

Received : November 29, 2021
Accepted : December 10, 2021
Published : February 08, 2022

Conference on Community Engagement Project
<https://journal.uib.ac.id/index.php/concept>

MECHANISM FOR HANDLING CASES OF GENERAL CRIMINAL ACTS OF VIOLENT THEFT BY PROSECUTORS IN BATAM STATE PROSECUTORS

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Abstract

The crime of violent theft is the act of a person to injure the victim with the aim that the goods taken remain in the victim's power. Batam State Prosecutor is an agency engaged in law enforcement under the mandate of the "Prosecutor of the Republic of Indonesia" which gives orders and authorities in responding to prosecutions, implementing court rulings, and other authorities. The purpose of this writing will be to understand the role of prosecutors in handling cases of "violent theft study number: 578 / Pid.B / 2021 / PN" Btm. The author uses primary data and secondary data with observation and interview methods in conducting this study. Prosecutors are guided by standard operating procedures (SOP) "Attorney General Regulation No: PER-036-A / JA / 09/11" in accordance with positive law applicable in Indonesia in examining the case file of common criminal acts, especially violent theft.

Keywords: *Mechanism for Handling, Mechanism, Handling Cases, General Crime, prosecutor's.*

Introduction

Criminal acts are prohibited acts in the law with criminal penalties in accordance with the violation. Criminal Law is the integrity of the rule of law regarding behavior that obtains law in its criminal rules. According to Pompre Experts, theft is one of the crimes that has increased in the past year. The crime of theft is an alternative way for many non-income communities that contain elements; "Whoever takes an item, which is wholly or partially belonging to another person, with the intent to be unlawfully possessed, is threatened with theft, with a maximum imprisonment of five years, or a maximum fine of nine hundred rupiah." The crime of theft is an act of using that violates the rules or benchmarks that grow in society, namely religious norms and legal norms. This is a crime that must be borne by those who do in the world and the afterlife, where any religion prohibits such behavior. . The positive law that exists in all countries prevents the personal authority of all people, namely the authority of the right to own objects without permission and desired by the owner, to achieve two elements, namely the objective element and the subjective element, an act said to

be an act of stealing. The element of circumstances accompanying or directed to objects that are half or all objects belong to others from the act of taking and the object is an object and element of circumstances that accompany or direct at the object. The crime of violent theft is different from the usual theft crime as stated in Article 365 of the Criminal Code, the difference in reality is in the community, the victim of this act of violent theft, where someone tries to injure the victim with the intention of the goods taken is in the hands of the perpetrator, while the usual theft where the perpetrator takes goods without the victim's knowledge. In all aspects in the country of Indonesia based on the provisions of the applicable law one of the government agencies that realize Indonesia as a state of law that upholds the law and government without exception is the Prosecutor of the Republic of Indonesia. One of the duties of the Prosecutor's Office in carrying out its duties and authorities is to carry out prosecutions. The purpose of the prosecution is to seek and obtain material truth as intended is the truth that is true and honest in a criminal act, that whether the suspect is right to commit a criminal act and proven legitimately guilty. In addition, the prosecution also aims in maintaining the human rights of both victims and the rights of suspects. In his book entitled "Prosecution in Criminal Practice" Djoko Prakoso states that;

*"Inupholding justice and truth, the Prosecutor in prosecuting someone who is proven to have committed a criminal offence will consider all the actions of the accused that have been done, so that the claim is felt fairly by the defendant and the community. Thus a Prosecutor can create and realize the material truth that the whole society hopes and aspires to."*The Batam State Prosecutor's Office or Kejari Batam is an agency engaged in law enforcement under the application of the "Prosecutor of the Republic of Indonesia" which gives orders and authorities in prosecuting, implementing court decisions, and other authorities. "The Working Procedure of the Prosecutor of the Republic of Indonesia" has an obligation to fulfill the controls in: Pre-investigation, additional examination, prosecution, determination of judges, court decisions in the Section of Pidana, supervision in general criminal and criminal cases. supervision, supervision in the implementation of parole-free verdicts and other legal steps against common criminal cases. Case study no: 578/Pid.B/2021/PN Btm violent theft committed by the victim's own neighbors. Where the defendant lived right next to the victim's house, where the defendant knew that the victim only lived alone with his two young children. The incident occurred on Thursday, December 10, 2021 at around 3:00 am while the victim was sleeping, then the victim woke up and saw the door of the room was open. Furthermore, when the victim came out of the room to check the condition of the house, the defendant immediately threatened the victim using a machete to ask for some money and car keys. After obtaining the victim's valuables, the defendant immediately left with a sum of Rp.3,000,000, - and 1 unit of Suzuki SX4 A /T BP 1437 car and left the victim in a state of bonding both hands and both feet in the backroom. So based on the above explanation, the author is interested in writing an article about the Role of the Batam State Prosecutor in Handling Cases of Theft With Violent Case Study Number: 578 / Pid.B / 2021 / PN Btm.

Problem

During the practical work that the author did in the Batam State Prosecutor's Office, the author had difficulty knowing the role of the Batam State Prosecutor's Office in handling general criminal cases and in file administration. Therefore, the author is interested in raising an article entitled The Role of the Batam State Prosecutor's Office in Handling Cases of Violent Theft Case Study Number: 578/ Pid.B / 2021 / PN Btm. The author also found challenges in completing the administration of case files because the characteristics of each case file vary.

Methods

In the writing of the article penulis memakai observation techniques and interviews, where the author visits the observation site to observe various circumstances and participate in every activity. Interview is a conversation technique conducted by two parties who interview to ask questions and those interviewed will give answers related to questions given by interviewers, interviews are conducted directly to the Functional Prosecutor at the Batam State Prosecutor's Office regarding the mechanism of handling cases of general criminal acts of violent theft by prosecutors in Batam State Prosecutor's Office, To improve the ease in implementing. In conducting interviews the author must draw up guidelines to deviate from the research objectives. The guideline interview consists of questions that have been compiled by theories related to the researched problem. This interview is semi-structured which means if the information is not appropriate in the answer given by the researcher can repeat the question that has not been answered clearly. The data in the interview is made with short notes with the help of stationery, then made in a verbal written form that can be read and re-examined to produce the correct data. Observation of observation activities directly to the Batam State Prosecutor's Office in the general criminal section. The purpose in making these observations is to find out whether the data is true or not. The Author Internship activity conducted at the Batam State Prosecutor's Office began on August 2, 2021 until October 29, 2021 with a duration of 3 (three) months.

Result and Discussion

The role of the Batam State Prosecutor's Office that penulis do in handling cases of theft with violent case study number: 578 / Pid.B / 2021 / PN Btm is to make *the output* of Phase I files in the form of investigation results of case files, opinion event news letters (P-24), indictment plan letters (P-29), complete file notification letters (P-21) then the administration of Phase II files in the form of case filing letters (P-31), the indictment (P-29), then the administration of the prosecution stage is the letter of claim (P-42) and the last letter of the public prosecutor's report after the court ruling. The General Criminal Case Administration is the administration of the issue of public criminal offences held in the environment of "Young Attorney General for Public Crimes, High Prosecutor, State Prosecutor, and State Prosecutor's Branch". The author's practical work is done directly to assist JPU in investigating files. The author

makes the output in the form of print *out* letters needed by JPU in the mechanism of confectionery of common criminal cases of violent theft. That JPU received a "Notice of Commencement of Investigation (SPDP) from investigators" police and Pimpinan Kejari Batam appointed JPU who will participate in the continuation of the investigation as it has obtained "Notice of Commencement of Investigation" . The appointment of the Public Prosecutor is carried out by Warrant to follow the development of the investigation (P16). That the JPU selected will include the continuation of the case that conducts the torture of the case file that is examined whether it is in sync with the "Criminal Procedure Law" and other related laws and regulations. The designated JPU will include the continuation of the task case:

1. Conduct the torture of "case files in accordance with the Criminal Procedure Law and other related laws and regulations";
2. "Determining the attitude of whether the file being examined is a criminal case or not";
3. "Determining the attitude of whether the case file is complete or not (qualified formil or materiil)";
4. "Determining attitudes about absolute competence and relative competence";

That when the research "case is complete" then JPU makes an indictment plan and issues a Notice of The Results of The Investigation of The Case File (P-21).

The public prosecution indicated "can be carried out by a prosecutor or in the form of a team according to need". In the case of a Public Prosecutor appointed to prosecute more than one person or in the form of a team, then one of them is appointed as the head of the team with regard to his competence". JPU which examines the case file in "the appointment of the Public Prosecutor to complete the handling of the case while still involving the Public Prosecutor in the Batam State Prosecutor's Office, for the successful handling of the case the Chief Public Prosecutor can show the Public Prosecutor is done by issuing a Warrant for the Appointment of the Prosecutor to solve the case". "The appointed Public Prosecutor resolves the case "responsible" for the submission of the case to the court and against the entire trial process, ranging from reading the indictment, exception response, proof, indictment, replik, submission of legal efforts and other actions needed in the settlement of the handling of the case" General Criminal Act.

That JPU followed the proceedings from the agenda of reading the indictment to the Defendant and presenting the evidence in the trial finally JPU made a Letter of Claim (P-42) to the Defendant containing the facts of the trial, elements of the defendant's proven criminal acts, consideration of incriminating matters of the accused, namely the defendant's actions making the victim traumatized and mitigating things that the defendant has never been convicted of. and be courteous in court, and the contents of the Charges against the Accused as follows:

————— M E N U T —————

Agar Majelis Hakim Pengadilan Tingkat Pertama yang memeriksa dan mengadili perkara ini memutuskan:

1. Menetapkan Terpidana XXXXX terbukti secara sah dan meyakinkan bersalah melakukan tindak pidana "Pencurian dengan Kekerasan" sebagaimana diatur dan diancam dalam pasal 365 ayat (1) ke-1 KUHPidana dalam-ran Perundang-Unduan dalam pasal dalam-ran.
2. Menetapkan pidana terhadap Terpidana XXXXX dengan Pidana Perera selama 2 (dua) Tahun dan 6 (enam) Bulan dititangi selama Terpidana berada dalam tahanan.
3. Menetapkan Barang Sialat berupa :
 1. Uang tunai sebesar Rp. 3.000.000,- (tiga juta rupiah);
 2. 1 (satu) unit mobil Suzuki A/T BP 447 487 (sila : JSAG2A1157091823) (nomor : M8251235194) warna abu-abu metalik;
 3. 1 (satu) buah kunci, 1 (satu) buah STNK, dan 1 (satu) buah BPKP sial mobil Suzuki sial A/T BP 447 487 (sila : JSAG2A1157091823) (nomor : M8251235194) warna abu-abu metalik;
 4. 1 (satu) unit handphone merk Vivo 1516 dengan nomer : 86790648890139 nomer 2 : 86790648890122 warna hitam;
 5. 1 (satu) buah lalihan warna hitam;
 6. 1 (satu) buah tasling pasang kawat warna coklat;
 7. 1 (satu) buah tali hitam.

Dikembalikan kepada sial korban XXXX

1. 1 (satu) buah jaket warna hitam muda.

Dikembalikan kepada Terpidana XXXXX

4. Menetapkan agar Terpidana membayar biaya perkara sebesar Rp. 3.000,- (tiga sial rupiah).

Demiitulah hantutan pidana ini kami berikan dan diserahkan dalam sidang hant Selasa tanggal 19 Oktober 2021.

After the criminal case has been decided by the Panel of Judges with a prison sentence for 2 years, JPU immediately makes an immediate report of the results of the verdict from the Court (P-44) to the Chief Prosecutor of Batam State. After the implementation is carried out, there is an *output* given to the Public Prosecutor in the form of administrative letters and the letter will be re-examined by the Prosecutor concerned in researching the criminal case file so that the process of handling public criminal cases by JPU can be handled effectively and efficiently. The change that occurred one of them is the work of the Public Prosecutor in researching the case file will be much faster and neatly coordinated. In addition, the changes felt by the Batam State Prosecutor's Office is the handling of general criminal cases, especially cases of violent theft by the Batam State Prosecutor's Office can be resolved quickly, well and not neglected, where the number of public criminal case files, especially theft cases that enter the Batam state prosecutor's jurisdiction.

Conclusions

Hasil research conducted during carrying out Practical Work in the Batam State Prosecutor's Office, the Author took some conclusions as follows:

1. That in researching the case file of General Criminal Acts, especially violent theft Case Study Number: 578 / Pid.B / 2021 / PN Btm penulis must know in advance the mechanism of handling public criminal cases by prosecutors carried out with the provisions stipulated in the Standard Operating Procedure (SOP) of Attorney General Regulation No: PER-036-A / JA / 09/11 in order to run smoothly.
2. That after the author implements the project, of course, it has a positive impact on JPU where the Public Prosecutor in handling public criminal cases, especially cases of violent theft can be done neatly, effectively, and efficiently and the Author can know and understand the process of handling general criminal cases, especially cases of violent theft.

References

- The Constitution of the Republic of Indonesia of 1945, Article 31.
 Law No. 16 of 2004 concerning the Prosecutor's Office.
 Attorney General Regulation No: PER-036-A/JA/09/11.