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Law Enforcement against Perpetrators of Criminal Offenses of Motorcycle Embezzlement Under Decision No. 85/Pid.B/2022/PN Ktg

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ABSTRACT

The development of an advanced era does not eliminate the possibility that the modus operandi of criminal acts is also increasingly developed, both in thought and technology. These developments affect various individuals to do various ways to fulfill their desires by doing everything that has an impact on someone later. The most dominant crime case is the type of crime against property, that is, embezzlement. Crimes reported by the public to Kotamobagu Police continue to increase. One of these crimes is the crime of motorcycle embezzlement. The objective of this research is to find out the law enforcement against the perpetrators of motorcycle embezzlement under Decision No. 85/Pid.B/2022/PN Ktg. This research uses a case approach to examine the application of legal norms committed in legal practice, especially regarding cases that have been decided, and a statutory approach by examining all laws and regulations related to the legal issues being addressed. Based on the research results, in this case, the suspect will be charged with the criminal offense of motorcycle embezzlement as referred to in Article 372 of the Criminal Code with a maximum imprisonment of four years. In addition, the crime of embezzlement is a criminal offense that cannot be avoided.

Keywords: Crime, Embezzlement, Law Enforcement

INTRODUCTION

Indonesia is a state of law (*rechtstaat*). This statement is in accordance with those statements that are explicitly stated in the 1945 Constitution Article 1 Paragraph 3 which states that Indonesia is a state of law.¹ Every country and nation in the world has its own laws that may be different from the laws of other countries or nations. Laws in Indonesia are applied by the community and are valid in Indonesia until now. A law is considered valid if it is issued, formalized, and maintained by the state. In addition to applicable laws, living laws or customs are also acknowledged. While it is not formally issued by the state, living law is significantly practiced in society.²

Infringements of the applicable law have increased and have existed since before the common era. These facts can be obtained from the news, both in the electronic and print media. Law infringement is often referred to as unlawful acts. Unlawful acts are despicable acts commonly referred to as crimes. The problem of crime and offenses is a complex, complicated, and always interesting phenomenon to be discussed. There will always be various understandings from different perspectives, and opinions on crimes and offenses often differ from one another. Therefore, the legislators in this country have emphasized the creation and application of regulations that apply to crimes and offenses, especially criminal offenses.³

The development of an advanced era does not eliminate the possibility that the *modus operandi* of criminal acts is also increasingly developed, both in thought and technology. These developments affect various individuals to do various ways to fulfill their desires by doing everything that has an impact on someone later. The most dominant crime case is the type of crime against property, that is, embezzlement. Crimes reported by the public to Kotamobagu Police continue to increase. One of these crimes is the crime of motorcycle embezzlement. Embezzlement is a fraudulent act in which one or more people dissemble another person's assets or property without the consent of its owner in order to steal, possess, or for other purposes.⁴

Law in society must be examined because it has an impact. The impact of law can be direct or indirect, significant or insignificant. Law can encourage social change by encouraging the formation of social institutions.⁵ On the other hand, law has the ability to establish and change social institutions. The direct impact is often referred to as the law as a tool of social engineering. The intended

¹ Panitia Persiapan Kemerdekaan Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* (Jakarta, 1945), <https://www.dpr.go.id/jdih/uu1945>.

² Zuleha, *Dasar-Dasar Hukum Pidana* (Yogyakarta: Budi Utama, 2017).

³ Lukman Hakim, *Asas-Asas Hukum Pidana: Buku Ajar Bagi Mahasiswa* (Yogyakarta: Budi Utama, 2020).

⁴ Rahmanuddin Tomalili, *Hukum Pidana* (Yogyakarta: Budi Utama, 2019).

⁵ Iskandar, "Fungsi Hukum Dan Penyebab Permasalahan Hukum Di Dalam Masyarakat Indonesia," *Serambi Akademica* 5, no. 2 (2017).

behavior is that people have the right to become compliant with the law as determined by the applicable law.⁶ The law does not concern the private life of an individual. Instead, the law concerns and regulates various human activities in relation with other human beings. On the other hand, the law regulates various human activities in social life. The crime of embezzlement is regulated in Article 372 of the Indonesian Penal Code which states that whoever intentionally and unlawfully possesses property which belongs to another person in whole or in part, and which is in his possession by reason of no crime, shall, being guilty of embezzlement, be punished by a maximum imprisonment of four years or a maximum fine of six hundred rupiahs.⁷ The majority of motorcycle embezzlement crimes are caused by opportunity and convenience based on trust. For example, the perpetrator borrows the victim's motorcycle for a specific reason, and the victim is willing to lend the motorcycle to the perpetrator without suspicion. However, the perpetrator cannot return the motorcycle because the perpetrator has pawned the borrowed motorcycle for his personal needs.

A case of motorcycle embezzlement of one Yamaha Mio M3 unit in blue color with police number DB 3239 DX, engine number E3R2E2505368 and frame number MH3SE88H0KJ126792 was examined by the researcher on behalf of the defendant Trisnomo Monantun aka Nomo. This case allegedly occurred in Moyag Village, East Kotamobagu Sub-District, Kotamobagu. This case was decided by the Kotamobagu District Court under Decision No. 85/Pid.B/2022/PN Ktg. The judge stated that the defendant Trisnomo Monantun aka Nomo was legally and persuaded he had committed embezzlement. The judge imposed a prison sentence of eight months.

The chronology of the incident indicated that on 19 January 2022 the defendant contacted the victim witness Yandi Adampe to rent a blue Yamaha Mio M3 motorcycle with police number DB 3239 DX with engine number E3R2E2505368 and frame number MH3SE88H0KJ126792 for one day and paid a rental fee of IDR 100,000. After that, the victim witness met with the defendant at the residence of the defendant's wife in Passi Village, West Passi Sub-District, and immediately handed over the motorcycle for rent. The next day, the victim witness contacted the defendant again to ask about the motorcycle and the defendant replied that he would extend the rental period for two days. Two days later, the witness victim again contacted the defendant to ask about the motorcycle. The defendant replied that he would take the motorcycle to the victim witness's house. Then on 6 February 2022, the victim witness again contacted the defendant to ask about the motorcycle. The defendant replied that the motorcycle would be returned soon. After that, the victim witness contacted the defendant

⁶ Teguh Prasetyo, *Hukum Pidana*, Edisi revi. (Jakarta: Rajawali Pers, 2017).

⁷ Mahkamah Agung Republik Indonesia, *Kitab Undang-Undang Hukum Perdata (Burgerlijk Wetboek)* (Jakarta, 1847), <https://jdih.mahkamahagung.go.id/legal-product/kitab-undang-undang-hukum-perdata/detail>.

again. However, the defendant's telephone number was no more available. On 10 February 2022, the victim witness found out that the motorcycle had been pawned by the defendant to the witness Rusdi Kawulusan aka Papa Jihan who lives in Moyag Village, East Kotamobagu Sub-District. The victim witness' son Fauzan Purnomo was aware that the defendant had pawned the motorcycle to the victim witness. Fauzan Purnomo was with the defendant at that time. Fauzan Purnomo heard the defendant call the victim witness that he was going to rent the victim witness's motorcycle. After that, the defendant and Fauzan Purnomo went to Passi Village, West Passi Sub-District to meet the victim witness. After the defendant met with the victim witness, the defendant immediately said that he would rent out the motorcycle for one day for IDR 100,000. The defendant handed over the money and immediately took the motorcycle. The defendant went to the residence of the victim witness Rusdi Kawulusan aka Papa Jihan on a blue Yamaha M3 motorcycle. Then, the Defendant told the witness Rusdi Kawulusan aka Papa Jihan that he would pawn the motorcycle. Witness Rusdi Kawulusan aka Papa Jihan asked about the ownership of the motorcycle. The defendant said that the motorcycle belonged to him. Witness Rusdi Kawulusan aka Papa Jihan believed the defendant's statement and immediately paid IDR 4,500,000 to the defendant. After that, the defendant returned to the home of the witness Rusdi Kawulusan aka Papa Jihan and asked for another IDR 1,000,000. The defendant also told the witness that within four days the motorcycle would be redeemed by the defendant. Therefore, the witness Rusdi Kawulusan aka Papa Jihan believed the defendant and paid the additional money. The total money handed over by the witness Rusdi Kawulusan aka Papa Jihan to the defendant was IDR 5,500,000. Based on this information, it can be concluded that the Defendant pawned the motorcycle without the permission and consent of the victim witness as the owner of the motorcycle. The actions of the Defendant in pawning the motorcycle were committed intentionally to obtain money that the Defendant would use for his own benefit, to pay the installments on the motorcycle.

In this case, the defendant will be charged with the crime of embezzlement of a motor vehicle as referred to in Article 372 of the Penal Code which imposes a maximum imprisonment of four years. This case illustrates that the crime of embezzlement is a never-ending problem. It is because embezzlement is closely related to the endless social interaction in daily life, which comes from a person's intention in interacting with other people with advantaged situations. Furthermore, by imposing penalties in accordance with the articles, the function of the court should be able to affect at least the number of motorcycle embezzlement crimes. In fact, defendants who embezzled motorcycles were only sentenced to a short sentence. The verdict is a form of loss suffered by someone who is a victim of motorcycle embezzlement. Considering this matter, it is important to know whether the current legislative provisions are adequate to provide justice for the community.

RESEARCH METHODOLOGY

Research is a process of collecting, processing, presenting and analyzing data in a particular event. In order to obtain a scientifically accountable research result, the method used in this research is a juridical-normative method. Normative legal research is the type of method which aims to analyze primary and secondary legal materials by interpreting the law as a set of positive rules or norms in the legislative system that regulates human life.⁸ This research also applies the case approach method to examine the application of legal norms or rules in legal practice, especially regarding cases that have been decided as can be seen in the jurisprudence of the cases that become the research focus.⁹ The case approach is commonly applied by practitioners in conducting research by identifying court decisions that have qualified jurisprudence to be referred to in concrete cases.¹⁰ The last method used in this research is the statute approach. This approach is carried out by reviewing all laws and regulations that are related to the legal issues being addressed.¹¹

RESULT AND DISCUSSION

Law enforcement is a process that actualizes legal expectations into reality. The intended legal expectations are ideas from the legislature or regulations formulated in legal regulations. Raharjo defines law enforcement which is basically the enforcement of ideas or concepts regarding justice, truth, social benefits, and so on. On the other hand, law enforcement is an effort to realize the ideas and concepts that have been formulated in order to become a reality. The nature of law enforcement contains values that include justice and truth. Law enforcement is not only the responsibility of conventionally recognized law enforcers, but the role of every individual.¹²

However, the government is the one who bears the responsibility in relation to public law. In law enforcement, there are factors that affect the law enforcement process. According to Soekanto's perspective, the following are the factors that affect law enforcement:

1. Legal Factors

⁸ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015).

⁹ Johnny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2013).

¹⁰ I Made Pasek Diantha, *Metodologi Penelitian Hukum Normatif* (Jakarta: Prenada Media Group, 2016).

¹¹ Benjamin Steven Napitupulu and Vera Rimbawani Sushanty, "The Juridical Analysis Against Document Falsification in Export Activities of The Dangerous Goods Category: A Case Study of Court Decision on Cassation No. 294 K/PID.SUS/2018," *YURIS (Journal of Court and Justice)* 1, no. 3 (2022): 38–51.

¹² Satjipto Raharjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2014).

Sometimes conflicts between legal certainty and justice occur in the practice of legal application. This is caused by the conception of justice which is an abstract formulation, while legal certainty is a normatively determined procedure. Therefore, a policy or action that is not fully based on the law can be justified provided that the policy or action is not contrary to the law. Basically, the implementation of law does not only include law enforcement, but also the maintenance of peace. The implementation of law is actually a process of integration between the value of means and real patterns of behavior aimed at achieving peace.

2. Law Enforcement Factors

The mentality and personality of law enforcement officers also have a significant role in affecting law enforcement. A problem will occur if the regulation's substance is considered good, but the quality of the law enforcement officers is not. Therefore, one of the keys in the implementation of law enforcement is the mentality and personality of law enforcers.

3. Facilities and Supporting Facilities Factors

The facilities provided by the government are inadequate, but the government encourages the facilities not to be violated. For example, the government requires roadside facilities, but the quality of sidewalks in some locations is still not suitable for public access.

4. Community Factors

Law enforcement is originated from society and aims to achieve peace in society. Every society or group has its own level of legal awareness. The problem that occurs is that different levels of legal awareness, such as high, moderate, or lack of legal awareness. The level of legal compliance of the community is one indicator of the functioning of the law concerned.

5. Cultural Factors

Culture has an important function for humans and society. Culture organizes people to determine how they should act, behave and conduct themselves when interacting with others. Therefore, culture is the basic behavioral code that sets the rules for things to be done and things not to be done.¹³

Law enforcement against criminal offenses can be conducted by the police, prosecutors, courts, and correctional institutions. Understanding the law as a set of rules governing society will only be meaningful if it is well supported by strict and highly dedicated apparatus with strict and specific sanctions. Law enforcement is inseparable from the affected elements, such as legal certainty,

¹³ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Pers, 2015).

expediency, fairness, and justice. The elements of law enforcement can be divided into laws and regulations; law enforcers such as police, prosecutors, judges and advocates, and the community based on the level of awareness and knowledge of the law determine the implementation of law enforcement.

Factors Causing the Crime of Motorcycle Embezzlement

Embezzlement is a crime regulated in the Criminal Code Articles 372 to 377. Embezzlement is one type of crime against property. Crimes that occur in social life are problems that continue to grow and must be overcome. The increase in embezzlement crimes is inseparable from the factors that cause these crimes. The factors that cause embezzlement crimes cannot be separated from the theories in criminology about the emergence of crime or the causes that generally encourage someone to commit a crime. These factors can be divided as follows:

1. Internal Factors

a. Educational Factors

Educational factor is one of the factors that encourage a person to commit a criminal act of embezzlement. This is due to their lack of knowledge of things, such as rules in social life. The level of education is considered as one of the factors that influence a person to commit a crime. Education is a means for a person to learn the good and the bad. A good education will influence a person in doing an act, whether the act has a certain benefit or will instead cause certain problems or losses.

b. Intention Factors

According to several informants, intention and opportunity are the driving factors for embezzlement. Embezzlement cannot be committed if there is no opportunity, no matter how strong the intention is, and vice versa.

c. Individual Factors

A person who behaves well will be appreciated by society, such as respect and appreciation. On the other hand, if a person behaves badly, he risks causing trouble in society. Those who can organize and develop their positive personalities will be able to generate some benefits for themselves as well as others. Meanwhile, individuals who are unable to regulate their personality and are easily affected by their surroundings will continue to be attracted to do bad things.

2. External Factors

a. Economic Factors

Another factor that causes the perpetrator to commit embezzlement is economic factors. Poverty is a phenomenon that is often found in every country. Until now, there has been no solution to solve the

problem of poverty. Almost every year the price of basic necessities continues to increase, while the income of each individual is not necessarily able to meet the increase. This inequality could be a reason for someone to commit a crime such as embezzlement.

b. Environmental Factors

In addition to economic factors, environmental factors are one of the factors that influence the crime of embezzlement. A person who lives in a supportive environment to commit a crime, can influence a person at some time to commit a crime as well. For example, needs in association with peers, lack of control from the environment, and association with someone who has a tendency to commit crimes.¹⁴

Law Enforcement Against Perpetrators of the Motorcycle Embezzlement Crime Based on Decision No. 85/Pid.B/2022/PN Ktg

Law enforcement efforts against perpetrators of motorcycle embezzlement crimes can be carried out by penal efforts using the ultimum remedium. This is due to the consideration of the frequency of embezzlement crimes. Criminal law enforcement against motorcycle embezzlement that is strictly enforced will bring fear to other perpetrators of motorcycle embezzlement to carry out their actions.¹⁵ In relation to the process of proof by law enforcement, the crime of motorcycle embezzlement is committed by a perpetrator against the victim who intends to possess and embezzle property belonging to the victim. In the crime of embezzlement, these elements are missing when the *modus operandi* in committing the crime is examined. The perpetrator of the embezzlement crime typically approaches the victim directly for the purpose of committing the crime. However, the proof of the crime of motorcycle embezzlement can be seen from the impacts of the crime of embezzlement.

The proof of the embezzlement crime is not focused on the *modus operandi*, but rather on the elements of the article that must be proven to convict the perpetrator. The process of proof begins with the examination of witnesses, evidence, expert testimony, letters, and clues, as stipulated in Article 184 of the Criminal Procedure Code as valid evidence. In the crime of embezzlement, law enforcers are more concerned with the consequences caused by the perpetrator, rather than the crime committed by the perpetrator.

Policies to prevent and overcome embezzlement are included in the field of criminal policy. This criminal policy is also inseparable from a broader policy,

¹⁴ Dr. Sahat Maruli T. Situmeang, *Buku Ajar Kriminologi*, 1st ed. (Depok: PT Rajawali Buana Pusaka, 2021).

¹⁵ Maidin Gultom, *Perlindungan Hukum Terhadap Anak Dan Perempuan*, 1st ed. (Bandung: Refika Aditama, 2014).

which is social policy, consists of policies or efforts for law enforcement and policies or efforts for the social defense policy.¹⁶

Countering hypnotic crimes (criminal politics) is conducted using penal means (criminal law). Therefore, criminal law policy (penal policy), especially at the judicial/applicative policy stage (enforcement of criminal law in concerto), must consider and lead to the achievement of the social policy objectives, which are social welfare and social defense.

The crime of embezzlement is a crime that has yet to be specifically regulated in the Criminal Code. However, the consequences of the crime of embezzlement have been significantly perceived, such as the losses incurred. Thus, the courage and conviction of the judge is necessary when deciding to prosecute the perpetrators in accordance with the clues or other evidence that has been presented in court. Hence, justice may ultimately be served. From a theoretical point of view, criminal law enforcement can be implemented in the following ways:

1. Non-penal (preventive), that is, prevention before the occurrence of crime. This prevention is more oriented towards the process of socialization of laws and regulations, especially those governing decency.
2. Penal (repressive), which is the eradication after the occurrence of a crime by conducting an investigation by police investigators which can then be processed through the court and given sanctions in accordance with applicable regulations.

Criminal law enforcement is not merely a matter of how to enact the law itself, but also a matter of what law enforcement officials do to anticipate and overcome problems in its implementation. Therefore, addressing problems in criminal law enforcement that occur in society can be conducted by criminal law application as well as preventively and repressively. Crime prevention is an effort to overcome the existence of acts, which although not specified in the law as criminal acts but as *onrecht*, or acts that are contrary to the law. Law enforcement should be applied in order to harmonize the values and norms that exist within the society. Law enforcement of the crime of embezzlement can be implemented in the following ways:

1. Criminal law application
2. Prevention without punishment
3. Influencing public views on crime and approaches through mass media.¹⁷

¹⁶ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana : Perkembangan Penyusunan Konsep KUHP Baru*, 2nd ed. (Jakarta: Kencana, 2016).

In a particular sense, law enforcement in handling embezzlement crimes is an implementation by penal approach. The penal approach is an approach using the means of criminal law as mentioned in point 1 of law enforcement prevention above, which is criminal law application. The penal approach is an approach using the means of criminal law. Penal approach by applying formal criminal punishment (*ultimum remedium*) and criminal execution punishment is implemented through the criminal justice system. In order to achieve the expected goals, the short-term goal is to resocialize criminal offenders, the medium-term goal is to prevent crime, and the long-term goal is to achieve social welfare.

The National Police play a variety of roles in overcoming the crime of embezzlement. The role of the National Police is not only related to actions when a crime has occurred, but also actions to overcome crime problems by minimizing the probability of future crimes. One of the policies in addressing the problem of crime is criminal policy. Theoretically, criminal policy can be defined as follows:

1. In a narrow sense, criminal policy is the entire principles and methods that form the basis of reactions to violations of the law in the form of punishment.
2. In a broad sense, criminal policy is the overall function of the law enforcement apparatus, including the operations of the courts and the police.
3. In the broadest sense, criminal policy is the entire gamut of policies, implemented through legislation and official authorities, aimed at enforcing the central norms of society.¹⁸

Legal efforts against embezzlement crimes are the duties and authorities of law enforcement. The duties and authorities of the police are in accordance with the provisions of Law No. 2/2002 on the Indonesian National Police Article 13 as follows:

1. Maintaining public security and order,
2. Enforcing the law,
3. Protecting, nurturing and serving the community.¹⁹

¹⁸ John Kenedi, *Kebijakan Hukum Pidana (Penal Policy) Dalam Sistem Penegakan Hukum Di Indonesia*, ed. Sirajuddin, 1st ed. (Yogyakarta: Pustaka Pelajar, 2017), [http://repository.iainbengkulu.ac.id/4689/1/Buku%2C Kebijakan Hukum Pidana %28Penal Policy%29 dalam sistem penegakan hukum di Indonesia..pdf](http://repository.iainbengkulu.ac.id/4689/1/Buku%2C%20Kebijakan%20Hukum%20Pidana%28Penal%29%20dalam%20sistem%20penegakan%20hukum%20di%20Indonesia..pdf).

¹⁹ Sekretaris Negara Republik Indonesia, *Undang-Undang (UU) Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia* (Jakarta, 2002).

Non Penal (Preventive) Law Enforcement Efforts against the Crime of Embezzlement

Non-penal efforts against the crime of embezzlement are indirectly conducted without the use of criminal means or criminal law, for example:

1. Addressing the object of criminality in the area with physical or concrete means to prevent the relationship between the perpetrator and the object by means of security, providing surveillance on the object of criminality.
2. Reduce or eliminate opportunities for crime by improving the surrounding environment.
3. Raising public awareness on shared responsibility in the occurrence of crime, which will contribute to crime prevention.

Law enforcement in handling embezzlement crimes is not only carried out by law enforcers, the community also has an active role in helping and supporting. Thus, seen from criminal politics or global crime prevention policies, non penal efforts are preventive efforts prior to the occurrence of crime. This is due to the limitations of penal efforts, so that non-penal efforts are essential in the penal efforts. Significant steps taken by law enforcers to overcome the crime of embezzlement are to be more pro-active towards the community in preventing and overcoming the crime of embezzlement. The significant steps have been taken by law enforcement officers in law enforcement in handling embezzlement crimes, includes:

1. Establish law enforcement policy measures such as legal socialization by Satbinmas (Community Development Unit) and Satjatanras (Violent Crimes Unit) of the local police against embezzlement.
2. Review and determine steps to resolve the primary duties and functions of the Resort Police and Sector Police in law enforcement on handling embezzlement crimes.
3. Coordinating the socialization and understanding of law enforcement in handling embezzlement crimes, conducting and improving progressive cooperation with community leaders.

From the findings of the research, it can be analyzed that law enforcement in handling embezzlement crimes with preventive efforts is conducted by monitoring group activities that lead to criminal acts. Nevertheless, law enforcement in handling embezzlement crimes with preventive efforts is still not running optimally due to various factors. In the enforcement of criminal law against community activities that lead to criminal damage to vehicles in a preventive manner, there is a stabilization of coordination and operation mechanisms between related agencies in the context of monitoring the activities of unscrupulous community groups that lead to the crime of embezzlement. These

agencies will perform their respective duties and authorities in accordance with applicable laws and regulations.

Penal (Repressive) Law Enforcement Efforts against the Crime of Embezzlement

Penal effort is one of the efforts that can be applied in the criminal act of embezzlement. Penal efforts of law enforcement in handling embezzlement crimes are conducted with criminal law, which is criminal sanctions that serve as a threat to the perpetrators of crimes.²⁰ Legal efforts with penal approach focus on repressive actions, specifically eradication and suppression actions to overcome social problems.

Legal policy in countermeasures is included in social policy, which is rational policies or efforts in order to achieve social welfare. The imposition of criminal sanctions such as imprisonment is carried out through a judicial process, while the imposition of administrative sanctions can be carried out without a judicial process, although it must consider the principles of proper governance.

Based on this description, it can be concluded that cases of motorcycle embezzlement are proof of how important the role of government and law enforcement is to be implemented comprehensively. Law enforcement in handling motorcycle embezzlement crimes in a repressive manner is conducted following the occurrence of a criminal offense. This action can be juridical based on the provisions in Article 372 of the Criminal Code.

Law enforcement against the crime of embezzlement is necessary to be the study objective for law enforcement officials in order to prevent and overcome the crime. As a form of law enforcement of embezzlement crimes, coordination is needed from the community with law enforcement officials, because the concept of the realization of integrated law enforcement is essentially an integration of values and norms in society. The case of motorcycle embezzlement based on decision No. 85/Pid.B/2022/PN Ktg has fulfilled the elements of the offense listed in Article 372 of the Criminal Code. Therefore, the case can be upgraded to the prosecution stage in the trial.

CONCLUSION

The case of motorcycle embezzlement based on decision No. 85/Pid.B/2022/PN Ktg has fulfilled the elements of the offense listed in Article 372 of the Criminal Code. Therefore, the case can be upgraded to the prosecution stage in the trial.

²⁰ Revianto Anriz, Wahyu Prawesthi, and Bahrul Amiq, "Law Enforcement against Human Trafficking in the Police Jurisdiction at Sangihe Islands Resort," *YURIS (Journal of Court and Justice)* 2, no. 4 (2023): 31–42.

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