

The Role of the Police in Enforcement of Street Crime Law

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Abstract. The purpose of this study is to describe the role of the police in law enforcement related to street crimes. Assisted by using normative juridical research methods and analyzed descriptively to obtain comprehensive research results. From the results of the analysis, it was found that efforts to handle street crime (zero street crime) include: The perpetrators of crime are seen from the sociological, psychological, criminological and criminal aspects. Correlative factors of criminogen that cause street crime. The deterrent effect and legal certainty. Factors supporting the occurrence of street crime. Participation of the community and the police in eradicating street crime.

Keywords: Law enforcement; Police; Street Crime

1 Introduction

The standards of the State of Indonesia have been figured out by the pioneers behind the state, specifically that Indonesia is a condition of regulation, as controlled in Article 1 passage (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter truncated as the 1945 Constitution of the Republic of Indonesia) which states that "the State of Indonesia is State law". This implies that in the relationship between law and power, power is subject to the law as the key to political stability in society [1]. In a state of law, the law is the main pillar in moving the joints of life in society, nation, and state. Therefore, one of the main characteristics of a state of law lies in its tendency to judge the actions taken by the community based on legal regulations [2].

The role of law enforcement in Indonesia still leaves a problem, namely the existence of public distrust of law enforcers in this country. The public is tired and doesn't trust anymore with the treatment of law implementers in the State of Indonesia who are said to make the law the preeminent authority. This should be visible to the rising number of violations of society today against the law. People no longer obey the rule of law, but people are afraid of the law. With the rise of vigilantism in society is one of the many factors causing public distrust of law enforcement in this country. [3].

Talking about law and law enforcement in Indonesia is the same as linking the two normative and empirical sides which are a reflective pair starting from the law-making process, the realization and execution of the job of regulation as policing equity, to respond to the needs of the developing community in all areas, in achieving legal goals, namely realizing justice, creating legal certainty, and providing benefits and benefits for the community [4].

The issue of law enforcement is widely discussed in the community. Until now, people who need justice are still very much in need of justice in law enforcement services, where law enforcement services are primarily in the hands of the police as mandated by law. The spotlight on law and law enforcement is not a new figure in our homeland, he is so important to talk about because this is not only the duty and mandate of the constitution (UUD 1945), but furthermore on the other hand he is also a pillar as well as a bulwark for its establishment on the law and justice. It relates to the future viability of justice seekers in Indonesia [5].

Currently, the public is worried about the rise of criminal cases of theft of motorized vehicles carried out by the collectors' dept. This has even led to the mistreatment of consumers who have bad credit related to the purchase of motorbikes or cars in installments. The confiscation of motorized vehicles does not only occur in customers' homes. it is not uncommon for debt collectors to act like "rogue" criminals who steal vehicles when consumers are driving them on the streets. As a result, consumers who are victims of looting often shout "robbers" to debt collectors who often act rudely to carry out looting after stopping consumers while driving motorbikes or cars on the road [6].

With the Fiduciary regulation, the leasing or financing party cannot take the vehicle forcibly, but this will be resolved legally. It means that the case will be heard, and the court will issue a decree to confiscate the vehicle. Thus, the vehicle will be auctioned by the court, and the money from the sale of the vehicle through the auction will be used to pay credit debts to lease or financing companies, if there is a money side from the auction proceeds it will be given to consumers. The leasing act or financing institutions through debt collectors who forcibly take vehicles at home or on the road is a criminal act of confiscation. Although the confiscation of motorized vehicles by debt collectors is categorized as a crime.

"In its journey, the Indonesian National Police (POLRI) as the spearhead of legal services in Indonesian society is part of one of the law enforcements pillars of the criminal justice system, namely the police, prosecutors, judiciary, and society. Nowadays, many law enforcement processes are unequal to the wishes of the people who need them, starting from the Indonesian police agency. Law enforcement services perceived by the community are still high in public dissatisfaction with the performance of the police in law enforcement services. As a state apparatus, the police are responsible for carrying out part of the government's daily tasks, namely creating a sense of security for the citizens."

Police progressivity is expected to be able to change the image of the police has recently begun to decline in the eyes of the public. Progressiveness comes from progress, in this concept progressive means progress, by the development of science and technology, this must be accompanied by adequate legal institutions. Therefore, the existence of law should follow the development of the times and be able to respond to the changing times with all the basics in it [7].

According to Bambang Sunggono, the law is an instrument for realizing precise goals, making law a means that is consciously and actively used to regulate society by using legal regulations, which are expected to be able to solve problems to improve police professionalism in the future.]. Meanwhile, legal life which includes community culture, police performance, and existing legal institutions has not been able to lead to the expected legal life.

The identification of the police as a social control bureaucracy does describe the police. The police should be seen as not only exercising social control but also providing concrete legal services and interpretations, namely through their actions. With social control, services, and interpretation agents, it becomes completer that the police fulfill legal promises in responding to the community will. [7]

2 Research Methods

In this study, the variables that will be used and measured consist of law enforcement variables, variables of police, legal system variables, and responsive legal variables which will be processed from the three research locations conducted. These variables are defined, classified, and the collection technique is determined. In addition to the above, this research variable is a discrete qualitative variable because it can only be categorized into yes, no, and don't know answers which are sourced from the answers of research respondents at the research location.

Qualitative variables are stated to construct social reality because this qualitative research is based on the legal paradigm for humans, not the other way around [9]. The law is made to side (pro) the people. This research can be categorized as legal research that is descriptive and explanatory. This study uses two kinds of approaches in research, namely both doctrinal and non-doctrinal [10].

3 Results and Discussion

3.1 The essence of the role of law enforcement in the police institution in carrying out its role as one of the pillars of law enforcement

Theoretically, the theory of nature is the broadest, and there are many. The extent of the problem is the same as the breadth of the object of philosophical investigation (material objects, namely everything that exists and that may exist. The essence means the actual state. The essence is the actual state of something, not a temporary state that is always changing [11]. Policing a movement to fit the relationship of values framed in the guidelines, and strong perspectives and manifest them in mentalities, going about as a progression of significant worth elaborations at the last stage to make tranquil public activity [12].

The issue of policing general, remembering for Indonesia incorporates three significant things that should be thought of and tended to, specifically the way of life of the local area where legitimate qualities will be authorized, the design of cops, lastly the substance of the law to be upheld. Besides that, to prevent vigilante actions against the community, legal counseling must be continuously provided to obey the law even though the possibility of vigilante action by the community is also the impact of weak law enforcement [13].

Police in Regulation no. 2 of 2002 Article 2 which is the capacity of the state government in the field of keeping up with security and public request, policing, sanctuary, and administration to the local area. The idea of a condition of the law is that administration authority comes from legal guidelines, meaning a power that should be obtained from the appropriate regulations and guidelines, so that in a condition of the law the use of the rule of legality becomes one of the main principles that become the main basis in administering the government, especially for countries a legal state that adheres to the civil law system (continental Europe).

Thus, every administration of government must have legitimacy, namely an authority granted by law [14]. Police authority is obtained attributively, namely the authority formulated in articles of legislation such as police authority formulated in Article 30 paragraph (4) of the Constitution, Law no. 8 of 1981 concerning the Criminal Procedure Code, and others. Based on the attributive authority, then in its implementation, delegation authority and mandate authority were born, namely, the granting of authority from the upper unit to the lower unit (in the form of a mandate), as well as a delegation to other fields outside the structure.

3.2 The Efforts of the Central Sulawesi Police's Criminal Investigation Unit in Overcoming the Crime of Motor Vehicle Theft by the Debt Collector

On a fundamental level, Indonesia is a condition of regulation (*rechtsstaat*) and not by any stretch a condition of force (*machtsstaat*). With respect to the presence of Indonesia as a protected state, it is obviously expressed in the plan of Article 1 section (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter shortened as the 1945 Constitution of the Republic of Indonesia). Its presence as a condition of regulation, as a republic that is wealthy in neighborhood shrewdness with different social, ethnic, ethnic, and racial variety.

The goals of the Indonesian state, stated in the opening text of the 1945 Constitution of the Republic of Indonesia, are "to protect the entire Indonesian nation and the entire homeland of Indonesia, promote public welfare, educate the nation's life, and participate in carrying out world order". The embodiment of the State's goals is always related to security issues.

Observing the formulation of Article 1 passage (6) of Law Number 2 of 2002 concerning the police, incidentally, it is in accordance with the capacity of the police as contained in Article 2 of Law Number 2 of 2002 concerning the police which expresses that "the capacity of the police is one of the elements of the state government in the field of keeping up with security and public request, policing, assurance and administration to the local area.

Based on the above provisions, the main function of the police is to uphold the law and serve the interests of the overall population. Thusly one might say that the undertaking of the police is to forestall and give insurance to people in general. Aside from that, it is additionally officially the errand of the police to assume a significant part in the crook justice mechanism, namely by processing suspects and perpetrators of criminal acts to the prosecution process.

The police is a subsystem of the law enforcement framework which is adequate to decide the progress of crafted by the whole framework in offering types of assistance to the local area. This is on the grounds that the police force is a subsystem that is straightforwardly connected with lawbreakers and the local area. With the goal that the obligations and obligations of the police are supposed to be more noteworthy than different subsystems. Only ten percent of police energy is spent on law enforcement, the remaining ninety percent is spent on public service tasks [15].

The police as law enforcers, protectors, and protectors of the community are obliged to maintain law enforcement, justice, and protection of human dignity and order and legal certainty. In the context of law enforcement, the police carry out the task of criminal investigations carried out by investigators/assistant investigators, namely detectives. The emergence of various criminal acts that occur in the community which are sometimes unpredictable must be able to be anticipated and handled by the police, in this case, the detective is the spearhead of the police in preventing and managing criminal acts that occur in the community.

One of the problems that have been troubling the public lately is the rampant practice of confiscation of motor vehicles by debt collectors. The use of debt collection services is ordinary, it can even be said to be an inseparable part of the banking industry and financial institutions. However, in reality, the practice of implementing financing from consumer finance companies, which is carried out using the services of debt collectors, often takes forced withdrawals and is often accompanied by violence in carrying out their actions against debtors' financing objects that are in arrears, this, of course, violates existing legal norms. and lead to crime.

The way of behaving of obligation authorities is right now still a significant issue that has not been dealt with. From one perspective, buyers feel upset by the activities of these obligation authorities. Then again, the obligation gatherer as the renting agent is liable for obligation back payments that can hurt the bank. The issue is, that there are no unmistakable limits and rules

with respect to the technique for assortment by an obligation authority. Right now, there are as if there were regulations in the respective financing institutions. Debt collectors cannot confiscate by seizing customer goods. Confiscation is only carried out by law enforcement officers. Confiscation carried out by debt collectors is illegal, because confiscation is not under the authority of the debt collector. In the case of debts, it is a civil case that should also be settled civilly.

Based on the results of the study, the authors found that there were several efforts made by the National Police, especially the criminal investigation unit in tackling the confiscation of motorized vehicles by debt collectors, namely as follows:

Pre-emptive Efforts

What is implied by precautionary endeavors here are the underlying endeavors made by the police to forestall the event of criminal demonstrations. Endeavors made in precautionary wrongdoing counteraction are to impart great qualities/standards so these standards are incorporated inside an individual [16]. Despite the fact that there is a chance to perpetrate a wrongdoing/wrongdoing on the off chance that there is no expectation to do as such, there will be no wrongdoing. So in a precautionary exertion, the expectation factor is lost despite the fact that there is an open door.

The prevention method comes from the NKK theory, namely: intention + opportunity for crime to occur. For example, at midnight when the traffic light is red, the driver will stop and obey the traffic rules even though there are no police on duty at that time. It always happens in many countries such as Singapore, Sydney, and other big cities in the universe. So in the pre-emptive effort, the intention factor does not occur.

In efforts to prevent the crime of confiscation of motor vehicles carried out by debt collectors, the police in this case the unit conduct legal counseling to the public, related agencies (banks or financing institutions) as well as existing debt collectors. The existence of counseling is very necessary because at this time, although many community members already know and understand what their rights and obligations are according to law, there are still those who have not been able to act and behave following applicable law. Obligations in the life of the nation and state but also especially the community are expected to understand the rights they have.

This awareness of the rights they have will protect their interests. People are made aware that they have certain rights which if implemented will help improve their lives. Meanwhile, debt collectors are expected to be aware not to take justice into their own hands or be able to carry out their duties by applicable law.

Preventive Efforts

These preventive endeavors are a development to precautionary endeavors that were currently at the degree of anticipation before the wrongdoing happened. In preventive endeavors, the accentuation is on taking out valuable open doors for wrongdoing to be perpetrated. The form of preventive efforts carried out by the police, especially in the Central Sulawesi Regional Police, based on the results of the author's research, is to alert the public relations field in each police agency, both the Resort Police and the Sector Police so that people who have problems with debt collectors can consult and even be mediated by the police.

In addition to alerting personnel in the Public Relations Section, the Central Sulawesi Regional Police also made announcements, both in the form of banners and in the form of stickers, and installed them in public places in the city of Palu to provide education to the public regarding the prohibition against leasing parties or financial institutions from withdrawing forcibly of the motorized vehicle when there are arrears committed by the consumer.

Law Number 42 of 1999 concerning Fiduciary Guarantees provides guarantees to debtors and creditors (leasing) in the process of executing or withdrawing vehicles that are in arrears or

are stuck. Without a fiduciary certificate, debt collectors are not allowed to carry out executions in a pack on the street or at the consumer's residence because this has the potential to be a criminal act.

Repressive Efforts

This effort is carried out when there has been a crime/crime whose action is in the form of law enforcement by imposing criminal sanctions. As the author has described in the previous chapter that debt collectors are not justified in forcibly withdrawing vehicles belonging to the debtor, if this is done then it has fulfilled the criminal elements like the case that occurred in March 2020 experienced by a consumer named Irfan (21 Year) who has not paid his motorbike installments for three months at the financing company Adira Finance. When Irfan was at his house, which is located in the City of Demak, the collector's dept.

Based on the above provisions, the sanctions for debt collectors if they take a vehicle belonging to a consumer forcibly and do not complete it with evidence of a fiduciary certificate will be sentenced to a maximum of nine years in prison. The reality that occurs when confiscation cases are carried out by debt collectors is always resolved through mediation so not through the court. So far, cases handled by the Police Criminal Investigation Unit related to confiscation by debt collectors always end in mediation between the parties, there are no sanctions of the punishment given to debt collectors.

4 Conclusion

Based on the description above, the authors can draw the following conclusions:

- a. Police as law enforcers, protectors, and protectors of the community are obliged to maintain law enforcement, justice, and protection of human dignity and order and legal certainty in the context of realizing the duties and functions of the police. tackling the confiscation of motorized vehicles by debt collectors including through pre-emptive efforts, preventive efforts, and repressive efforts.
- b. There are several impediments looked by the Criminal Investigation Unit to conquer the act of seizure of engine vehicles did by obligation collectors, namely internally is caused by the lack of personnel in the criminal investigation unit and the low quality of the personnel of the criminal investigation unit while external factors are caused by unclear status. members of debt collectors and there is no obvious limit on the working mechanism of debt collectors in collecting creditors.
- c. The suggestions submitted by the author are as follows:
The cops ought to be more dynamic in giving schooling to general society about their freedoms and furthermore the cops should require supporting organizations to present a composed solicitation for security for the withdrawal of merchandise submitted to the Kapolda or the Head of the Resort Police for the execution of the withdrawal of products allotted to the obligation gatherer prior to gathering so it is not difficult to make a move assuming it happens abusing activity
- d. Debt collectors should comply with the regulations regarding debt collection procedures in a legally agreed agreement so that things do not happen that will harm both parties.

References

- [1] Hotma P. Sibuea, Asas Negara Hukum, Peraturan Kebijakan, & Asas-Asas Umum Pemerintahan yang Baik. Jakarta: Erlangga, 2010.

- [2] Fakhrisya Zalili Sailan, "Hubungan Hukum, Negara, dan Kekuasaan, di akses di." 2017, [Online]. Available:<http://zalilifakhrisya.blogspot.co.id/2013/11/hubungan-hukum-kekuasaandanegara.html>
- [3] "<http://lindasyafitri582.blogspot.co.id/2013/06/ketidak-percaya-an-masyarakat-terhadap.html> diakses pada 18 April 2016 pukul 11.27 wib."
- [4] "<http://www.esaunggul.ac.id/epaper/etika-profesi-perspektif-hukum-dan-penegakan-hukum-dr-h-fauzie-y-hasibuan-sh-mh-wakil-ketum-dpp-ikatan-advokat-indonesia/>."
- [5] Fauzie Yusuf Hasibuan, Hukum dan Dunia Peradilan di Indonesia. Jakarta: Fauzie & Partners, 2007.
- [6] Kavling, "Dept Collector Merampas Motor dan Mobil." 2017, [Online]. Available: <https://kavling13.blogspot.co.id/2016/01/debt-collector-merampas-motor-mobil.html> .
- [7] Satjipto Rahardjo, Membedah Hukum Progresif. Jakarta: Kompas, 2007.
- [8] Bambang Sunggono, Hukum dan Kebijakan Publik. Jakarta: Sinar Grafika, 1994.
- [9] Sugiyono, Statistik untuk Penelitian. Jakarta: Alfabeta, 2007.
- [10] Soetandyo Wigjosoebroto, Hukum, Paradigma, Metode dan Dinamika Masalahnya. Jakarta: Elsam, 2002.
- [11] Juhaya S. Praja, Aliran-aliran Filsafat dan Etika. Bandung: Yayasan Piara, 1997.
- [12] Soejono, Doktrin-Doktrin Kriminologi. Bandung: Rineka Cipta, 1973.
- [13] Barda Nawawi Arief, Bunga Rampai Kebijakan Hukum Pidana. Bandung: Citra Aditya Bakti, 2002.
- [14] Barda Nawawi Arief, Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan,. Bandung: Citra Aditya Bakti, 2001.
- [15] Sadjiono, Polri dan Good Governance. Surabaya: Laskbang Mediatama, 2008.
- [16] A. . Alam, Pengantar Kriminologi. Makasar: Pustaka Refleksi, 2010.