

Law Enforcement Of Motor Vehicle Theft In The Jurisdiction Of Papua POLDA

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Abstract

Motor vehicle theft crimes in Papua will increase in 2021 and 2022, although in 2023 there will be a decline, these figures each show high numbers, this also contributes to the high number of crime cases in Papua and makes Papua the number one crime-prone country in Indonesia. This research focuses on identifying law enforcement efforts in terms of Article 362 KUHP and identifying the factors that cause these crimes, analyzed from three criminal theories as well as Neo Classical criminal theory, environmental crime theory and sub-structural delinquency theory. Researchers used Normative Juridical research methods which were carried out by analyzing Article 362 KUHP regarding acts of theft. Meanwhile, the empirical approach was carried out by interviewing sources. As a result, action against criminals through the provisions of Article 362 KUHP has not been optimal because this criminal act of theft is generally recidivist and knows other perpetrators, so Article 362 KUHP does not provide a deterrent effect. Therefore, referring to article 5 of Law No.1/1946 concerning the KUHP, the punishment in article 362 KUHP can be replaced with the provisions of Article 477 paragraph (1) and paragraph (2) of Law No.1/2023 that the perpetrator of theft is threatened with a maximum prison sentence of 7 years, which if committed using a fake key as in article letter (f) and in groups as in letter (g) can be subject to a penalty of 9 years in prison. The factors causing the crime of motor vehicle theft are in accordance with neo-classical theory, environmental theory and substructural delinquency theory, where the factors causing the crime are weak law enforcement, technological developments such as cellphones, family and social environmental factors and the geographical conditions of the perpetrator.

1. Introduction

The crime rate in Papua has increased in the span of three years, namely from 2021 to 2023. Where in 2021 there were 2,684 cases¹, then this figure increased to 4,161 cases in 2022, then increased to 6,448 cases in 2023.² This problem makes Papua the first city in Indonesia that is prone to crime rates when compared to other cities in Indonesia.³ Papua POLDA recorded that the most cases of motor vehicle theft occurred in Papua in 2023, there were 1,090 cases.⁴ The decline in crime cases in Papua in 2021 does not necessarily make Papua a

¹ BPS, "Statistik Kriminal Provinsi Papua Barat 2021," 2022.

² Pin Fun Papua, "Polda Papua Barat Rilis Capaian Dan Statistik Keamanan Di Akhir Tahun 2023," 2024, <https://pinfunpapua.com/polda-papua-barat-rilis-capaian-dan-statistik-keamanan-di-akhir-tahun-2023/>.

³ Data Boks, "10 Wilayah Hukum Polda Dengan Risiko Penduduk Terkena Kejahatan Tertinggi (2021)," 2023, <https://databoks.katadata.co.id/datapublish/2023/03/20/10-daerah-dengan-risiko-penduduk-terkena-kejahatan-tertinggi-jakarta-masuk-daftar>.

⁴ Detiksulsel, "Polresta Jayapura Catat Kasus Pencurian Paling Banyak Terjadi Selama 2023 Baca Artikel Detiksulsel, 'Polresta Jayapura Catat Kasus Pencurian Paling Banyak Terjadi Selama 2023' Selengkapnya <https://www.detik.com/Sulsel/Hukum-Dan-Kriminal/d-7104124/Polresta>," 2023,

city with a minimum crime rate in Indonesia. Cases of theft are high crime cases in Papua. In 2021, the Papua Regional Police handled 500 cases of motor vehicle theft.⁵ Theft is a crime that has always been a problem for every country, including Indonesia.⁶ Papua is the province with the highest crime rate in Indonesia, which is dominated by cases of motor vehicle theft. This means that almost 75% of incidents of motor vehicle theft contribute to the crime rate in Papua and make Papua a province in Indonesia that has the highest crime rate in Indonesia. Theft is a criminal act that harms both psychologically and materially.⁷ Psychologically, this can result in trauma for the victim when the motorbike is parked freely, while materially, the victim can lose the economic benefits of the motorbike and financial losses.

The crime of theft is significant to discuss and research because, in our social life, this crime of theft often occurs. The theft is currently the most common crime in every country. The characteristics of crimes that are increasing qualitatively can be mentioned starting from the point of view of their targets, who were initially adult victims and became children's victims. In terms of the initial modus operandi with sharp weapons and simple communication, it changed to using firearms. From the point of view of the perpetrators of the crime, initially, the perpetrators were carried out alone and then in groups. In terms of motive, originally for basic needs, but now for other explanations. Initially eliminating traces by throwing them away or burning now by selling them. These five aspects will be known after conducting more in-depth research and at the same time as a step to formulate actions that law enforcement officials must take.⁸

The crime of theft as a form of crime takes the motor of other people's rights.⁹ Crime or evil deeds in normative juridical are manifesting in abstract criminal regulations.¹⁰ Criminal acts are formulated from the results of identifying behavior and conditions that are currently happening in society.¹¹ At the time of formulation, the concern is on one party and on something that determines the perpetrator's behavior, and other parties must pay attention to the parts of the crime.¹² The theft is one of the criminal acts due to the taking of other people's property that harms other people so that the criminal law through the Criminal Code (KUHP) is regulated.

The police carry out law enforcement processes. This provision is a provision contained in the Article 30 paragraph (4) 1945 Constitution of the Republic of Indonesia

<https://www.detik.com/sulsel/hukum-dan-kriminal/d-7104124/polresta-jayapura-catat-kasus-pencurian-paling-banyak-terjadi-selama-2023>.

⁵ BPS, "Statistik Kriminal Provinsi Papua Barat 2021."

⁶ Albertus Hazel Bernaditya, Lukmanul Hakim, and Gindha Ansori Wayka, "Criminological Analysis of Criminal Actions of Motor Vehicle Theft Based on Victimological Perspective (Decision Number: 168/Pid.B/2022/PN.Kla)," *Jurnal Gagasan Hukum* 5, no. 1 (2023): 10-20, <https://doi.org/10.31849/jgh.v5i01.13211>.

⁷ Laili Fauziati Nafisah, "Upaya Polri Dalam Pencegahan Tindak Pidana Pencurian Kendaraan Bermotor Roda Dua Wilayah Polres Brebes," *Seminar Nasional Ke-Indonesiaan VII, 2022*, 1083-88.

⁸ Ibrahim Fikma Edrisy, Kamilatun, and Angelina Putri, *Kriminologi* (Pustaka Media, 2023).

⁹ Wahyu Adhi Admaja and Gunarto, "Law Enforcement On Combating Crime Of Motorized Vehicle Theft In Jurisdictions Police Central (Case Study To Be Treated By Central Java Police)," *Jurnal Daulat Hukum* 2, no. 3 (2019): 355-58, <https://doi.org/10.30659/jdh.v2i3.5657>.

¹⁰ Asal Beriman Waruwu, "Analisis Terhadap Putusan Hakim Dalam Perkara Pencurian Yang Di Lakukan Oleh Anak (Studi Putusan Pengadilan Negeri Nomor: 1/Pid.Sus-Anak/2019/PN Trg)," *JURNAL RECTUM* 3, no. 2 (2021): 447-59, <https://doi.org/10.46930/jurnalrectum.v3i2.2126>.

¹¹ Waruwu.

¹² Alan Dahlan and Dhanang Widijawan, "Tindakan Penyelesaian Kasus Penyidikan Tindak Pidana Curanmor DI Kecamatan Cijeungjing Kabupaten Ciamis Oleh Polsek Cijeungjing," *Caselaw - Journal of law* 4, no. 2 (2023): 153-67, <https://doi.org/10.25157/caselaw.v4i2.3268>.

(hereinafter referred to as UUD NRI 1945), which means that the POLRI is an instrument of the state to carry out law enforcement solely to create security and protect the community. Apart from that, contained in the law of the Republic of Indonesia Number 2 of 2002 concerning the State Police of the Republic of Indonesia (hereinafter referred to as Law No.2/2002), which means that the State Police of the Republic of Indonesia (POLRI) functions by the state to provide protection, protection and service to the community in the context of maintaining domestic security.¹³

Law enforcement, which is the authority of the police, correlates with the demand for legal certainty for legal understanding, interpretation, and enforcement of applicable laws.¹⁴ This issue is one of the efforts to achieve justice and social benefits to produce a legal reality in every legal relationship. If the law is successfully upheld, the public will receive security and order in society, while the procedure for implementing it is formal. Curiosity is growing, and the difficulty of finding evidence of perpetrators by investigators makes the crime of motor vehicle The Papua Regional Police often encounter obstacles in disclosing theft cases. The Papua Police still have limitations in handling cases of theft reported by the public, so many issues cannot be addressed and resolved quickly.¹⁵ Research has found that the police find many obstacles in disclosing cases of theft because the perpetrators commit theft in groups, so the theft process can be carried out quickly.¹⁶ It is challenging for the police to identify the perpetrators and collect evidence to prosecute the perpetrators of theft. Another study found that the modus operandi in this group was carried out with box cars, but previously, thieves had stalked the target of the theft victims. When the victim was off guard, the perpetrators swiftly lifted the locked motorbike to be put on a box truck. It only takes about a minute to do this. When the crime of theft using a box car has been committed, the perpetrator can escape easily and quickly and minimize the possibility of being caught or recognized by residents.¹⁷ However, until now, efforts to deal with this crime are still far from expectations, especially in the Papua region; the various modes used by perpetrators of theft have become obstacles for the Papua Police, which has increased the number of crimes occurring in Papua.

Theft crime as a crime can occur due to various factors. Many factors become the motivation behind the occurrence of theft.¹⁸ Criminal law contains the theory that criminal behavior can arise due to elements from the perpetrator himself, which is called

¹³ Dien Nabila Naziva, Usman, and Dessy Rakhmawati, "Upaya Kepolisian Dalam Menanggulangi Tindak Pidana Pencurian Kendaraan Bermotor Dengan Pemberatan Dan Kekerasan," *PAMPAS: Journal Of Criminal* 2, no. 3 (2021): 76–84.

¹⁴ Fitriyah Ingratubun, "Penegakan Hukum Dan Pencegahan Curanmor Di Wilayah Hukum Polres Jayapura," *Jurnal Peneli T i an B i Dang H Ukum Univ Ersitas G Resik* 11, no. 4 (2022): 380–89.

¹⁵ Yus Ade Elisia, Ruslan Renggong, and Baso Madiong, "Analisis Peran Kepolisian Dalam Penanggulangan Kejahatan Pencurian Kendaraan Bermotor Roda Dua Di Wilayah Hukum Polsek Ujung Pandang," *Indonesian Journal of Legality of Law* 5, no. 1 (2022): 92–97, <https://doi.org/10.3-5965/ijl-f.v5i1.1914>.

¹⁶ Anak Agung Gede Agung Indra Prathama et al., "Upaya Polisi Dalam Menanggulangi Kejahatan Pencurian Kendaraan Bermotor Di Wilayah Hukum Polda Bali," *Hukum Saraswati (JHS)* 05, no. 01 (2023): 275–86, <https://doi.org/10.36733/jhshs.v2i2>.

¹⁷ Ida Bagus Nararya Prayascita Adnyana and I Ketut Rai Setiabudh, "Penanggulangan Tindak Pidana Pencurian Dengan Kekerasan (Study Wilayah Hukum Polisi Resor Kota Mataram)," *Jurnal Kertha Semaya* 8, no. 7 (2020): 1079–81.

¹⁸ Komang Atika Dewi Wija Pramesti and I Wayan Suardana, "Faktor Penyebab Dan Upaya Penanggulangan Tindak Pidana Pencurian Kendaraan Bemotor (Curanmor) Di Kota Denpasar," *Kertha Wicara : Journal Ilmu Hukum* 9, no. 2 (2020): 1–16.

indeterminism, and from outside the perpetrator's self, which is called determinism.¹⁹ Indeterminism is the reason that purely originates from the perpetrator himself to carry out the crime.²⁰ Such as mental factors, including those deriving from the perpetrator himself, the existence of behavior that becomes a habitual pattern with the thought of wanting to earn a high income without working, while the factor of determinism comes from the family environment and individual social environment.²¹ The rise of motor vehicle theft (curator) crimes, especially two-wheelers, is due to the rapid increase in the number of motorized vehicles quickly owned by the public.

Understanding the crime pattern of theft is essential for designing a safe living environment and implementing the effects of active crime prevention activities. It is also necessary to analyze the places where the crime occurred, the time it happened, and the factors that caused the crime to occur.²² Crime pattern explains the target criminal process and has implications for crime reduction strategies.²³ For this reason, the pattern of the crime of theft as a step to inhibit the increase in the crime of theft needs to be carried out to overcome the obstacles in the Papua Regional Police.

On neo-classical theory the occurrence of criminal acts because humans have the will to do things for pleasure. Therefore, responsibility is returned to the perpetrators of crimes. Environmental theory explains that criminals commit crimes because of environmental factors, both family, economic, social, cultural, defense, and security, including protection against the outside world and technological inventions. The substructural delinquency theory emphasizes that a dense population, low economy, unemployment, bad physical conditions in settlements, or many familiar and high-level social disorganizations can trigger crime.²⁴ By adopting these three theories, somebody can identify the factors behind the motivations of criminals.

Research related to motor vehicle theft cases in Indonesia was previously carried out by Abi Desiano in 2018 with the title "Efforts to Overcome the Crime of Motor Vehicle Theft in the Legal Area of the SALATIGA POLRES", and research by Yus Ade Elisia in 2022 with the title "Analysis of the Role of the Police in Overcoming the Crime of Two-Wheeled Motor Vehicle Theft in the Legal Area of the Ujung Pandang Police",²⁵ and research by Yus Ade Elisia in 2022 with the title "Analysis of the Role of the Police in Overcoming the Crime of Two-Wheeled Motor Vehicle Theft in the Legal Area of the Ujung Pandang Police".²⁶ These two studies both discuss the problem of increasing motor vehicle theft and provide research results regarding police efforts in handling cases of motor vehicle theft, such as prevention

¹⁹ Nurhuda Kika, Muhadar, and Abd. Asis, "Penegakan Hukum Penanggulangan Tindak Pidana Pencurian Kendaraan Bermotor," *Hermeutika* 5, no. 2 (2021): 337-44, <https://doi.org/10.33603/hermeneutika.v5i2.5701>.

²⁰ Agus Sugiarto, "Faktor Penyebab Dan Upaya Penanggulangan Tindak Pidana Pencurian Kendaraan Bermotor (Curanmor) Di Kota Denpasar," *Jurnal Pendidikan Tambusai* 6, no. 2 (2022): 14719-24.

²¹ Pramesti and Suardana, "Faktor Penyebab Dan Upaya Penanggulangan Tindak Pidana Pencurian Kendaraan Bemotor (Curanmor) Di Kota Denpasar."

²² Taiye Oluwafemi Adewuyi et al., "Spatio-Temporal Analysis of Urban Crime Pattern and Its Implication for Abuja Municipal Area Council, Nigeria," *Indonesian Journal of Geography* 49, no. 2 (2017): 145-54, <https://doi.org/10.22146/ijg.15341>.

²³ Paul Brantingham and Patricia Brantingham, "Crime Pattern Theory," *Criminology and Criminal Justice*, 2021, 1-17, <https://doi.org/10.1093/acrefore/9780190264079.013.8>.

²⁴ Sahat Marulit, *Buku Ajar Kriminologi* (Rajawali Buana Pusaka, 2021).

²⁵ Abi Desiano Budi Darmawan, "UPAYA POLRI DALAM MENANGGULANGI TINDAK PIDANA PENCURIAN KENDARAAN BERMOTOR RODA DUA DI WILAYAH HUKUM POLRES SALATIGA," *Jurnal Bedah Hukum* 2, no. 1 (2018): 1-14.

²⁶ (Elisia et al., 2022)

and response efforts. Next is Kadek Taesa's research in 2021 with the title "Efforts to Prevent and Eradicate the Crime of Motor Vehicle Theft in the Bali POLDA".²⁷ This research provides research results regarding the modus operandi used by perpetrators in committing criminal acts of motor vehicle theft such as the use of fake keys and these three studies have not fully reviewed the legal efforts carried out by the police by referring to Article 362 KUHP, so the solution to suppressing the crime of motor vehicle theft is not find a solution. Although this research is the same as previous research, namely discussing the problem of motor vehicle theft, it is different from previous research in that this research also discusses legal efforts carried out by the police by referring to Article 362 of the KUHP to find solutions to reduce the crime of motor vehicle theft. This also discusses factors related to the causes of motor vehicle theft in terms of neo-classical crime theory, environmental theory and substructural delinquency theory which previous researchers did not do. So the presence of this research complements the shortcomings of previous research in the research "Law Enforcement of Motor Vehicle Theft in the Legal Area of the Papua POLDA".

2. Methods

Empirical juridical research is research that examines the validity, implementation and success in implementing the law.²⁸ Normative juridical research can be supported by empirical research which mainly examines primary data.²⁹ The object of this research focuses on article 362 of the KUHP. As well as reviewing neo-classical theory, environmental theory and substructural theory of delinquency.³⁰ Secondary materials for the normative juridical approach in this research are literature books and journals related to article 362 of the KUHP regarding acts of theft, especially car thievery. Meanwhile, the primary material for the empirical approach comes from interviews conducted by researchers.

3. Results and Discussion

3.1. Enforcement of Motor Vehicle Theft Laws at the Papua Regional Police

Law enforcement currently being carried out by the Papua Regional Police is contained in excerpts from interviews with two informants from the Papua Police Headquarters for Criminal Investigation:

Head of the Criminal Investigation Unit of the Papua Police, Boy Tampubolon, said that efforts to prevent the spread of motor vehicle theft crimes were to carry out preventive efforts and actions to deter criminals, namely by repressive efforts. "The efforts we are making are preventive and repressive. The preventive method is to routinely carry out vehicle raids such as checking vehicle documents, carrying out routine patrol activities, carrying out patrols to ensure public safety, conducting outreach such as providing warnings through brochures posted in busy centers and educational efforts such as providing direction regarding modus operandi. what the perpetrator did. crimes such as not being able to let your guard down when you are in a quiet place, while the repressive method is to place prisoners in a detention center but the prisoners are treated humanely so that prisoners do not feel pressured, such as providing food and inviting them. to communicate."³¹

Andis Catur, one of the police officers from the Criminal Investigation Unit of the Papua Police, said that when carrying out raids or preventive measures they checked motor

²⁷ Kadek Taesa Ari Gunadi and Ida Bagus Gede Subawa, "Upaya Pencegahan Dan Pemberantasan Tindak Pidana Pencurian Kendaraan Bermotot Dalam Perspektif KUHP Di Ditreskrim POLDA Bali," *Jurnal Hukum Mahasiswa* 1, no. 2 (2021): 170–85, <https://doi.org/10.36733/jhm.v1i2,%20>

²⁸ Nur Solikin, *Pengantar Metodologi Penelitian Hukum*. (CV. Penerbit Qiara Media, 2021).

²⁹ Muhammad Sidiq Armia, *Penentuan Metode & Pendekatan Penelitian Hukum* (LKKI, 2022).

³⁰ Marulit, *Buku Ajar Kriminologi*. Hal. 33

³¹ Boy Tampubolon, interview, July 19 2023

vehicle documents such as SIM and STNK, as well as BPKB. "The raids we carried out included checking motor vehicle documents such as SIM and STNK, as well as BPKB. "This inspection was carried out carefully and identified because the raid was also carried out to detect if any vehicle documents were falsified." ³²

Both preventive and repressive efforts were carried out in a humane manner, according to information revealed by Keenan Fabanyo, who is also one of the police officers from the criminal resort section of the Papua Regional Police. "Repressive efforts are carried out humanely so that there are no grudges between prisoners and the police and to create a humanitarian spirit full of awareness in the perpetrators of crimes."³³

Efforts were made by the Papua Regional Police to catch the perpetrators of the theft in two ways. First; preventive efforts consisting of four actions, namely holding raids, carrying out patrols, and carrying out outreach and education efforts. Where of the four preventive measures, only raids were very effective in netting stolen motorbikes because each Papuan Police raid succeeded in netting more than dozens of vehicles without certificates. If the vehicle owner cannot prove ownership, the vehicle will be inspected. The second effort is repressive, including putting prisoners in prison but in a humane way.

Law enforcement against criminal acts in a preventive manner by utilizing social facilities to improve social conditions but indirectly affect crime prevention efforts, such as by carrying out routine patrols, which are expected to be able to detect early occurrences of crimes such as theft, as well as penal or repressive efforts, which include taking action on motor vehicle theft suspects.³⁴

3.2. Enforcement of Motor Vehicle Theft Laws according to Article 362 KUHP of the Criminal

Article 362 KUHP states that, "Anyone who takes something, wholly or partly belonging to another person, to possess it illegally, is threatened with theft, with a maximum imprisonment of five years or a maximum fine of nine hundred rupiah. The maximum sentence is five years, especially for theft cases. The following is data on the development of motor vehicle theft crimes in Papua from 2019 to 2023.

Table 1. Development of motor vehicle theft crimes in Papua from 2019 to 2023

| Year | Number of Motor Vehicle Theft Cases |
|------|-------------------------------------|
| 2019 | 1.238 Cases ³⁵ |
| 2022 | 1.539 Cases ³⁶ |
| 2023 | 1.090 Cases ³⁷ |

The number of theft cases in Papua is high from 2021 to 2023. In 2021 there were 1,238 cases, then increased to 1,539 cases in 2022, and finally, although there was a decrease to

³² Andis Catur, interview, July 19 2023

³³ Keenan Fabanyo, interview, July 19 2023

³⁴ Admaja and Gunarto, "Law Enforcement On Combating Crime Of Motorized Vehicle Theft In Jurisdictions Police Central (Case Study To Be Treated By Central Java Police)."

³⁵ Kilas Papua, "Kejahatan Konvensional Meningkatkan Ditahun 2022, Kasus Curanmor Menempati Urutan Pertama," 2022, <https://kilaspapua.com/polda-papua/kejahatan-konvensional-meningkat-ditahun-2022-kasus-curanmor-menempati-urutan-pertama/>.

³⁶ Papua.

³⁷ Detik Sulsel, "Polresta Jayapura Catat Kasus Pencurian Paling Banyak Terjadi Selama 2023 Baca Artikel Detiksulsel, 'Polresta Jayapura Catat Kasus Pencurian Paling Banyak Terjadi Selama 2023' Selengkapnya <https://www.Detik.Com/Sulsel/Hukum-Dan-Kriminal/d-7104124/Polresta>," 2023, <https://www.detik.com/sulsel/hukum-dan-kriminal/d-7104124/polresta-jayapura-catat-kasus-pencurian-paling-banyak-terjadi-selama-2023>.

1,090 cases in 2023, even though there has been a decrease in the number of crimes, this is still relatively high in Papua.

The sentences given to the perpetrators do not have a deterrent effect on motor vehicle theft because the prison sentences given are still relatively low, so that the perpetrators who have been released from their prison terms are not afraid/will not hesitate to commit theft again. This shows that law enforcement officers which in this case is that the police are experiencing difficulties in reducing cases of motor vehicle theft.³⁸ This is also proven by the number of burglary perpetrators who were caught, 35% of whom were recidivists and/or had relationships with burglary perpetrators who had been arrested, such as friends and relatives, where this information was obtained through interviews with the police at the criminal resort section. The following is an excerpt from the interview. Andis Catur, one of the police officers from the criminal investigation section of the Papua Regional Police, said that as many as 35% of motor vehicle theft perpetrators who were arrested. "35% of motor vehicle theft perpetrators were recidivists in cases of motor vehicle theft who were arrested and were recidivists in the same case."³⁹

Keenan Fabanyo, who is also a police officer in the criminal investigation section of the Papua POLDA, also said that apart from recidivists, motor vehicle theft perpetrators still have family relationships or are close friends with other motor vehicle theft perpetrators. "It is no longer a secret that motor vehicle theft perpetrators are related to the perpetrators who were arrested in the same case, namely around 65% are related to relatives or friends."⁴⁰

35% of motor vehicle theft perpetrators who are caught are recidivists and 65% are related to relatives and friends, which is the basis for the government's decision to enact new articles related to motor vehicle theft. which can have a deterrent effect on the perpetrators. This is very effective in suppressing motor vehicle theft in Papua.

Therefore, referring to Article 5 KUHP which states that criminal law regulations, which in whole or in part cannot now be implemented, or conflict with the position of the Republic of Indonesia as an independent country, or no longer have any meaning, must be considered in full or some of them are temporarily invalid. So Article 362 KUHP which has been implemented so far may no longer apply.

Furthermore, referring to the new regulations in the Article 477 paragraph (1) Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code (hereinafter referred to as Law No.1/2023) which states that theft can be punished with a maximum imprisonment of 7 (seven) years or a maximum fine of Category V of IDR 500,000. 000, Then in paragraph 2 of the article it states that if the act as intended in paragraph (1) letter e is accompanied by one of the methods such as theft using a fake key and letter (f) is carried out jointly or in association, then it can be sentenced to imprisonment at a maximum 9 (nine) years, then the presence of Law No.1/2023 provides a solution to reduce or even eliminate cases of motor vehicle theft and can fulfill the community's expectations during this time.

3.3. Motor Vehicle Theft Crimes in Papua

The motivational factors of the perpetrators of theft can be known from the conversations interviewed by the researcher with two sources of the perpetrators of theft, which can be seen as follows:

The initials SHI, one of the perpetrators of motor vehicle theft, revealed that the reason the perpetrator committed motor vehicle theft was due to high hip style, "I committed motor

³⁸ M. Qazuini Muzahar, "Akuntabilitas Penegak Hukum Dalam Menangani Tindak Kriminal Curanmor Di Lombok Timur," *JURNAL MENTARI PUBLIKA* 02, no. 02 (2022): 304-9.

³⁹ Andis Catur, interview, July 19 2023

⁴⁰ Keenan Fabanyo, interview, July 19 2023

vehicle theft because I was driven by the desire to have a lot of money, where the money was used for things that extravagant things such as buying new clothes, a new cellphone, going to a nightclub, etc."⁴¹

RT, the initials of the perpetrator of the motor vehicle theft, who was also interviewed, said the same thing, namely that he committed the motor vehicle theft because he wanted to pay off a debt caused by being extravagant. "I committed a robbery because a friend asked me to pay off a debt, the debt was because I borrowed money to have fun."⁴²

This study found that internal factors were influenced by lifestyle while external factors were due to environmental influences. The Papua Regional Police must work with community leaders to increase public understanding and knowledge regarding curator legal products. The motivation for the theft was due to internal factors, which were not at all due to pressure to support life's necessities but because the perpetrators had a high lifestyle. Still, the perpetrators could not fulfill these desires. Meanwhile, external factors come from the social environment.⁴³

3.4. The Target of the Perpetrators of Theft

The target of the perpetrators of theft, the following are excerpts from interviews with researchers with the perpetrators of theft:

One of the scouts who is also a member of the motor vehicle theft perpetrators with the initials RR said that the perpetrator committed this criminal crime when the residents of the housing complex were busy working and the scouts knew one of the residents of the complex to dig up information regarding the housing complex and convey it to our colleagues who will commit theft. "We had previously scouted a deserted complex during rush hour, some of our members knew one of the residents of the complex."⁴⁴

Furthermore, the initials KUS, members of motor vehicle theft perpetrators, said that in committing the criminal crime of motor vehicle theft, they could even do it in crowded places and regardless of the gender of the victim, meaning that the crime of theft occurred when the opportunity arose. "We targeted victims in very busy places such as markets for victims who were busy shopping, but there were no special characteristics of the target victims, whether male or female."⁴⁵ This study found information that the target of the perpetrators of theft were victims who were in quiet housing complexes and very crowded places at the same time; there were no unique characteristics in determining the victims, whether they were men, women, or older people, as well as children and adults. Theft occurs because there is a suitable target. And ineffective guarding, such as in a quiet place but not facilitated by tools that can monitor complex activities.⁴⁶

3.5. Patterns of Motor Vehicle Theft

The network of the perpetrators of theft is known from the results of interviews with researchers with the perpetrators of theft as follows:

⁴¹ SHI, interview, July 20 2023

⁴² RT, interview, July 20 2023

⁴³ Pramesti and Suardana, "Faktor Penyebab Dan Upaya Penanggulangan Tindak Pidana Pencurian Kendaraan Bermotor (Curanmor) Di Kota Denpasar."

⁴⁴ RR, interview, July 21 2023

⁴⁵ KUS, interview, July 21 2023

⁴⁶ Pramesti and Suardana.

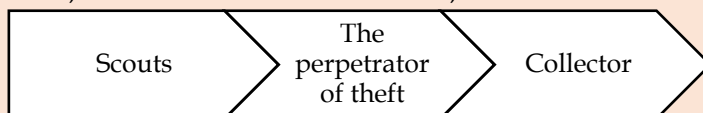
RND, one of the perpetrators of motor vehicle theft, said that the motor vehicle theft network was very organized, starting from the scouts and then conveying it to the perpetrators of the theft via cellphone connection, after the motorbike was successfully stolen, they were immediately given a container, "The network that we built was simple, from the scouts it was just conveyed to us and then after the motorbike is stolen, the motorbike can be directly distributed to the recipient."⁴⁷

The initials of SDN, another perpetrator of motor vehicle theft, revealed that the motorbikes that were stolen generally already had an order and generally farmers in the mountains need motorbikes to go to their farming areas and in mountainous areas they are generally free from police observation, especially motor vehicle raids in villages are never carried out. "We stole motorbikes, the motorbikes were sold to farmers who don't have motorbikes in the mountains. They use motorbikes to go from their homes in the village to the mountains where they farm."⁴⁸

The selling price of motorbikes also varies, if a stolen motorbike has already been ordered, the price is more expensive than a stolen motorbike without an order, that's what one of the motor vehicle thieves with the initials WW said. "Specially ordered motorbikes are sold at high prices while unordered motorbikes are sold at low prices."⁴⁹

Perpetrators of motor vehicle theft have also used new methods to manipulate stolen motorbikes, which initially changed the color of the motorbike paint but are now being dismantled one by one, this is because the old method has been known to the police, according to BNGN, one of the perpetrators of motor vehicle theft revealed this fact. "We opened the motorbike and then sold the parts one by one because the old method, such as changing the paint color of the motorbike, is better known to police officers, in case of theft if the level of security from the police is high."⁵⁰

Interviews provided information that the perpetrators of the theft were quite organized; This is known from the network that is built starting from the perpetrator of the theft, the collector to the customer, which can be described as follows.



Picture 1. Motor Vehicle Theft Crime Patterns

Scouts often come from village communities who understand the local village situation; The thieves use cellphone facilities to carry out their actions. The scout acts as an informant for the perpetrator of the theft, then the perpetrator takes action and gives the stolen motorbike to the collector.

The most vital role is as a scout or informant because the scout acts as a source of information by using a cellphone to convey the latest information, such as the activities of potential victims and complex situations.

Researchers also identified that the perpetrators of the theft were grouped and organized. This collaboration will make the theft process easier and make it more difficult for the police and the public to prevent theft. The biggest sales targets are farmers in the mountains who do not use motorbikes to enter city centers, only in remote villages. In addition, motorbikes without special orders will be disassembled into various parts to

⁴⁷ RND, interview, July 24 2023

⁴⁸ SDN, interview, July 24 2023

⁴⁹ WW, interview, July 24 2023

⁵⁰ BNGN, interview, July 24 2023

deceive the police and complicate the process of identifying motorbike codes.⁵¹

3.6. Factors Causing Cases of Motor Vehicle Theft

The factors that led to the occurrence of theft cases from the results of the researcher's interview with the victim of theft are as follows.

One of the victims of the motor vehicle theft crime, Immanuel stated that when the motor vehicle theft occurred, he was negligent because he did not remove the motorbike key from his motorbike and the incident occurred in a busy place. "When the robbery occurred, I forgot to remove the motorbike key because I was in a rush to get the change. which I left at the stall, but many people gathered in front. "This kiosk is because there is a workshop in front of it and this happened before our eyes."⁵²

Jefri, who is also a victim of a motor vehicle theft crime, revealed that when the crime occurred he was at a shopping center and was focused on shopping, "The robbery happened at that time, while I was focused on shopping."⁵³

Another crime victim of motor vehicle theft Nichole said that the motor vehicle theft occurred while she was hanging out at a friend's house, "Motor vehicle theft happened to me when I was visiting a friend's house in a certain area and while I was chatting with my friend after school."⁵⁴

Based on information from the interview, theft in Papua is due to the opportunity to take advantage of the victim's negligence. Currently, the crime of motor vehicle theft is generally committed due to opportunity, not intentionally due to the negligence of the vehicle owner. This detrimental action requires public advice to maintain the safety and order of society as a whole and participate with the authorities in dealing with crime as efficiently as possible. The victim of the theft was caused by the victim's negligence, and this was exploited by the perpetrators of the theft as an opportunity for the perpetrators of the theft who had spies in various places.

The crime of motor vehicle theft is analyzed in terms of the target and motivation of the perpetrator of the theft, which consists of two internal and external factors. The target of the theft perpetrator does not look at certain characteristics as long as they get money, organized fumigation patterns for targets that are busy and quiet complexes, as well as factors that cause victims of motor vehicle theft to not see the situation. day and night when the theft is carried out, it shows the characteristics of crimes that are increasing so that an adequate Papua Police strategy is needed.

It can be identified that motorized vehicle theft in the jurisdiction of the Papua Regional Police is increasing because it was initially carried out at night and now during the day. When viewed from the perspective of the perpetrators of crime, the perpetrators of crimes in groups and in an organized manner were initially carried out by adults individually. In terms of motives, initially, crimes were committed to fulfill basic needs, then accompanied by other motives, for example, stealing to earn money has proven that the crime rate is sharply increasing.

In the Neo Classical criminal theory about human nature that prevailed at that time. The basic doctrine remains that human beings are rational creatures with free will and are

⁵¹ Darmawan, "UPAYA POLRI DALAM MENANGGULANGI TINDAK PIDANA PENCURIAN KENDARAAN BERMOTOR RODA DUA DI WILAYAH HUKUM POLRES SALATIGA."

⁵² Immanuel, interview, July 26 2023

⁵³ Jefri, interview, July 26 2023

⁵⁴ Nichole, interview, July 26 2023

therefore responsible for their actions and can be controlled by their fear of the law.⁵⁵ In relation to the results of this research, almost 35% of perpetrators of motor vehicle theft are recidivists, this means that the perpetrator of the crime has considered the causes and effects of his actions including the criminal problem that befell him, therefore when giving punishments he does not recognize gender, age, etc. to relieve the perpetrator.

In environmental crime theory, a person commits a crime because he is influenced by factors around him/her environment, including family environment, economics, social, cultural, security defenses including defenses with the outside world, as well as technological discoveries.⁵⁶ In connection with the results of this research, factors that encourage motor vehicle theft can be caused by the perpetrator's social environment such as friends, family and motor vehicle thieves. Including sophisticated technology such as cell phones, it makes it easier for motor vehicle thieves to build direct networks to recipients and weak law enforcement such as Article 362 of the Criminal Code.

Substructural Delinquency theory states that criminal behavior is the nature of social structures with cultural patterns typical of the environment and society experienced by criminals.⁵⁷ In connection with the results of this research, criminals come from poor families and poor living environments while their high lifestyle does not match their income.

4. Conclusions

This research found that the results of the analysis showed that the Papua Regional Police used two methods, including preventive efforts, namely preventive efforts carried out by routinely carrying out vehicle raids to check motor vehicle documents, carrying out patrol activities by carrying out patrols in places where criminal acts often occur, carry out outreach by carrying out patrols in places where criminal acts often occur. providing warnings to always be alert to the public through social media and educational efforts through socializing the impact of motor vehicle theft. Further efforts were made with repressive measures, namely prosecuting or detaining suspects by prioritizing a humanist attitude. The Papuan Police are expected to carry out tracking in villages and mountains where raids are rare because motorbikes are distributed to remote villages, especially farmers. Then, as a strategy for the police to focus more on spies because the main source is information from spies on theft cases.

The results of the analysis based on Article 362 KUHP which shows that there is no deterrent effect on criminal acts of curatorship, as evidenced by the fact that 65% of the perpetrators of theft are from one group. In comparison, 35% were recidivists; This proves that there is no deterrent effect from using Article 362 of the KUHP for theft. For the government, with Article 5 KUHP, the punishment in Article 362 of the KUHP can be replaced with the regulations in Article 477 paragraph (1) and paragraph (2) Law No.1/2023 which states that theft where the thief can be sentenced to 7 years in prison, which if committed using a fake key as in letter (f) of the article and in groups as in letter (g) of the article can be subject to 9 years in prison.

This analysis is related to the Neo Classical theory of crime where 35% of criminals are recidivists and 65% have family and friendship relationships with perpetrators who have been previously arrested. This means that the perpetrator knows the legal impact that will be received when a crime occurs. So that the government can enact new articles to replace Article 362 of KUHP as stated in Article 5 KUHP and Article 477 paragraph (1) letter (f) and

⁵⁵ Marulit. Hal. 33

⁵⁶ Marulit. Hal. 33

⁵⁷ Marulit. Hal. 33

letter (g) and paragraph (2) Law No.1/2023 for theft, regardless of gender, illness or not, the perpetrator of the crime of motor vehicle theft.

Furthermore, the results of this analysis are also interrelated to environmental crime theory where the factors that cause perpetrators to commit motor vehicle theft crimes are caused by external factors such as family and friendships. Including technological developments such as cellphones, it is easier for perpetrators to build theft networks.

Finally, the results of this analysis are also related to the criminal theory of Substructural Delinquency, where the economic factors of the perpetrator and the environment where the perpetrator lives, who is poor but has a high lifestyle, are the causes of motor vehicle theft.

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