

The Role of Investigators in Handling the Criminal Acts of Embasement with Aggregating Punishment in Merauke District

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Abstract

The crime of embezzlement with weighting is regulated in article 374 of the Criminal Code. Article 374 of the Criminal Code states that embezzlement with weighting is embezzlement committed by those who control an object because of their position or because of their work or because they get money in return. This study aims to determine the role of investigators in dealing with criminal acts of embezzlement by weighing and to analyze the obstacles faced by Merauke Resort Police investigators. The research method used is empirical juridical with a statutory approach and a conceptual approach with interviews, observation and documentation techniques. The results of this study explain that there are efforts by Merauke Resort Police Investigators in dealing with the crime of embezzlement with weighting starting with preventive efforts where in preventive efforts such as carrying out inspections of companies and institutions in the Merauke area, outreach, collaboration with the media. Furthermore, carrying out repressive efforts such as conducting investigations, investigations to arrests.

Paper Type: Research Article

Keywords: Polri Inverstigators; Embezzlement; Handling

Note: The total of word accounts in the abstract should not be more than 300 words



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Introduction

According to Article 1 paragraph 3 of the 1945 Constitution, "Indonesia is a State of Law." That is the basis for the establishment of the Indonesian state. The method by which the desired regulations are fulfilled and obeyed by the entire community is known as law enforcement. All Indonesians want the laws of the country to run well so that society can enjoy justice and harmony.

The law enforced in Indonesia refers to norms that can provide a lesson so as not to repeat the crimes that have been committed. If there is no justice and peace in a country, it will hinder the progress of development and maximum progress, therefore, to protect the creation of peace and justice, law enforcers are needed, commonly called the Police. If we talk about law enforcement, it is automatically related to the POLRI (Indonesian Republic Police) because they are tasked with enforcing the law (law enforcement) and maintaining order (order maintenance). So, the meaning of law enforcement is to combine values and norms in order to realize harmony between humans so that peace is created (Soerjono Soekanto, 1983). The public really wants the Indonesian National Police to carry out their duties with honesty and wisdom in accordance with the applicable laws so that the Indonesian National Police can protect, serve and serve the public (Pudi Rahardi, 2007).

Every day the forms of crime are increasingly diverse, this is influenced by the development of the times so that the types and crimes are increasing. Even now, there are often crimes against property, including several crimes related to property and property; One of these crimes is known as embezzlement, where abuse of trust acts as a key aspect of this embezzlement crime. The unlawful act of embezzlement committed by a person who has authority can be categorized as aggravated embezzlement, as explained in Articles 374 and 375 of the Criminal Code. Book II (Two) of the Criminal Code, Chapter XXIV, Criminal Acts Against Property and Assets, this violation is defined in Articles 372 (ordinary embezzlement), 373 (minor embezzlement), 374 and 375 (aggravated embezzlement), and 376 (emotional embezzlement). stealing in the family) (Ismu Gunadi and Jonaedi Efendi, 2014).

According to the Big Indonesian Dictionary (KBBI), it states that: "Embezzlement is defined as the process, technique, and act of embezzlement (misappropriation) involving the unauthorized use of goods (KBBI, 2012)."

Like other crimes, embezzlement with aggravation is regulated by Articles 374 and 375 of the Criminal Code. The crime of embezzlement with aggravation is a criminal act of embezzlement in its primary form because there are other components that aggravate the criminal danger that must be increased. Qualified embezzlement is the legal phrase for it.

The following is an explanation of Criminal Code Articles 374 and 375 as follows: (1) Aggravated embezzlement in Criminal Code Article 374 is formulated as follows: Embezzlement committed by a person who possesses a commodity for the purpose of employment, search, or receiving compensation for it is punishable by up to five years in prison. The aggravating factor in this Article is the aspect of "employment relationship," where "employment relationship" is defined as a relationship that develops as a result of an employment agreement, either verbally or in writing. Employment relationship does not only include relationships that occur in government organizations or companies, but also relationships that occur

individually. (2) Aggravated embezzlement as referred to in Criminal Code Article 375: Embezzlement committed by a person who is forced to be given goods for safekeeping, or by a guardian, administrator or executor of a will, administrator of an institution or social foundation, against something that is under his or her control, is punishable by a maximum prison sentence of six years.

The crime of embezzlement in office is classified as a crime that is difficult to uncover because it is characterized as a white-collar crime that is difficult to report because it is committed by someone with a position, rank, status, or power. As a result, the handling procedure does not always run smoothly, and many of the difficulties faced by law enforcement in this case are investigators. Based on the report, the author will raise and discuss the embezzlement case in this thesis with LP/12/678/X/2022/Polres Merauke/Polda Papua, October 13, 2022 is a criminal act of embezzlement committed by the suspect as the head of the finance department at PT. Papua Agro Lestari. This study discusses the Role of Investigators in Handling Criminal Acts of Aggravated Embezzlement in Merauke Regency.

Methodology

This research is a type of empirical legal research, or called field research, namely studying the applicable legal provisions and what happens in reality in society. To obtain the data and information needed, the author chose the research location at the Merauke Police. The population is all Police Investigators at the Merauke Police. The sample taken was 2 investigators from the Merauke Police.

Results and Discussion

The Role of Investigators in Handling Aggravated Embezzlement Crimes in Merauke Regency.

In general, crime prevention activities are classified into criminal (criminal law) or non-penal (other than criminal law). Efforts to eradicate crime through criminal channels focus more on the repressive nature, namely after the crime has occurred, while efforts to eradicate crime through non-penal channels focus more on the preventive nature, namely before the crime has occurred. The following is an explanation of how law enforcement handles non-criminal and criminal embezzlement:

a. Non-Penal (Preventive) Law Enforcement Efforts

Preventive action is an action taken to avoid or reduce the possibility of a crime occurring. In this scenario, law enforcement handles embezzlement as early as possible to ensure that there are no violations that conflict with applicable legal provisions. Police Brigadier Resi Paruseva is one of the general criminal investigator assistants. He explained that in handling this embezzlement crime, it is rather difficult to uncover, because most of these embezzlement crimes are committed by people who have high positions or ranks in a company or institution, so that in conducting an investigation it is very difficult to find evidence.

The preventive efforts that have been carried out by the Merauke Resort Police in handling criminal acts of embezzlement are:

- (1) Coordinating the socialization of law enforcement and knowledge of criminal acts of embezzlement, progressively creating and growing cooperation with company and institutional leaders, including private institutions.
- (2) Review and formulate settlement steps in accordance with the main tasks and functions of the Police in handling criminal acts of embezzlement.
- (3) Developing anti-embezzlement policies, such as the distribution of laws by the local Merauke Police Satbin.

So, according to the author, what the Merauke Police investigators said was that in preventing the occurrence of criminal acts of embezzlement, it is necessary to coordinate understanding of law enforcement and, socialization to company or institution leaders, determine steps and studies in law enforcement to handle criminal acts of embezzlement in order to prevent crimes from occurring, especially criminal acts of embezzlement in Merauke Regency

b. Penal (Repressive) Law Enforcement Efforts

Legal activities through correctional channels are focused on repressive actions, especially the elimination and prosecution to eradicate corruption. Legal policy, which includes measures to enforce criminal law against embezzlement, is included in social policy, which refers to logical programs or efforts to achieve community welfare.

The imposition of imprisonment or fines on perpetrators of embezzlement must go through a judicial procedure, although administrative sanctions can be imposed without going through a judicial process, but must meet the standards of good governance. To prevent and eliminate embezzlement, law enforcement officers must conduct an evaluation of embezzlement. Because achieving integrated law enforcement is basically the harmonization of values and norms in society, coordination is needed between the community and law enforcement officers as a form of anti-embezzlement law enforcement.

After a crime has occurred, repressive efforts are conceptual efforts to overcome it. Repressive efforts are designed to target perpetrators of crimes based on their actions and correct them so that they realize that the actions they have committed are illegal and very detrimental, so that they do not repeat them and others. Don't try it. Given the punishment they will face. If we talk about a repressive regime, then it is impossible for us to separate it from our criminal justice system which contains at least 5 (five) subsystems, namely the judicial subsystem, the prosecutor's office, the police, the correctional institution, and the judicial subsystem, all of which work together to form a coherent whole. unit. Based on research data obtained by the

author from the field, the number of cases of embezzlement in office in the city of Merauke is as follows:

Table 1. Embezzlement Case Data 2020-2022 In the Merauke Police Resort Area

Year	Number of Embezzlement Cases
2020	5
2021	8
2022	21

The Merauke Resort Police have successfully uncovered 34 cases of embezzlement in Merauke Regency from 2020 to 2022. Based on this explanation, it is reasonable to conclude that the embezzlement cases highlight the need for government and law enforcement, as well as the need for comprehensive law enforcement.

Law enforcement is repressive in dealing with criminal acts of embezzlement after the occurrence or existence of a crime. Such acts may be legal according to the provisions of Article 372 of the Criminal Code. In cases of embezzlement, law enforcement uses criminal methods. Penal strategy is a strategy that uses criminal law instruments. As mentioned in number one (1), law enforcement and the elimination of crime, namely the implementation of criminal law (criminal law application).

If seen from the data, the number of embezzlement cases that occurred in Merauke Regency is quite a lot, even from year to year the number increases, so according to the author, the Police need to improve their performance again. According to one of the investigators, Mr. AIPTU Karel Leunupun, the number of embezzlement cases in Merauke Regency is higher than the data obtained by the author, but because the Merauke Police still respects Many embezzlement cases are resolved by the family first, and if they cannot be resolved by the family, the case is processed by the police. Merauke Police have implemented the following punitive measures in dealing with the unlawful act of embezzlement:

- (1) Conduct investigations based on information collected from institutions and businesses, including private companies;
- (2) Immediately follow up on incoming reports and make arrests;
- (3) Conduct a thorough investigation to obtain information regarding the violations committed;
- (4) Complete the case files and submit them to the prosecutor's office as soon as possible to comply with all applicable laws and regulations.

From the results of an interview with one of the investigators, namely Mr. AIPTU Karel Leunupun, said that the Merauke Resort Police had formed a team called the Rajawali team. This Rajawali team was formed into 2 squads, each squad consisting of 10 people and this Rajawali team is what helps the investigation process when a crime occurs in Merauke Regency.

Obstacles Faced by Investigators in Handling Aggravated Embezzlement in Merauke Regency

a. Human Resources (HR)

The resources referred to here include resources used by investigators in conducting investigations, including sting operations, reports, and complaints, as well as information known to them. The investigator in question is a police officer or someone who seeks and collects evidence to solve crimes and arrest perpetrators. Human resource investigators are undeniably influential in the stages of the criminal justice system, especially in the police, starting with investigations, inquiries, arrests, detention, searches, seizures, and ending with files certified P-21 or complete.

Human resources of investigators are also needed in relation to the topic of actions that are within the jurisdiction of investigators, such as receiving complaints about a crime, seeking information and evidence to take action in accordance with the law and being held accountable. The authority of investigators in taking minutes of examination, knowledge of criminal law, criminal procedure law, and other laws and regulations, knowledge and skills in carrying out technical functions, all of which are characteristics of police professionalism in the field of criminal justice, especially investigative skills and tactics, and having knowledge and mastery of criminal cases are indicators of human resources of investigators

According to Mr. Aiptu Karel Leunupun, S.Kom and Mr. Brigadir Resi Paruseva, SH from the Merauke Resort Police, investigators must have an investigator's skep and have attended training in the field of law so that they can understand and comprehend the duties and functions of investigators.

There are also obstacles faced by the Merauke Resort Police in handling embezzlement cases, namely the lack of cooperation between companies or institutions and the Police because many companies or institutions do not understand the crime of embezzlement and most companies and institutions are very busy so they do not have time to think about the existence of this embezzlement crime. Most people who commit this heinous crime of embezzlement have positions, authority, and influence in a company or institution.

b. Means and Infrastructure

Facilities are instruments that can be used to help humans achieve certain tasks more easily. Facilities are closely related and function as the main support in an activity. Infrastructure, on the other hand, refers to everything that indirectly or directly supports all types of facilities. In general, the government owns and builds immovable property infrastructure.

In dealing with crimes such as embezzlement, facilities and infrastructure are very important. It is impossible for law enforcement to function efficiently and optimally without special facilities or facilities. These facilities and resources include educated

and skilled human resources, as well as the previously stated human resources, good organization, proper equipment, necessary funds, and so on.

Facilities and infrastructure greatly support the work of an investigator, for example, supporting facilities for technical matters such as stationery, administrative equipment for investigations, typewriters, recorders, and so on. From the results of the author's interview with an investigator, Mr. Resi Paruseva, it was said that several supporting facilities for the performance of Merauke Police investigators, namely using tools such as laptops, printers, HTs, vehicles, and others, are currently using personal belongings.

From the results of the author's interview with investigators from the Merauke Resort Police, there were constraints in terms of infrastructure and facilities, namely:

(1) Lack of personnel in handling this criminal act of embezzlement

The results of the author's interview with the investigator, namely Mr. Resi Paruseva, explained that there are still few investigators handling this embezzlement crime, because many investigators do not yet have an investigator's skep and have not attended the training courses.

(2) Often constrained by financial or cost problems

In this case, the investigator explained that there are often financial problems or lack of funds in handling a crime such as embezzlement, because embezzlement usually occurs in companies that are quite far away, so that additional costs are required to reach the investigation location.

(3) Supporting facilities for investigators' work are still limited

Regarding the supporting facilities for investigators in handling a crime or embezzlement, the necessary equipment is still very lacking, such as laptops, HTs, printers, vehicles and others, many of which are owned by private individuals, thus hampering the performance of the investigation.

Conclusion

Based on the findings of previous discussions and research, the author came to the following conclusions in this study: (a) The Merauke Police's efforts in handling embezzlement crimes are: (1) Preventive measures, the Merauke Police continue to communicate with corporate and institutional leaders, including private institutions, to coordinate the socialization and knowledge of law enforcement in handling criminal acts of theft of illicit funds. Review and determine the steps of the Polres and Polsek in enforcing the law in handling criminal acts of embezzlement, as well as law enforcement policy steps such as socialization of law enforcement by the local Polres Merauke Community Unit against criminal acts of embezzlement. We can reduce the crime rate in Merauke Regency by implementing these preventive efforts. (b) Repressive efforts, conducting investigations related to information obtained from institutions and companies including private companies, follow up on incoming reports as soon as possible and make arrests, conduct a thorough investigation to

obtain information about the crimes committed, and complete the case files and immediately delegate them to the prosecutor's office to ensure compliance with applicable laws and regulations. (b) Internal and external obstacles faced by Merauke Police investigators in handling this embezzlement crime, namely: (1) lack of cooperation between companies or institutions and the police because many companies or institutions do not yet understand the crime of embezzlement, (2) Most companies and institutions are so busy that they don't have time to think about this crime of embezzlement, (3) Usually, people who commit the crime of embezzlement have position, authority and influence in a company or institution, (4) Where the number of investigators who can handle cases of embezzlement is still small, (5) In terms of infrastructure, there is a lack of supporting facilities and it is often hampered by financial or cost problems.

References

Departemen Pendidikan Nasional. 2012. *Kamus Besar Bahasa Indonesia*, Jakarta: Pusat Bahasa (Edisi Keempat). PT. Gramedia Pustaka Utama.

Ismu Gunadii dan Jonaedi Efendi, 2014, *Cepat & Mudah Memahami Hukum Pidana*, Kencana, Jakarta.

Pudi Rahardi, 2007, *Hukum Kepolisian (Profesionalisme Dan Reformasi Polri)*, Surabaya: Laksbang Mediatama.

Soejono D. 1976. *Penanggulangan Kejahatan (Crime Prevention)*. Bandung: Alumni.

Republik Indonesia. *Undang-Undang Tentang Peraturan Hukum Pidana*. Nomor 1 Tahun 1946.

Republik Indonesia. *Undang-Undang Tentang Kepolisian*. Nomor 2 Tahun 2002.
Republik Indonesia. *Pengawasan Dan Pengendalian Penanganan Perkara Pidana Di Lingkungan Kepolisian Negara*, Perkap No. 12 Tahun 2009