

Police Authority in Solving Fraud Cases

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Abstract. The act of deceiving other people is an act that can be punished, as regulated in Article 378 of the Criminal Code. Deception involves fabricating lies for one's personal gain and the detriment of others. Fraud is usually carried out by persuading and moving someone to hand over goods or perform real actions based on false beliefs. Crimes of fraud and embezzlement are often reported to the police and are troubling to the public. In Indonesia, there are many cases of fraud and embezzlement because of advances in science and technology that allow for the use of more sophisticated modus operandi, the police have a critical role to play in dealing with fraud that occurs in society to create order in society.

Keywords: fraud; police; crime

1. Introduction

Criminal law is part of the general law that is still valid in Indonesia. Although when viewed from a certain point of view, it does not show significant differences between criminal law and other common laws, because both aim to guarantee the application of recognized norms. However, from another point of view, there is a difference in criminal law, namely there is a deliberate intention to give legal consequences in the form of suffering to perpetrators of criminal acts. Criminal law is a regulation that determines the actions that are prohibited or that include criminal acts, as well as sanctions or punishments that can be given to perpetrators of criminal acts.

Formal criminal law, material criminal law, and implementation law, also known as criminal procedural law, are the three basic components of criminal law. These three sections comprise the structure of the law enforcement framework. Criminal regulation is perceived and upheld in light of the fact that it has the point of safeguarding the freedoms and interests of society and keeping everything under control by endorsing culprits of wrongdoings that hurt others. Thus, maintaining public order is the goal of criminal law. Criminal regulation is a regulation that has approvals or punishments. Notwithstanding its standards, criminal discipline or endorses are likewise an extraordinary nature of criminal regulation.

Criminal law exists and acts as a hope to prevent the occurrence of a criminal act, both for people who have previously committed a crime and for people who have never committed an evil act or criminal act, meaning here is the hope of a criminal law so that people who have committed a crime are prevented from recurring, and for those who have not committed a criminal act are prevented from doing it. If the act has fulfilled a formulation of offense committed before the enactment of the relevant provision, the person cannot be convicted or even prosecuted, this is a principle in criminal law, namely the principle of legality that binds acts expressly determined by law. Based on Article 1 paragraph (1) of the Criminal Code, the

meaning of the principle of legality is formulated in Latin "Nullum delictum nulla poena sine praevia lege poenali" meaning "no offense or deed, no crime without criminal provisions that precede it".

In the Law, a person who commits a crime or criminal act that violates the rules may be subject to sanctions or criminal liability for his actions. The rules of law related to criminal liability serve as determinants of the conditions that must be met by the perpetrator in order for the sentence imposed to be valid. Rules related to criminal liability can be considered regulations regarding how to deal with people who violate obligations. In the absence of criminal acts, responsibility cannot be recognized or perpetrators cannot be punished. However, not everyone who commits a criminal offence can always be punished

Sanctions or crimes imposed on someone who commits a crime or criminal act have the aim of correcting the behavior of the perpetrator and preventing the occurrence of crimes in the future. However, in practice, the legal process does not always run perfectly. There are some cases where the person who committed the crime is not punished or receives punishment that is not proportional to the crime committed. This can be due to a variety of factors, such as the criminal justice system's inability to gather sufficient evidence or human rights violations in the legal process.

In addition, criminal punishment is also not always effective in achieving the desired goal. There have been cases where the convicted person turned out to have re-committed the crime after being released from punishment. This shows that criminal punishment is not the only solution to tackling crime. A more holistic approach is needed and involves various aspects, such as education, rehabilitation, and social support to correct the behavior of perpetrators and prevent future crimes.

Fraud is a class of criminal acts against people's wealth committed by lying (deceiving) others by abusing the trust given. Fraud is categorized as a criminal act that can benefit itself by violating the law and is considered an act that always harms others, therefore the perpetrator of fraud can be held accountable for his actions with criminal sanctions Article 378 of the Criminal Code, where a person is said to commit fraud by moving others with the intention of handing over a sum of money for a certain purpose, benefiting themselves unlawfully, And the money is not used for its real purpose but for its own sake.

Crime in the form of fraud in Indonesia develops with various types and forms, this is due to the development of thinking and also the advancing times so that committing fraud today is not a difficult thing, especially technology that is increasingly sophisticated and developing, therefore the public is expected to be observant and careful and it is also expected that law enforcement is firm and clear against perpetrators of fraud crimes. The crime of fraud is a crime that is classified as a criminal offense against people's property. The crime of fraud is generally formulated in the Criminal Code in Article 378 of book II Chapter XXV.

The criminal procedural regulation instrument and correctional framework in Indonesia authoritatively control the system for settling criminal cases. However, law enforcement officials frequently employ the system as a repressive tool. Social control that fully safeguards life, property, and social harmony is a more fundamental issue facing society. The government must effectively enforce the law and foster a sense of justice in society in order to achieve this objective. Equity is something that everybody in the public arena needs, needs, and should take a stab at. In court, the obligation of the police is as a specialist.

However, to create a safer and fairer society, the government needs to work with the community in addressing various issues related to the criminal legal system. Comprehensive structural reforms are needed, such as strengthening the independence of the judiciary,

improving the integrity of law enforcement officials, and improving the existing criminal law system.

Police do their job by seeking statements from various sources and witnesses to investigate criminal acts, gather evidence, and find suspects. The police force is an agency that deals directly with lawbreakers. The police's responsibilities and powers are outlined in Article 13 of Law No. 2 of 2002 pertaining to the National Police of the Republic of Indonesia, which is responsible for ensuring public safety and security, enforcing the law, and offering community members security, protection, and services. The police are required to conduct investigations into all criminal acts in accordance with the procedures of the criminal procedure law and other laws and regulations in order to carry out their responsibilities. As a result, in order for the police to effectively carry out investigations, they need adequate tools and knowledge.

Police with great responsibility carried, the police have a double duty, namely to prevent crime by maintaining security and order and to tackle crime where as an effort to carry out investigations. As stated in point 4 of Article I of the Criminal Procedure Code, " Examiners are authorities of the Public Police of the Republic of Indonesia who are approved by regulation to lead examinations.

Based on the background description above, how the implementation of fraud crime resolution and how discretionary policies in fraud cases by the police.

2. Research Method

The study at hand uses the normative juridical research method, which involves analyzing the implementation of legal rules or norms found in positive law. The results of the study are then presented in a narrative format that includes a well-organized and systematic description of the findings. This means that the secondary data collected is interconnected based on the research problem, so that it can be viewed as a whole that meets the requirements of the study.

3. Findings and Discussion

3.1 Application of Fraud Case Resolution

Restorative justice is a way to reach a settlement outside of the criminal justice system that involves parties interested in a crime as well as victims, perpetrators, supporters of victims, supporters of perpetrators, and the community. Restorative justice is regarded as a novel approach to the investigation of a human-caused crime. The idea of helpful equity has a fundamental comprehension that wrongdoing is a demonstration against individuals or society and is related with infringement like the obliteration of legitimate standards. In addition to causing harm to the state's legal order (law-breaking), violations also cause harm to society's order (society value). The interests of society as a whole and the state are at stake in crimes.

In a case of fraud and embezzlement that uses restorative justice, community members' roles and involvement are very useful and important in helping to correct errors and irregularities in the community in question. It is anticipated that a settlement with a restorative justice system will result in the restoration of all parties who feel harmed and respect for victims of a crime. Regard is given to casualties by requiring the culprit to recuperate from the results of the crook act he has committed. Recuperation is completed by culprits as pay, social work, making enhancements, or certain exercises by common choices that host been settled upon by

all gatherings in the gatherings led.

The police's discretion cannot be separated from the application of restorative justice. In view of the arrangements of Article 2 of the Public Police Regulation, it very well may be seen that the Public Police in its situation as a cop has the capability of implementing the law in the legal, preventive, and oppressive fields. Therefore, in light of the discretionary authority granted to judges by Article 18 (1) of the Police Law, " In the public interest authorities of the Public Police of the Republic of Indonesia in completing their obligations and specialists might act as per their judgment". Obviously, in completing these activities, it should be by Article 4 of the Public Police Regulation, to be specific by maintaining common liberties. Then, at that point, the expression "police tact" as per Article 15 passage (2) letter k of the Police Regulation is known as "different specialists". Letter l of the Criminal Procedure Code is referred to as "other acts according to responsible law" in Article 16 paragraph 1, and letter j of the Code is referred to as "any action according to responsible law" in Article 7 paragraph 1. The following restrictions must be placed on the police's responsibilities, particularly the act of investigation and the act of "police discretion": First, "Not in violation of a legal principle. That is, it is governed by the positive law as well as any other laws that are in effect in the location where an officer uses Police Discretion. In the overall set of laws in Indonesia, 4 (four) sorts of legitimate sources are known, including State regulation or positive regulation, standard regulation, strict regulation, and customs.

in harmony with legal obligations requiring such actions to be performed. That is, the actions taken are regulated by certain rules as a legal obligation to be enforced. Third, Must be proper, reasonable, and included in the environment of his position. That is, it is acceptable with common sense for the environment in which the action is taken. Fourth, Proper consideration based on compelling circumstances. That is, its implementation or way of delivery in the field is carried out based on events that are only at certain moments (emergencies) without observation or in-depth research of what is decided. Fifth, respect human rights. That is, so following human rights provisions and does not violate these human rights provisions".

3.2 Police discretionary policy in fraud crimes

In society, the existence of the police is always felt because they are tasked with maintaining security and order. Therefore, all attitudes, behaviors, and actions of the police are easily observed and noticed by the public. However, despite this, the police have a privileged position because they are authorized to maintain security and order and use the law as a tool to maintain security and order. Therefore, the police also have the duty and authority to enforce the law and can even use force if necessary.

In the principle of a state based on law, granting discretionary policies to the police is contrary to this principle. This is because discretionary policies can take away certainty about what will happen next. Nevertheless, creating a society based entirely on law as an ideal cannot be achieved. The goal is that all things and actions are governed by clear and firm rules, but in reality this is difficult to achieve.

Law No. 2 of 2002. In Regulation No. 2 of 2002, caution actually has a "place", specifically in Article 18 which peruses equivalent to Article 18 of Regulation No. 28 of 1997, which reads, "In the public interest, officials of the National Police of the Republic of Indonesia may act in accordance with their own judgment in carrying out their duties; The laws and regulations as well as the professional code of ethics of the National Police of the Republic of Indonesia must be taken into consideration before its implementation can take place except in extremely pressing circumstances.

In Article 16 section 1 letter 1 of Regulation Number 2 of 2002 concerning the Police which peruses the Public Police is approved to complete different activities as per mindful regulation and in Regulation Number 8 of 1981 concerning the Code of Criminal Strategy (KUHAP) contained in Article 5 passage (1) point a point 4 which peruses that examiners can make different moves as per the law capable.

At times, many purposes of Police Carefulness are done as helpful equity settlement, Supportive Equity is a methodology that centers more around the states of making equity and equilibrium for culprits of criminal demonstrations and their own casualties. The procedural and law enforcement instruments that emphasis on discipline are changed into a course of exchange and intercession to make arrangements for a more attractive and more adjusted settlement of criminal cases for casualties and culprits. The Republic of Indonesia's National Police Regulation No. 8 of 2021 addresses the handling of restorative justice-based criminal acts.

The criminal penalties for fraud are outlined in Article 378 of the Criminal Code.. However, even though the criminal law has been established, law enforcement is still considered ineffective. To enforce criminal law, law enforcement officials are needed who can implement the law as well as institutions authorized to handle crimes. As a result, cases outside of the criminal justice system are resolved by investigators using discretionary authority. One way this is done is by intervening and focusing on the job of the gatherings to determine their own cases. In the event that the case is effectively settled by familial means, the examination cycle won't proceed.

4. Conclusion

Based on the things described in the previous chapters, it can be concluded that:

1. Helpful equity is a course of settling criminal demonstrations beyond the Law enforcement Framework, including the person in question, guilty party, casualty allies, wrongdoer allies, and the local area to accomplish understanding and goal. Restorative justice is a new way to look at crimes because it takes into account how the crime affected society and the law. Restorative justice cases, especially those involving embezzlement and fraud, require the community's involvement. Because they are free to act in judicial matters, the police play a crucial role in the implementation of restorative justice. However, their actions ought to uphold human rights and comply with the law. The police should follow explicit standards to make optional moves that are steady with legitimate commitments, adequate, reasonable, and appropriate for their ward.
2. The police have the responsibility and authority to uphold security and order, which may necessitate the use of force or the law. In any case, conceding optional strategies to the police is in opposition to the guideline of a state in view of regulation. The law gives the police optional position to act in the public interest, however just in extremely fundamental conditions with due respect to the regulations and guidelines and expert set of rules of the Public Police of the Republic of Indonesia. Restorative justice, which focuses more on creating conditions for the creation of justice and balance for the perpetrators of criminal acts and their own victims, is used in some instances to exercise discretion. Even though the criminal law has been established, law enforcement is still considered ineffective so that law enforcement officials are needed who can implement the law and institutions authorized to handle crimes. Police can use discretion to resolve cases outside the criminal justice system, such as mediating and prioritizing the role of the

parties to resolve their own cases. However, if the case is successfully resolved by familial means, then the investigation process will not continue.

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