



## Handling Repeated Crimes (Residivist) of Motor Vehicle Theft (Case Study at Sukabumi District Police)

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### ABSTRACT

The development of the times affects life in society which is marked by increasing crime in society. There are criminals who repeat crimes after the perpetrator is released from his criminal sentence or are known to be recidivists. The research method used is qualitative research, using an empirical legal approach which examines law which is conceptualized as real behavior, as an unwritten social phenomenon, which is experienced by everyone in social life. Research Methods In this research, the author used several research methods to complete this thesis. The first method used is the normative juridical method. Normative juridical is a legal research method carried out by examining library materials or mere secondary materials. The results of research into factors causing recidivism of motorbike theft in the jurisdiction of the Pelabuhan Ratu Police, Sukabumi Regency, namely educational factors, opportunity factors, lack of skills factors, and law enforcement factors. The recidivist modus operandi of motorbike theft in the jurisdiction of the Pelabuhan Ratu Police, Sukabumi Regency is in the form of using a T-lock, pushing the motorbike and hiding it in another place. Efforts to deal with recidivist motorbike theft in the jurisdiction of the Pelabuhan Ratu Police, Sukabumi Regency in the form of repressive and preventive efforts.

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## **INTRODUCTION**

Recidivism is the behavior of a person who repeats a criminal act after being sentenced by a judge's decision which has permanent legal force or "inkracht van gewijsde", because of the criminal act he has committed previously. Recidivism is the behavior of a person who repeats a criminal act after being sentenced by a judge's decision which has permanent legal force because of the criminal act he or she has previously committed. A person who often commits criminal acts, and because of his actions he has been sentenced to a crime or even more frequently, is called a recidivist. If recidivist refers to the behavior of repeating criminal acts, then recidivist refers to people who repeat criminal acts.

The rule of law has the concept of The Rule of Law, which means that the state in carrying out its functions must be based on legal principles. So, every member or citizen must obey and recognize the supremacy of the law itself. However, the concept of the rule of law is not only limited to that. Crime can be detrimental and cause unrest in people's lives. In the juridical concept, every person who commits a crime will be given legal sanctions in accordance with the actions they have committed. Based on the methods used, some do and do not violate legal norms. One form of crime that often occurs in society is theft. The crime of theft is regulated in the Criminal Code book II chapter XXII Articles 362 to Article 367. Previously we have explained the prohibition on theft, but there are people who still dare to violate this prohibition, even by using weapons that can endanger a person's life. A crime that often occurs is bicycle theft. motorbikes, a crime that often occurs according to official figures stands out in Indonesia.

The crime of motorbike theft is easier to carry out than other crimes such as robbery, mugging and so on. This is because the results are very promising, the possibility of being caught is not so easy, because it is difficult to do so, re-introducing stolen motorbikes, selling or marketing motorbikes resulting from crime is easy to carry out, tools for committing crimes are easy to find, including screwdrivers, fake keys, wire, etc., the parking attendant is not responsible for the loss of the victim's motorbike. However, recently the influence of the environment on society has been so great that it has resulted in Indonesian society experiencing a moral crisis, especially for lower middle class economic communities. This can be seen from the increasing crime and increasing unemployment and increasing crime. The increase in unemployment has a big impact on the level of social welfare. Communities with a low level of welfare tend to ignore applicable legal norms or rules. Seeing this condition to fulfill needs, there is a tendency to use all means so that these needs can be met, some of the methods used violate legal norms.

Based on data sources from newspaper print media, conventional crimes or crimes that commonly occur in the community, both to life, property and honor, which cause physical and psychological harm are carried out in ordinary or new ways that occur within the country. Indonesia is dominated by the crime of theft, especially the crime of two-wheeled motor vehicle theft (curanmor), there were 1,796 cases, 504 cases were completed. Meanwhile, there were 1,441 criminal cases of motorbike theft (curanmor) in West Java and the number of cases decreased to 1,267 cases. The case data is divided into various districts in

West Java, especially those that often occur in Sukabumi City. During the 2023 Jaran Jandi brush operation in Sukabumi Regency, the Sukabumi Regency Police Crime and Investigation Unit seized 34 motorbikes (curanmor). Dozens of these vehicles are the result of crimes committed over the last few months. Sukabumi Regency Police Chief, AKBP Andhika Bayu Adhittama, said that the operation succeeded in arresting six suspects from various different places.

## **LITERATURE REVIEW**

### ***Criminal Act***

A criminal act according to Pompe in Amar Ilyas (2017) defines Strafaarfeit (criminal act) as "a violation of norms (disruption of legal order) which is intentionally or unintentionally committed by a perpetrator, where the imposition of punishment on the perpetrator is necessary for the sake of maintaining it. legal order." Furthermore, there is Simons, formulating strafaarfeit, as "an unlawful act that has been carried out intentionally by someone who can be held responsible for his actions and which has been declared by law to be an act that can be punished. Theft This criminal act of theft is regulated in CHAPTER XX11 articles 362-376 of the Criminal Code (KUHP), which is formulated as an action that takes goods wholly or partly belonging to another person with the aim of possessing them unlawfully.

### ***Recidivist***

Recidive in the Legal Dictionary is defined as a repetition of a crime, the event that a person who has been convicted of committing a crime, then commits another crime. (Subekti and Tjitrosoeddibjo, 2002). Recidivism comes from the French, namely *re*, which means again and *cado*, which means to fall. It can be concluded that recidivism or what is better known as repeating a crime or criminal act that was previously committed after being punished within a certain period of time. The definition of recidivism is not clearly regulated in the Criminal Code, but there are articles in the Criminal Code that regulate the burden for criminals who repeat criminal acts.

## **METHODOLOGY**

Research Methods In this research, the author used several research methods to complete this thesis. The first method used is the normative juridical method. Normative juridical is a legal research method carried out by examining library materials or mere secondary materials. In this normative juridical research, where the law is identified as regulatory norms or laws, both of these studies also use an empirical juridical approach method.

The empirical juridical approach is an approach that examines secondary data first and then continues by conducting primary data research in the field. The secondary data referred to in this research is a theoretical basis. In the form of opinions or writings from experts or other authorized parties and information in the form of formal provisions such as statutory regulations. Meanwhile, primary data in this research is the result of field research such as interviews. In the data analysis process the author uses a qualitative descriptive method, namely

analyzing based on quality and then describing it using words so that a discussion or explanation is obtained in the form of systematic and understandable sentences, then conclusions are drawn.

## RESEARCH RESULTS

### *The Role of the Police in Handling the Law Against Recidivist Crimes of Motor Vehicle Theft*

Violent theft of motorbikes is quite common in the Sukabumi Regency Police jurisdiction. Violent motorbike theft crimes are not only committed by adults but also teenagers. The criminal act of using a motorbike with violence or better known as robbery. The crime of theft is a crime that often occurs and is detrimental to society. One of the crimes of theft that is often encountered in society is motor vehicle theft, the crime of motor vehicle theft has become one of the most prominent criminal acts in Sukabumi Regency. This is because perpetrators of motor vehicle theft are becoming increasingly bold in carrying out their actions no matter day or night. Through interviews conducted by the author with the Head of Criminal Investigation Unit of the Pelabuhan Ratu Police on July 18 2024, data was obtained regarding the number of cases of motor vehicle theft in Sukabumi Regency, over a period of 2 years, starting from 2023 - 2024 in June, a total of 206 cases of theft motor vehicle. The details of the number of motor vehicle theft cases reported can be seen in the following table:

Table 1. Data on Ranmor Theft Cases at the Sukabumi Police Station in 2023

NO	CASE	TOTAL
1	CURAS R2	3
2	CURAS R4	1
3	CURAS R2	163
4	CURAS R4	9
5	PENCURIAN R2	25
6	PENCURIAN R4	5
TOTAL		206

Source: District Criminal Investigation Unit Head. Sukabumi 2024

Based on table 4.1 above, it can be seen that in 2023 there will be 206 cases of motor vehicle theft. This data shows that within 1 year (2023) there will be an increase in motor vehicle theft crimes in Sukabumi Regency. The data regarding motorbike theft crimes provided by the Head of Criminal Investigation Unit of the Pelabuhan Ratu Police in 2024 is presented in the following table:

Table 1. Data Data on Ranmor Theft Cases at the Sukabumi Police Station in 2024

NO	PERKARA	JUMLAH
1	CURAS R2	5
2	CURAT DAN CURAS R2	1
3	CURAT R2	108
4	PENCURIAN R2	7

5	PERAMPASAN R2	1
6	PERCOBAAN PENCURIAN R2	1
Jumlah		118

Source: District Criminal Investigation Unit Head. Sukabumi 2024

Based on table 4.2 above, it can be seen that in 2024 there will be 118 cases of motor vehicle theft in the last 6 months. It can be concluded that motorbike theft crimes in Sukabumi Regency are quite increasing, this is in line with what was said by the Head of Criminal Investigation Unit of the Pelabuhan Ratu Police, Sukabumi Regency.

### ***Resolving Cases Handling the Law Against Recidivist Crimes of Motor Vehicle***

Theft Case Settlement Is a process where a problem or case is resolved through certain mechanisms, such as legal processes, mediation, arbitration, or negotiation, resulting in a decision or settlement that is considered fair and satisfactory for all parties involved. In the context of the crime of motor vehicle theft, in particular, it can include several stages:

1. Investigation and investigation is the initial stage where the police collect evidence and carry out investigations to identify and arrest suspects.
2. Prosecution is the action of the public prosecutor to transfer a criminal case to the competent district court in terms and according to the method regulated in this Law with a request to be examined and decided by a judge at a court hearing.
3. The trial process is a series of processes of examining, adjudicating and deciding cases by a panel of judges inside and outside the court building, including electronic trials.
4. A court decision is a statement by a judge as a state official made before a trial with the aim of ending or resolving a case or dispute between interested parties.
5. Implementation of the Decision, namely the judge gives a decision based on evidence and applicable law. This decision could be in the form of a prison sentence, fine, or other form of punishment.
6. Rehabilitation and Reintegrity After serving their sentence, offenders may undergo a rehabilitation program to help them return to society.
7. Monitoring for recidivists, additional monitoring and supervision may be needed to ensure they do not reoffend.

Apart from that, there are also non-judicial mechanisms such as mediation or restorative justice, which are sometimes used to resolve cases without going through a formal judicial process, especially if they involve first-time offenders or cases with smaller impacts. Non-judicial mechanisms are

methods of resolving disputes or cases without going through a formal judicial process in court. This mechanism is often used as a faster, cheaper and more flexible alternative to formal legal processes. Some examples of non-judicial mechanisms include:

1. Mediation: A process in which the parties to a dispute meet with a neutral mediator who helps them reach a mutual agreement. The mediator does not have the power to make decisions, but plays a role in facilitating communication and negotiations.
2. Arbitration: A process in which disputing parties agree to resolve their disputes through one or more neutral arbitrators. The arbitrator listens to arguments and evidence from both parties and makes a binding decision.
3. Conciliation: Similar to mediation, but in conciliation, the conciliator is more active in providing suggestions and possible solutions to resolve the dispute.
4. Restorative Justice: A process that involves the perpetrator, victim, and affected community to discuss the impact of the crime and determine steps that can be taken to improve the situation. The focus is on recovering victims' losses and rehabilitating perpetrators.
5. Negotiation: The process in which the parties to a dispute communicate directly to reach a mutually beneficial agreement without the involvement of a third party.
6. Ombudsman: An institution that handles complaints or disputes between individuals or groups and the government or certain organizations. The Ombudsman's role is to investigate complaints and suggest solutions.

In this case, an incident occurs which is suspected to be a criminal act, first carried out by the police after receiving a report or complaint, the police carry out investigative steps. This investigative step is carried out to determine whether a particular incident contains criminal elements or not. If, after an investigation has been carried out, evidence of the criminal elements being met is found, the next step is to carry out investigative action. Investigations into criminal acts are carried out according to criminal procedural law. This criminal procedural law is often referred to as formal criminal law. Formal criminal law or criminal procedural law is the totality of legal rules that function to enforce the law if there is an alleged violation of material criminal law. Material criminal law is criminal law which contains prohibitions or orders accompanied by criminal sanctions.

Criminal procedural law is the law that regulates procedures for implementing law enforcement if there is a violation of material criminal law. In Indonesia, criminal procedural law is regulated by Law no. 8 of 1981 concerning Criminal Procedure Law or also known as the Criminal Procedure Code (KUHAP). Meanwhile, material criminal law is regulated in the Criminal Code

(KUHP). Law no. 8 of 1981 concerning Criminal Procedure Law is the basis for enforcing criminal law. Apart from the Criminal Procedure Code, within the Police there is also a Regulation of the Chief of Police of the Republic of Indonesia (PERKAPOLRI) which technically administratively also serves as a guideline in enforcing criminal law at the Police level.

In this case, the police received a report related to the loss of a two-wheeled vehicle. The disclosure of this case began with a report from the people of Nagraksari village who lost their motorbike in their house on Sunday (6/8) at around 05.15 WIB, so based on that The Jampang Kulon Police Criminal Investigation Unit carried out an initial crime scene investigation and investigation, and obtained several descriptions of the alleged actions of a suspect person, namely a recidivist who had just been released from prison. These two people were recidivists who were previously involved in the same case, they had only been out of the penitentiary for two months and had previously done the same thing. Article 363 of the Criminal Code applies to the perpetrators, the two recidivist suspects carry the threat of 7 years in prison. On this occasion, the police managed to arrest three suspects with eleven pieces of evidence from two-wheeled vehicles of various brands and types as well as various other pieces of evidence. Apart from the 11 two-wheeled motorized vehicles from the suspects, the suspects also seized a number of pieces of equipment including a grinding machine, two machetes, two T-lock keys, pliers and a small knife. Big brother's scissors.

### *Investigation of legal cases regarding recidivist criminal acts of motor vehicle theft*

Investigation is a series of investigative actions in terms and according to the methods regulated in this law to search for and collect evidence which will shed light on the criminal act that occurred and in order to find the suspect. So in conclusion in the context of the Indonesian Criminal Law (KUHP), An investigation is a more advanced stage where investigators decide whether to file formal charges against a suspect after gathering additional evidence. An investigator is a person who has the authority to carry out an investigation, while an investigator is a general term that refers to an individual or team who carries out an initial investigation in a criminal case. An investigator is usually an officer or member of a law enforcement agency whose job is to carry out investigations into criminal cases, collect evidence, interview witnesses, and prepare reports that will be used in legal proceedings. Investigators can come from the police, prosecutor's office, or other institutions that have the authority to conduct investigations.

In carrying out the investigative function, the authority is given to carry out coercive measures. Coercive measures are privileges or privileges given to investigators to carry out investigative functions in the form of the investigator's authority to summon, examine, arrest, detain, confiscate and determine as a suspect someone who is suspected of having committed a criminal act, but in carrying out these coercive measures Investigators must obey and submit to the principle of the right of due process, namely that every person has the right to be

investigated and questioned on the basis of "in accordance with procedural law". Every coercive effort carried out by an investigating official or public prosecutor against a suspect, is essentially a treatment of the nature of: Coercive action that is sanctioned by law for the purposes of investigating a criminal act that is suspected of being committed against the suspect. As a coercive act that is justified by law and statute, every coercive act in itself constitutes a deprivation of liberty and freedom as well as a limitation of human rights. Because coercive measures imposed by law enforcement agencies constitute a reduction and limitation of the suspect's freedom and human rights, these actions must be carried out responsibly according to legal and statutory provisions (due process of law) in accordance with this context. Actions of arrest, detention, search and confiscation must be carried out in formal juridical form in written form in accordance with the provisions of the law.

The provisions on coercive measures are basically a limitation on human rights which in the context of law enforcement is something that is permissible, but its implementation is certainly not free from irregularities. The main objective of the function of coercive measures is to protect human rights from the possibility of abuse of power from law enforcement officers. One of the models of horizontal supervision that is accommodated by the Criminal Procedure Code is the pre-trial institution, but currently there are still many problems that arise related to This institution, both issues of regulation and implementation, requires more detailed and clear provisions regarding this matter.

## **CONCLUSIONS AND RECOMMENDATIONS**

The triggers for motorbike theft committed by recidivists in the jurisdiction of the Pelabuhan Ratu Police, Sukabumi Regency can be identified through two factors, namely internal factors (such as economic factors and the perpetrator's mental condition) and external factors (including the social environment and relationships in society). To reduce the number of criminal acts of motor vehicle theft, cooperation is needed between law enforcement officials and community social institutions, both within the individual and within the village environment. The police's efforts to deal with violent motorbike theft are by creating a call center to make it easier for the public to report a crime and the Police at the Pelabuhan Ratu Police Station, Sukabumi Regency have created a special squad and carry out *langlang* and monitor recidivist activities and the Pelabuhan Ratu Police Station, Sukabumi Regency has implemented it. similar activities with the Sukabumi City Police and tightening raids at every outlying post and the Bhabin Kamtibmas members from each Pelabuhan Ratu Police, Sukabumi Regency have made slogans containing appeals and most recently by reviving the *kamling* post,

Combating motor vehicle theft is carried out through two approaches, namely preventive and repressive. In order to emphasize the existence of criminal acts of motor vehicle theft. Preventing motor vehicle theft is also a priority for the police, by increasing patrols, using CCTV technology, special operations, cooperation with the community, strict law enforcement, and preventive and repressive programs. In article 362 of the Criminal Code, it is explained that

anyone who takes goods from someone else's ownership with the aim of taking over ownership unilaterally is considered an act of theft, and is subject to a maximum prison sentence of 5 years or a fine of up to Rp. 900.

The suggestions that the author conveys to investigators at the Pelabuhan Ratu Police, Sukabumi Regency are:

1. Ask for help from the traffic unit which is tasked with enforcing traffic laws.
2. Build a better information network, both from the police and the community, so that investigations into criminal acts of theft can be maximized.
3. Increase the service hours that were previously in effect, so that police officers can immediately follow up on criminal acts of theft.

Meanwhile, the author's suggestions for the community in the legal area of the Pelabuhan Ratu area and its surroundings are:

1. As far as possible, install quality CCTV cameras, at least on roads that look quiet to make it easier for investigators to get information and clues.
2. Start changing the idea that theft is a criminal act committed because of opportunity. Because basically criminal acts of theft tend to be criminal acts that have been planned and for this reason it is hoped that the public will not be apathetic and care about suppressing the occurrence of criminal acts of theft.
3. It is hoped that the victim will provide additional safety equipment to prevent theft, such as motorbike tracking devices and alarms. If you become a victim of a criminal act of theft, report it as soon as possible so that it can be followed up by the police.

## REFERENCES

- Abidin Andi Zainal, 1987, *Principles of Criminal Law Part One*, Bandung, Amen, Rahman. 2020. *Law of Evidence in Criminal and Civil Cases*. Yogyakarta: Deepublish.
- Andi Hamzah, 2015, *Criminal Code and Criminal Procedure Code*, Jakarta, Rineka Cipta.
- Bachtiar. 2018. *Legal Research Methods*. Tangerang: Unpam Press.
- Bemmelen Van, R.W. 1949. *The Geology of Indonesia*. Martinus Nyhoff, Netherland: The Haque.
- E. Utrecht, 1963. *Introduction to Indonesian State Administrative Law* Cet VI. Jakarta. Publisher and Ichtiar Book Center
- Hazewinkel-Suringga (Wirjono Prodjodikora). 2003. *Principles of Indonesian Criminal Law*. Bandung. PT. Refika Aditama
- I Made Widnyana, 2010, *Principles of Criminal Law*, Jakarta, Fikahati Aneska

- Leden Marpaung, *Principles-Theory-Practice of Criminal Law*, Jakarta: Sinar Graphics, 2009
- Mamudji, Sri. *Legal Research and Writing Methods*. Jakarta: Publishing Agency, Faculty of Law, University of Indonesia. 2015
- Moeljatno, 2002, "*Principles of Criminal Law*", PT Astri Mahasatya, Jakarta.
- Nico Ngani, (et. al.,) *Getting to Know Criminal Procedure Law*, General Affairs and Investigation, Yogyakarta, Liberty, page 19
- Prasetyo, Teguh, (2016). *Principles of Criminal Law in Indonesia*, Bandung: PT Refika Aditama
- Subekti, 2010, *Family, Criminal & Business Law (Review of Indonesian Legislation, Jurisprudence and International Law*, Jakarta, Kencana Suerodibroto, 2014
- Reflections on the Structure of Legal Science. Bandung. Mandar Maju. Cet. II
- Suerodibroto, 2014 *Reflections on the Structure of Legal Science*. Bandung. Mandar forward. Cet.II.
- Sugiyono, (2021). *Quantitative, Qualitative and R&D Research Methods* (M.Dr. Ir. Sutopo, S.Pd (ed); 2nd ed)
- Editorial Team, 2014, *KUHAP (Criminal Procedure Code) and KUHP (Criminal Code*, Yogyakarta, Efata Publishing.
- W.A. Bonger, *Introduction to Criminology*, Ghalia Indonesia Development, Jakarta, 1982
- Wahana, Paulus (2016). *Philosophy of Science* (PDF). Yogyakarta: Diamond Library
- Yonkers Smith, B. Othanel, Stanley, William W., and Shores, J. Harlan. *Fundamentals of curriculum development.*, New York: World Book Company, 1950

- [www.mediaindonesia.com](http://www.mediaindonesia.com) accessed on 06 March 2024
- [www.onesearchid.com](http://www.onesearchid.com) accessed on 06 March 2024
- [www.notehan Hukum.com](http://www.notehan Hukum.com) accessed on 06 March 2024
- [www.jdih.kemenkeu.go.id](http://www.jdih.kemenkeu.go.id) accessed on 06 March 2024
- [www.repositori.unnisula.ac.id](http://www.repositori.unnisula.ac.id) accessed on 06 March 2024
- <https://eprints.ums.ac.id> accessed on March 6 2024
- [www.Kompas.com](http://www.Kompas.com) accessed on January 5, 2024
- [www.Hukumonline.co.id](http://www.Hukumonline.co.id) accessed on March 6 2024
- [www.Hukumonline.co.id](http://www.Hukumonline.co.id) accessed on March 6 2024
- <https://penerbitbukudeepublish.com/teknik-pengumpulan-data>. accessed on (February 3, 2024)