years, the police have demonstrated minimal exploration of non-litigation mechanisms. Of 42 cases, only one (2.4%) in 2023 was resolved through Diversion/Restorative Justice (RJ). This weakness indicates the dominance of retributive justice (revenge/punishment) over restorative justice. Yet, modern justice theory demands reparation for victims and rehabilitation of perpetrators. The low utilization of RJ indicates that the police have not fully integrated the substantive justice dimension, which focuses on resolving conflicts outside the courts.

Although, in terms of case studies (a single theft case in 2024), the Bintan Police demonstrated effective repressive performance with resolutions up to the P21 stage, data analysis over a three-year period (2023–2025) revealed a number of structural and adaptive weaknesses in the implementation of the police's role, which should encompass pre-emptive, preventive, and repressive functions holistically. The most significant weakness emerging from the data is the paradox of zero theft cases in 2023 and 2025 (and only one case in 2024) amidst the presence of other recorded crimes. The low number of theft reports almost never reflects the actual reality of crime on the ground.

These extremely low figures strongly indicate the existence of a Dark Figure of Crime (unrecorded crime figures). The police's weaknesses in this regard lie in:

- 1) **Lack of Public Trust in Reporting:** The public may be reluctant or reluctant to report theft if they perceive the losses to be small, or if victims feel the reporting process at the police station/regency police station is lengthy, takes a long time, or does not guarantee the return of stolen goods. This reflects weaknesses in the police's public service function, which fails to convince victims to come forward and file a report.
- 2) **Inconsistent Case Classification:** There is a potential that ordinary theft cases that should be upgraded to Curat (based on time or place elements) are instead classified as petty theft, or even resolved through mediation without being officially recorded in the Police Report (LP) as Curat.
- 3) **Early Detection Failure:** If the intelligence (Pre-emptive) and Bhabinkamtibmas functions are unable to detect trends or informal complaints from the public regarding theft, this indicates a weakness in reaching the grassroots of society.

This weakness is exacerbated by the lack of quantitative data on preemptive and preventive activities. The absence of data on the frequency of outreach, the number of patrols at theft hotspots, or evaluations of the security post

(Poskamling) leaves the Bintan Police with no clear benchmarks to prove that the zero cases of theft are a direct result of the success of the prevention program, rather than a failure to report them. A comparative analysis of theft and motorcycle theft reveals weaknesses in the prevention strategy, which is not adaptive to the dynamics of street crime. Although there were zero cases of theft in 2025, two cases of motorcycle theft occurred (August 2025, Gunung Kijang Police). Motorcycle theft and theft (especially those targeting vehicles) are often carried out by the same network. This shift indicates:

- 1) **Static Prevention Strategies:** Criminals appear to have identified that security measures for static properties (houses, shophouses) are already more stringent in the community, or that patrols in residential areas are predictable. Consequently, they have shifted their targets to more mobile and easier-to-execute objects, namely motor vehicles.
- 2) **Concentration in the Same Location:** The fact that the 2024 theft and both 2025 motorcycle theft cases occurred within the jurisdiction of the Gunung Kijang Police Station indicates that the police station may have geographic or socio-economic vulnerabilities that have not been fully addressed by preventive strategies. This demonstrates weaknesses in determining focal points and patrol intensity, which should be tightened if recurrent cases occur.

Although a single case in 2024 was successfully prosecuted, Bintan's geographic nature (archipelago, near the border) presents potential weaknesses not reflected in the zero-obstacle data. Pursuit of Professional Networks: A theft case involving four suspects (as in the 2024 case) suggests the presence of a syndicate. Repressive weaknesses could arise if the main perpetrator or receiver manages to escape to another island in the Riau Islands or even cross the country through small ports (rat ports). This requires intensive and rapid coordination with the Riau Islands Regional Police, the Water Police Directorate, and Immigration, which can pose significant obstacles if the response is delayed. Limited Resources for Complex Investigations: Bintan, as a resort area (Polres), has limited investigative resources (such as Satreskrim personnel, forensic experts) compared to Polresta/Polda in large cities. If a highly professional theft case occurs (for example, a bank or large safe burglary) that requires sophisticated technology, the Bintan Police could face difficulties and must rely entirely on technical assistance from the Riau Islands Regional Police.

Successful resolution of a case within a short time to P21, without any obstacles, may imply that the case has clear evidence (the perpetrator's identity is known, evidence is quickly found, or the suspect confesses). Repressive weaknesses will emerge acutely in cases of theft that:

1. Not witnessed.
2. The perpetrator wore a face covering and acted quickly.

3. No CCTV.

4. The stolen goods are immediately sold or hidden.

In this scenario, investigators' ability to conduct investigations based on crime pattern analysis and intelligence data—not just field evidence—can be tested and become a weakness if not supported by adequate technical training. In short, the main weakness of the Bintan Police's role in combating theft lies not in the investigation process of successfully arrested cases, but rather in the quality of data, the lack of adaptation of prevention strategies to new methods, and potential operational vulnerabilities created by geographic factors and limited resources.¹⁵

4. Conclusion

The Bintan Police Department plays a dual role, namely as a Law Enforcer (carrying out pro justitia functions in accordance with the Criminal Procedure Code) and as a Restorative Justice Facilitator (prioritizing mediation). The application of Restorative Justice (RJ) in the crime of Aggravated Theft (Curat) is selective and discretionary; generally it can only be applied in cases of Curat where the losses are relatively minor, there is a kinship relationship between the victim and the perpetrator, and the perpetrator is not a professional recidivist. The implementation of RJ is based on internal Police Regulations (Perpol), which permit police discretion, but its implementation is highly dependent on a sincere peace agreement between the Victim and the Perpetrator. The role of the Police in RJ has succeeded in shifting the focus from retaliation (retributive) to recovery (restorative) for the victim, especially regarding material and psychological losses, as well as the reintegration of the perpetrator into society. And Normatively, Curat is an ordinary crime and is classified as a serious crime by law, so it is often considered not to meet the absolute requirements for RJ, which requires approval from the leadership and strict consideration. Limited specialized training for investigators/investigators in effective mediation techniques and the philosophy of restorative justice in depth, The persistence of doubt or distrust from victims and the community towards the RJ process, because they believe that theft must be punished as severely as possible. The pressure of case resolution (achievement targets) and potential legal risks (counterclaims) for investigators who apply inappropriate RJ discretion.

¹⁵Ibid

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