
The Role of Sanana Police in Handling the Criminal Case of Livestock Theft in Waitina Village, Sula Islands Regency

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Abstract

This study aims to determine the role of the Sanana Resort Police in uncovering cases of criminal theft, especially the theft of livestock (cows) in Waitina Village, Sula Islands Regency. There was some livestock theft reported to the Sanana Police Station from 2019 to 2020. This study also aims to find out the factors that become obstacles for the police in investigating the crime of livestock theft in Waitina village. This is empirical normative research. The results of the study show that there was no solution to any livestock theft from the Sanana Police Station from 2019 to 2020. This is because people who are victims of theft find it difficult to report to the police as the distance between the village and the police station is very far and only a small number of vehicles from the village can reach the city center. Meanwhile, the police investigation was limited there was a time span were several days and even weeks from when the theft occurred and the public reported it to the police. Thus, it was difficult for the police force to collect evidence and witnesses.

Keywords: *Countermeasures, Livestock, Theft, Police, Role.*

INTRODUCTION

In Indonesia, the term “constitutional state” has been mentioned in the 1945 Constitution. The use of the term “rule of law” is different before the amendment and after the amendment. Prior to the amendment of the 1945 Constitution, it was stated in the general explanation that “Indonesia is a country based on law”. Meanwhile, after the amendment, it stated, “The State of Indonesia is a state of law.” It is contained in the 1945 Constitution Article 1 paragraph (3).

Some statements that reflect that Indonesia as a state of law includes:

- a. The 1945 Constitution of the Republic of Indonesia Article 1 paragraph (3) states that Indonesia is a state of law¹.
- b. Chapter X Article 27 paragraph (1) states that all citizens are equal before the law and the government is obliged to uphold the law and the government with no exceptions².

¹ “Undang-Undang Dasar 1945 Amandemen” (n.d.).

² Undang-Undang Dasar 1945 Amandemen. P 41

- c. Article 28I paragraph (5) states that to enforce and protect human rights under the democratic rule of law principles, the implementation of human rights is guaranteed, regulated, and outlined in laws and regulations.

A legal state is characterized by several principles. For instance, all actions of a person – both individually and in groups, the citizens and the government – must be based on legal provisions and statutory regulations that existed before the action was carried out or based on applicable regulations. A legal state must be based on non-discriminatory, good, and fair law.

In the 1945 Constitution Article 28 paragraph (5) concerning human rights, *"To enforce and protect human rights under the democratic rule of law principles, the implementation of human rights is guaranteed, regulated, and outlined in laws and regulations"* In this case, all citizens, both officials and the public, have the same rights as stated in the article above.

In social life, it is common to hear the word crime. This is because crime has often occurred in various areas, urban, rural, and even remote areas. For this reason, there is the Criminal Code and the Criminal Procedural Code.

The Criminal Code stipulates the crime of theft. The crime of theft is very common in the community and is a crime that can be said to be the most disturbing. Article 362 of the Criminal Code states that: *"Anyone who takes something, wholly or partly belonging to another person, to unlawfully possess it, is threatened with theft, with a maximum imprisonment of five years or a maximum fine of nine hundred rupiahs."*³

A type of theft that disturbs the community, especially rural communities, is the crime of stealing livestock. The theft of livestock has a huge impact on people's lives. Livestock such as cows and goats are very important for the life of rural communities, especially farmers and animal breeders. Judging from the economic factors, most of the people in rural areas have low-income levels, for example, farmers, fishermen, and animal breeders who have seasonal incomes, namely the income that depends on harvests or catches.

The problem of theft of livestock is indeed an endless discussion to discuss. In fact, from several cases that have occurred, there are cases of livestock theft where the perpetrators were not caught, even though they have been reported to the authorities. It seems that the case has not been followed up by law enforcement, such as the case that happened in Waitina village, Sula Islands Regency which became a topic of discussion among the local community and was published in local newspapers. But the results of the Waitina Police investigations were not clear. So, this case was withdrawn and it was reported to the Sanana Police. There have not yet been any results that can satisfy the victims of livestock theft.

A report was published in the North Maluku Pos, a local print media, on March 9th, 2019. The article title was *"Livestock Theft Case is Not Clear"*. It stated that residents of several villages in the Sula Islands were restless with livestock theft activities. As happened in Waitina village, East Mangoli sub-district and residents of Malbufa village, North Sanana sub-district, which occurred in 2018. This problem has been reported to the police, but until now there has been no clear information⁴.

According to a resident of Waitina village, Sardi Umasangadji who was also the reporter of this case, two of his cows that were tied up near his house were missing. After searching, he only found one tail. *"The culprit was not found,"* he admitted. He has reported to the Waitina Police, but the perpetrator has not been arrested.

³ "Kasus Pencurian Hewan Ternak Belum Jelas," *Malut Pos*, 2019, <https://humas.polri.go.id/tugasfungsi-dan-kewenangan-polri/>.

⁴ "Kasus Pencurian Hewan Ternak Belum Jelas."

According to the reporter's statement, Sardi Umasangadji, "*I reported this matter to the Waitina Police and there was no follow up so I withdrew the Police Report and reported it to the Sula Islands Police Resort but they have not been able to find the culprit.*"

According to Sardi, livestock theft did not only happen to him. Several residents also lost cows, but they did not report it. Meanwhile, in Malbufa village, the property of a civil servant was also stolen even though he wanted to use the animal for his son's celebration.

"*My son wants to shave his head but someone else has stolen the cow,*" said the civil servant in Malbufas.

Of the two cases, the reason why the police have not followed up is not yet known, whether it is due to a lack of evidence or other factors.

The cases mentioned above should be handled immediately when reported because Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, states that "*The National Police is a state instrument that plays a role in maintaining the order and safety in society, enforcing the law, providing protection and services to the community*". However, the case was allowed to drag on without any notification of the progress to the reporter. As the reporter did not obtain any follow-up, he withdrew the report and made another report to the Sula Islands Police Force.

Unfortunately, there is also no follow up from the Sula Islands Police Force. The authorities should explain to the reporter whether or not the report can be processed.

Based on the background of the problem described above, this paper is entitled, authors are interested in researching it in the form of a research proposal with the title "*The Role of Sanana Police in Handling the Criminal Case of Livestock Theft in Waitina Village, Sula Islands Regency.*"

RESEARCH METHODS

A. Research Type

The type of research used in this study is the empirical legal approach, as this research studies the mechanisms that can be carried out by the police as mandated by the law, concerning legal protection for crime victims⁵. Do the actions carried out by the police following what is mandated by the law or inversely, what is expected by the law and whether or not it is in line with the expected goals.

B. Research Location

The location of the research was at the Sula Islands Police Resort Office. By conducting research in this location, the authors hope to obtain accurate data to obtain objective and comprehensive research results.

The authors chose this research location as these two agencies handed cases of livestock theft.

C. Types of Data and Data Sources

The types of data used are:

- a. Primary Data, namely the data obtained through interviews or from field research. The research was carried out directly with the parties who have been determined as respondents.

⁵ "Kasus Pencurian Hewan Ternak Belum Jelas."

⁶ Leden Marpaung, *Asas – Teori – Praktik Hukum Pidana* (Jakarta: Sinar Grafika, 2009).

- b. Secondary Data, namely the data obtained through a literature study of various kinds of literature related to the research objectives such as documents, articles, books, and other sources.

D. Data Collection Techniques

The data collection procedure was carried out by:

1. For primary data, the authors interviewed related parties, namely: Officers at the Waitina and Sula Islands Police Forces. For this study, the authors conducted interviews and observations with the Waitina and Sula Islands Police Forces and the victims of livestock theft.
2. For secondary data, literature research is carried out by collecting, reading, and reviewing library material, legislation books, print media, articles, etc. related to the object of research.

E. Data Analysis Techniques

The data that has been obtained (both primary data and secondary data) were processed and analyzed to produce conclusions. Then it is presented descriptively to provide a clear and focused understanding of the research results. The data analysis seeks to provide a clear and concrete description of the research problems discussed qualitatively. The data is then presented descriptively, by explaining and describing the problems that are closely related to this research.

ANALYSIS

Criminal acts⁷ are legal terms in criminal law. It can be said that the term criminal in a narrow sense concerns criminal law. Criminal law is defined as sanctions intentionally imposed by the state on a person or persons for his actions that have violated the criminal law. In particular, this prohibition in criminal law is referred to as a crime (*strafbaar feit*)⁸.

The same opinion was expressed by Moeljatno in the book "The Basics of Criminal Law" by Mahrus Ali, who said that the definition of a criminal act is an act that is prohibited by a law that is accompanied by threats (sanctions), for anyone who violates the prohibition. In the same book, Marshall said that a criminal act is an act or omission that is prohibited by law to protect society. Violators can be punished based on applicable legal procedures⁹.

1. The Definition of Crime

A criminal act has the same meaning as a criminal event or offense. The word offense (*delik* in Indonesian) is taken from several languages such as German "delict",¹⁰ French "delit", and in Dutch "delict". In the Great Indonesian Dictionary, the meaning of offense is defined as: "Actions that can be punished because they are a violation of the law; a criminal act"

According to legal experts such as Prof. Moeljatno who uses the term "criminal act" for the word "delict". E. Utrecht uses the term "criminal event" because what is being reviewed is the term "criminal offense" for the word "delict"¹¹.

Regarding "delict", in the sense of *strafbaarfeit*, Dutch criminal law experts each provide the following definition:

⁷ Siswanto Sunarso, *Filsafat Hukum Pidana: Konsep, Dimensi, Dan Aplikasi* (Jakarta: Rajawali Press, 2015).

⁸ "Pidana," wikipedia.org, n.d., <http://id.wikipedia.org/wiki/pidana>.

⁹ Ali Mahrus, *Dasar-Dasar Hukum Pidana* (Jakarta: Sinar Grafika, 2015).

¹⁰ Ch Huda, *Tiada Pidana Tanpa Kesalahan Menuju Pada Tiada Pertanggung Jawaban Tanpa Kesalahan* (Jakarta: Prenadamedia Group, 2008).

¹¹ Leden Mapaung, *Asas-Teori-Praktik Hukum Pidana* (Jakarta: Sinar Grafika, 2005).

- a. Vos: An offense is a *feit* that is declared punishable by law.
- b. Van Hamel: An offense is an attack or threat to the rights of others.
- c. Prof. Simons: An offense is an unlawful act that has been committed intentionally or unintentionally by a person whose action can be accounted for and has been declared an act that can be punished by law¹².

2. Criminal Actors

The perpetrator of a criminal act according to the doctrine is anyone who carries out all the elements of a criminal act as formulated in the Criminal Code. As contained in Article 55 paragraph (1) of the Criminal Code, criminals are:

- a. Those who do, who order to do, and who participate in doing bad deeds;
- b. Those who by giving or promising something to abuse their power or dignity, by force, threats or misdirection, or by providing opportunities, means or information, intentionally encourage others to do the bad deed."

A. The Crime of Theft

Theft is a type of crime against human wealth which is regulated in Chapter XXII Book II of the Criminal Code and is an endless problem. Theft is rampant among people and has become a social disease that is increasingly difficult to control. In terms of legal and statutory steps as well as the authorities' role in minimizing theft, it is something that can only be done as a precautionary measure because the crime of theft is increasingly difficult to eliminate from the community.

1. Definition of the Crime of Theft

Etymologically, the Great Indonesian Dictionary stated that to steal is to take the property of another person without permission or illegally, usually secretly. And theft/stealing is the process, method, the act of stealing¹³. Article 362 of the Criminal Code defines this crime as taking goods, wholly or partly belonging to another person, to unlawfully possess them¹⁴.

- a. The Classification of the crime of theft is based on Articles 362, 363, 364, 365, and 367 of the Criminal Code

The drafters of the law classify the crime of theft in the Revised Criminal Code book which is regulated from Article 362 to Article 367 of the Criminal Code¹⁵. The several types of theft crimes are as follows:

- 1) Ordinary theft (Article 362);
- 2) Theft with weighting or theft with qualifications (Article 363);
- 3) Minor theft (Article 364);
- 4) Theft by force (Article 365);
- 5) Theft in the family (Article 367)¹⁶.
- b. The Crime of Livestock Theft (Criminal Theft which is aggravated, Article 363 paragraph (1) point 1 of the Criminal Code)

The theft of livestock is included in the clause of an aggravated crime, as explained in the previous discussion, the crime of theft is regulated in Article 363 paragraph (1) point 1 of the Criminal Code which is threatened with imprisonment for a maximum of 7 years because

¹² Mapaung.

¹³ "Curi," kbbi.web.id, n.d., <https://kbbi.web.id/curi> .

¹⁴ Wirjono Prodjodikoro, *Tindak-Tindak Pidana Tertentu Di Indonesia* (Bandung: Refika Aditama, 2003).

¹⁵ Andi Akbar Muzfa, *Pengertian Tindak Pidana Pencurian Pasal 362-367 KUHP*, 2017.

¹⁶ P. Hariwibowo, *Tindak Pidana Melakukan Pencurian Dengan Pemberatan (Tinjauan Yuridis Terhadap Putusan Perkara Pengadilan Negeri Purwokerto* (Purwokerto: Univ. Jendral Soedirman, 2012), <https://doi.org/69/Pid.B/2012/PN.Pwt>.

the object is "livestock". Livestock is regulated by law and has been formulated in detail in Article 101 of the Criminal Code.

Article 101 of the Criminal Code reads: "*The word livestock means an animal with one hoof, ruminants and pigs, or horses, cows or buffalos, and pigs*".

On one hand, the meaning of this word is broad because usually, horses and pigs are not included in the term livestock. On the other hand, it is limiting because it does not include chickens, ducks, and so on.

In the Netherlands, the relevant Article (Article 311) mentions *diefsal van vee uit de weide* (the theft of livestock in a grazing pasture), where the element of *weide* is explicitly added.

Since in Indonesia there is no addition of pasture for grazing, the reason for aggravating the punishment lies only in the fact that livestock is considered an important wealth. This is indeed in accordance with the Javanese term *rojokoyo* for livestock, which means "great wealth"¹⁷.

c. Livestock is classified in Article 363 and is described in Article 101 of the Criminal Code

The interpretation of the meaning of livestock has been given by the law, namely in Article 101 of the Criminal Code. Thus, to see the meaning of livestock, an authentic interpretation of the law is used.

Article 101 of the Criminal Code concerning provisions for in Article 101, livestock are¹⁸:

A. One-toed animal

Single-toed animals or ungulates are several groups of mammals that use the tips of their nails to hold their weight while moving. This group consists of several orders, six to eight of which are still found today. *Perissodactyla* (odd hoofed animals such as horses, zebras, tapirs, and rhinos)

B. Ruminants

Ruminants (*Ordo Artiodactyla* or even-toed ungulates) are a group of plant-eating animals (herbivores) that digest their food in two steps: first by swallowing the raw material, then removing the semi-digested food from the stomach and chewing it again. The stomachs of these animals do not only have one chamber (monogastric) but there are more than that (polygastric, literally: many stomachs).

Ruminants are technically known in animal husbandry and zoology. These animals benefit from their multiple stomachs because their digestion is very efficient in absorbing the nutrients contained in food, with the help of microorganisms in their digestive stomachs. Types of animals that include ruminants such as cattle, buffalo, goats, sheep, giraffes, bison, deer, deer, gnu, antelope, camels, and llamas¹⁹.

C. Pigs

The pig is a type of ungulate animal that has a long snout and a slim nose and is an animal that originally came from Eurasia. Pigs are omnivores which means they eat both meat and plants²⁰.

¹⁷ Prodjudikoro, *Tindak-Tindak Pidana Tertentu Di Indonesia*.

¹⁸ Adam Chazawi, *Kejahatan Terhadap Harta Benda* (Malang: Banyu Media Publishing, 2003).p 20-21

¹⁹ "Hewan Pemamah Biak," id.wikipedia.org, n.d., https://id.wikipedia.org/wiki/Hewan_pemamah_biak 21 Wikipedia Indonesia, .

²⁰ "Babi," id.wikipedia.org, n.d., <https://id.wikipedia.org/wiki/Babi>.

The provisions of Article 101 of the Criminal Code actually limit the application of the provisions of Article 363 paragraph (1) point 1 of the Criminal Code because the definition of "livestock" in Article 363 paragraph (1) point 1 does not include *pluimvees* such as chickens, ducks and so on or better known with poultry. This is very unfortunate because these groups of animals are usually bred and even in animal-breeding communities where their livelihoods include breeding poultry.

Types of livestock such as cows, goats and free-range chickens are crucial animals for animal breeders in certain areas, such as in Waitina Village, Sula Islands Regency, where almost the majority of the population owns these types of livestock for livelihood:

RESULT

A. The Role of the Police in Following Up Reports on Cases of Livestock Theft in Waitina Village, Sula Islands

Every law enforcer sociologically has a position (status) and a role, which is a certain position in the higher social structure. Article 14 of Law No. 2 of 2002 paragraph (I) states that the main tasks of the Indonesian National Police Force are: implementing regulations, guarding, escorting, and patrolling the community and government activities according to the needs²¹.

In the village of Waitina, Sula Islands Regency, there were 12 cases of theft reports submitted to the Police in 2019. It consisted of 7 (seven) cases of livestock theft (cows), and 3 (three) thefts of cash, motorbikes, and cellphones. Out of these 12 cases, the perpetrators of 2 (two) cases of cash and laptop theft have been found and 10 (ten) other cases are still under investigation. Then, in 2020, 11 (eleven) cases of theft reports were submitted to the Police, including 5 (five) cases of livestock theft (cows) and 6 (six) cases of mobile phones, laptops, motorbikes, and cash theft. These cases have been transferred to the Prosecutor's Office. Of the total 11 (eleven) case reports submitted to the police, 6 (six) cases are still under investigation, including the case of livestock theft (cow). Until now, there has been no follow-up.

Of the total reports of theft cases submitted to the police, cases of livestock theft are cases that fall into the category of aggravated theft and should be followed up to completion. But in reality, of all the reported cases of livestock theft, none have been resolved even from 2019 to 2021. None of these cases has had a follow-up. The case of Sardi Umasangadji is still in the investigation stage.

The information above is justified based on information from Assistant One Police Inspector Aryo Dwi Probowo, an investigator from the Sanana Police Force 2019. The theft of livestock (cows) has been repeatedly reported to the Waitina Police. According to information from the Police Sector, an investigation has been carried out for several weeks. As the case progressed, there was no further action on the case, even though the community had reported this case several times, they always with the same result, there is no resolution to the case.

As there is no resolution from the Police Force on the livestock theft, the community is confused about how to solve the problem, while reporting this to the Sanana Police, the community is constrained by distance. They are so restless with theft activities that happen too often without being able to stop and find the culprit.

²¹ Pemerintah Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia.," Pub. L. No. 2/2002 (2002).

Cases of theft often occur because Waitina Village is in a mountainous area. It is far from urban centers. So, thieves take advantage of this opportunity. The cases that are often reported to the police are the cases of theft of livestock (cows), motorbikes, laptops, cellphones, and cash.

Because there was no solution to the reports on livestock theft, a theft victim, Sardi Umasangaji, withdrew the report and reported it to the Sanana Police. They felt that this case would be a long one. So, in the evening one of the officers from the police who later was known as one of the buyers of stolen livestock, came to Sardi with cash amounting to Rp. 8,000,000. He told the reporter, Sardi, to withdraw the case report and ask for it to be resolved amicably through the non-litigation method. However, Sardi did not want to withdraw the case report because the community felt restless as the reported cases were not followed up. People felt like cases that had been reported to the Police Force were always unresolved.

In 2020, Sardi was called back by the Waitina Police investigators and said that the case had been handled and followed up by the Police Resort of Waitina. They came to the location of the crime scene and asked for evidence and information from the witnesses, and the witnesses explained the chronology of what happened. But a few days later after the case was handled and followed up by the Police, Sardi was visited by 6 (six) men. They admitted that they were a gang that stole Sardi's cow. Then Sardi Umasangaji reported the arrival of the 6 (six) people to the police and the police then summoned the 6 (six) people and asked for information. After being summoned and examined by the police, only 1 person admitted that he stole Sardi's cow, even though they admitted to Sardi Umasangaji that there were 6 of them who stole the cow and the case has not yet been resolved.

1. The Role of the Police

Police forces in any country always experience a dilemma of power interests which are always at the forefront of differences of opinion between power and society. The police system of a country is strongly influenced by the political system and social control. Based on Government Decree No. 11/S.D. Police changed their status to become a separate office under the direct control of the Prime Minister. This Government decree puts the position of the Police at the same level as the department and the position of the Head of the Indonesian National Police (Kapolri) at the same level as the Minister.

With this stipulation, the Government hopes that the Police will be able to better develop and initiate vertical relationships up to the level of sub-districts.

The position of the police in a country has always been in the interest of many parties. During the New Order era, the Indonesian Police were immersed in a unit of the Indonesian Armed Forces (ABRI) which was engaged in the influence of military culture. Militarism was so binding because, for more than 30 years, the police were wrapped in this military culture. In 1998, the demands of the community were very strong to build a clean government that took sides with the interests of the community.

Then the People's Representative Assembly Decree No. VI/2000 stated that one of the demands of the Reformation and future challenges was democratization. So, there was a need for the repositioning and restructuring of ABRI. As a result of the merger, there was confusion and overlapping of the roles and functions of the Indonesian Army as a defense force and the Police which had the role to keep the security and order of society. So, the National Police is a tool of the State that plays a role in maintaining security. Therefore, the Police are back under President after 32 years under the Minister of Defense/Commander of the Armed Forces.

Based on Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, it is stated that (1) the National Police is a state instrument that plays a role in keeping the security and order of society and providing protection and services to the community in the state. Chapter II People's Representative Assembly Decree No. VII/2000 states that: (1) the National Police is a State instrument that plays a role in maintaining the security and order of society, enforcing the law, providing protection and services to the community; (2) In carrying out its role, the National Police are required to have professional expertise and skills. This means that the National Police is not an institution or a non-departmental agency, but it is under the President as the Head of State not the Head of Government.

In carrying out the duties and functions of the Police, it is necessary to formulate the main tasks and powers of the Indonesian Police in Law. It is stipulated in Law No. 2 of 2002 concerning the Indonesian National Police and the Role and Functions of the National Police of the Republic of Indonesia.

2. The Functions of the Police

Article 2 states, "*Police function is one of the functions of the State government in the field of maintaining security and public order, law enforcement, protection, shelter, and public service*". Meanwhile, Article 3 states "(1) Police function bearers are the Indonesian National Police who are assisted by: a. special police, b. civil servants and/or c. forms of self-defense. (2) The bearers of the Police function as referred to in paragraph (1) letters a, b, and c, carry out the functions of the Police following the laws and regulations which are the legal basis for each²².

3. The Main Duties of the Police

Article 13 on the Main Duties of the State Police of the Republic of Indonesia in Law No. 2 of 2002 is as follows:

- a. Maintaining security and order in the public
- b. Enforcing the law
- c. Providing protection and service to the public. The description of the police's duties is explained again in Article 14 of the Indonesian Police Law.

4. The Authority of the Police

Articles 15 and 16 of the Indonesian Police Law detail the duties and authorities of the Indonesian National Police, while Article 18 contains the discretion of the Police which is based on the Indonesian Police Code of Ethics.

The functions, main tasks, duties and authorities of the National Police are regulated in Law no. 2 of 2002.

5. Factors that Occur in the Investigation Process

The investigation will begin if there are indications, reports, and orders from the investigator for a criminal act. If one of the three does not occur, the investigator will not move. This is because autonomous action is not permitted under Indonesian law. So, the authorities need to have a reason to enforce the law.

When there is an indication of a law violation, for example, and there is a report, an investigation needs to be carried out. This can be a mitigation or a solution to the case. When these conditions are met, law enforcement actions can begin. Of course, repressive measures are the last option if law enforcement is forced to do so.

²² "Tugas Dan Fungsi," humas.polri.go.id, n.d., <https://humas.polri.go.id/profil/tugas-fungsi/>.

B. STAGES OF SYSTEMATIC INVESTIGATION BASED ON THE CRIMINAL CODE

Here we will explain the stages of conducting a criminal investigation. As already mentioned, this action will only take place if there are indications, reports, and orders.

In this case, the investigation process did not run. Then in the next stage of the investigation, the investigator received evidence and sought additional evidence if possible. After the evidence is collected, it will be reconsidered. It is analyzed on whether or not the case is a violation of the law. If it turns out that the report does not violate the law, the process stops here.

When it turns out that there is an indication of a violation of the law, the stages in the investigation will be continued by the authorities. Then from the evidence collected, it will be sought who will be responsible. This is the purpose of having a systematic process in the investigation of a criminal case. So, this is a preparation for the prosecution of legal violations committed by the parties concerned earlier. It does not stop there; this process will continue to strengthen and clarify the case. So, there needs to be some time until finally a violator can be punished. This is done so that the person responsible is the true perpetrator of the crime. So, innocent civilians will be free from threats and potential errors in determining the perpetrator.

Because the investigation process is according to the Criminal Procedural Code, the police must prioritize the principle of innocence. So, everyone is presumed innocent until the evidence has corroborated his involvement in a criminal act.

1. The Stage of Determining the Suspect

Determining a suspect of a criminal act should not be carried out arbitrarily without evidence and key witnesses. So, this investigation will continue until it is strongly proven that the defendant is a suspect.

There is a legal basis for the investigation process, the investigation stage refers to extracting additional information to look for witnesses and evidence so that the case can be completely solved. Information retrieval can come from agencies, places, and even local residents. So, when the authorities try to dig up information on a case, it is hoped that civilians will cooperate. This will be very useful for uncovering the truth in a case.

When the investigation stage has entered the collection of this information, many things can happen. An alibi may be found that lightens or aggravates the defendant in a case. Authorized officers must move quickly because this process certainly has a time limit according to the law. So, later the defendant will not be detained for too long while waiting for the investigation to be completed. After all the evidence is strong enough to reveal the truth, the investigator will make a report. The report contains whether the defendant is a potential suspect or not. If it turns out that the defendant is not involved based on all the evidence, then he can be released. When it turns out that the evidence strengthens the violation of the law, the case will go to court. This is a complex series of processes in uncovering the truth. So, the investigation stage is indeed quite complicated, time-consuming, and laborious until the truth is finally revealed.

2. The Stage of Handling the Case of Theft

Assistant One Police Inspector Aryo Dwi Probowo (48 years old) in an interview on October 22nd, 2019, stated that it is true that there has been a criminal case of livestock (cow) theft in Waitina Village. The police must follow up on the case because it is their duty and responsibility.

Idham (42 years old), the head of the community association and Fatima, his wife (40 years) as community representatives in Waitina village stated that the community was restless because there were frequent thefts of livestock which required reports or complaints from the victims of the theft. Unfortunately, there were constraints of the far distance from the village to the police station. A lack of vehicles also makes it difficult for the public to make reports. Meanwhile, from the victim's report, the police can follow up or investigate the theft case.

3. Obstacles of the Police in Investigating the Crime of Theft in Waitina Village, Sula Island.

Soerjono Soekanto (2013), suggests that the factors that influence the effectiveness of law enforcement are:

- a. The legal factor;
- b. The law enforcement factor;
- c. The factor of supporting facilities and infrastructure;
- d. The factors of community environment and the enactment of the law; and
- e. Cultural factors.

These five factors are seen as predictable that have a strong influence on the implementation of law enforcement in various aspects and problems.

These five factors are closely interrelated because they are the essence of law enforcement. They are also a measure of the effectiveness of law enforcement.

Next, the researcher will review each of these factors.

a. The legal factor

The legal factor referred to here is written law or legislation (laws written in books). So, in a narrow sense, the law does not include unwritten law.

General problems of law in the sense of legislation always revolve around:

- a. Are the existing laws and regulations governing certain fields sufficiently systematic;
- b. Are the existing laws and regulations regulating certain areas of life synchronous; meaning:
- c. That there is no hierarchical or horizontal contradiction;
- d. Whether the existing laws and regulations governing certain fields are sufficient quantitatively and qualitatively; and
- e. Does the formation of the legislation follow the determined juridical prerequisites?

If the four general legal problems surrounding the laws and regulations mentioned above can be resolved, then the law in books is considered to be good. However, according to Soerjono Soekanto (1985), in-depth literature research will be required to solve this problem.

b. The law enforcement factor

Law enforcers are those who are directly involved in the field of law enforcement. Their duties and/or functions do not only include law enforcement but also peace maintenance, covering the fields of justice, prosecutors, police and lawyers and corrections.

In this regard, according to Soerjono Soekanto (1985):

"In carrying out their duties, officers should have guidelines, including in the form of written regulations covering the scope of their assignment."

In carrying out their duties, according to Soerjono Soekanto (1985), law enforcers may face the following problems:

- 1) The extent to which law enforcement officers are bound by existing regulations;
- 2) To what extent are officers allowed to give discretion;
- 3) What kind of example should the officer give to the community;
- 4) To what extent is the degree of synchronization of assignments given to officers to provide firm limits on their authority; and
- 5) What is the social position of officers in the social structure, to determine their role in carrying out their duties? If the five problems faced by law enforcement officers in carrying out their duties and functions can be resolved properly, then law enforcers have the potential in carrying out their duties well, but if the opposite happens, it will have a serious impact on the implementation of their functions.

c. The factor of supporting facilities and infrastructure

The facility factor meant here is the means available to achieve the goal. The scope of facilities is primarily physical facilities that function as supporting factors.

In this regard, Soerjono Soekanto (1985), put forward an example in connection with facilities or supporting facilities by stating that:

“If there is no paper and there is not enough ink and there is no good typewriter, how can the officer make a good inspection report. How can the Police want to chase criminals who use vehicles if the Police do not have good vehicles?”

Often, statutory regulation is formed and enforced without being accompanied by supporting facilities that are very much needed in its enforcement, so the application of the rules is not effective.

d. The factors of community environment

The community referred to here, is the citizen of the community aimed at the rule of law. This relates to the degree of compliance of citizens. The higher the level of community compliance, the more indicated the functioning of the law and vice versa.

e. The cultural factor

Cultural factors are values that are considered good by members of the community that are aimed at the rule of law. This means whether the law applied is following the values adopted by the community. If it is appropriate, then a society with a good value system that it adheres to will obey the law well, but if it is not appropriate, it can have the opposite effect.

The five factors above are closely related because they are the main things in law enforcement, as well as a benchmark for the effectiveness of law enforcement. In the five factors proposed by Soerjono Soekanto, there is no single dominant factor. All of these factors must support each other to form the effectiveness of the law.

It is even better if there is a system for these five factors so that the law is considered effective. This system means that to build the effectiveness of the law, one must start by questioning how the law is, then followed by how the law enforcers are, how are the supporting facilities and infrastructure, then how the community responds, and the culture of the community.

4. The Criminal Case of Theft

The case can be interpreted as the actual state of an affair or case; special circumstances or conditions relating to a person or thing; a question; a case. The crime of theft by article 362 of the Criminal Code is formulated as taking goods, wholly or partly belonging to others, with the aim of illegally possessing them.

The definition of theft is expressly stated in the Criminal Code, Article 362 which reads: whoever takes something wholly or partly belonging to another person, intending to unlawfully possess it, is threatened with theft with a maximum imprisonment of five years or a maximum fine of sixty rupiahs.

The theft cases that occurred in Waitina were the cases of theft of livestock, motorcycles, cellphones, cash, and laptops. These items were often stolen because they are considered as easy to carry and hide. Based on reports recorded at the Waitina Police Force, almost all of these cases were followed by the theft of livestock, and the other cases were cases of theft of money and other goods.

5. The Obstacles Often Experienced by the Police Force

The obstacles that are often experienced by the Police Force in handling cases of theft are:

a. Internal limitations

- 1) Inadequate facilities or incomplete facilities. In carrying out investigation tasks, up to now, it is still a major obstacle. However, these limitations should not be used as a justification for criticism of the unsatisfactory completion of investigations carried out by the executor of the police's duties as investigators. A legal institution that is expected to work optimally should be supported by adequate facilities. This is very different from what was experienced by the police.
- 2) Disconnected information network. The cause of the disconnection of this information network is because the perpetrators of theft undergo the crime neatly. In this case, the livestock was cut into several parts and the perpetrators sold them in various places. In dealing with these obstacles, the Police have made optimal efforts to overcome them by continuing to carry out investigations with witnesses and minimal evidence related to the incident²³.

b. External Limitations

- 1) The lack of evidence and witnesses. Witnesses are needed to obtain related information on the livestock theft. Evidence and witness testimony is very important for the investigation of the criminal act of livestock theft.
- 2) People who are apathetic in helping the police when questioned by investigators. Witnesses are not very clear in providing information. Thus, investigators do not obtain information on the chronology. In addition, the role of the community is also needed by the police.

CONCLUSION

Based on the results of the research and discussion, it can be concluded that:

- a. The role of the Police in handling cases of criminal theft that occurred in Waitina Village has not been optimal in disclosing cases. It is proven because, from the several cases that occurred during 2019 and 2020, only a few cases were resolved out of the 23 existing cases.
- b. The limitations that were often experienced by the police in handling cases of theft are the lack of evidence, witnesses, technicians, and distance. On the theft incident that occurred and

²³ R Soesilo, *Kitab Undang Undang Hukum Pidana (KUHP)* (Bogor: Politeia, 1991).

reported, the Police worked around it by optimizing the role of the community as a source of information from various theft incidents.

SUGGESTIONS

Based on the conclusions from the research results, the researcher's suggestions are as follows.

- a. The Waitina Village Government must be sensitive to the increasing number of thefts annually. The Waitina Village Government must play an active role in overcoming these theft cases by increasing security. It can be carried out by inviting the community to hold a security system in each community environment, as well as increased cooperation with the Police by constantly providing information in the event of a theft case.
- b. The Police need to further improve their performance so that every theft perpetrator can be caught. The Waitina community and the newcomers who live in the Waitina Village need to increase their vigilance and caution for all their belongings because the theft does not only come from the intention of the perpetrator, but also because of the opportunity to carry out the crime.

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