




Legal Analysis Of Embezzlement Of Rental Four Wheeled Motor Vehicles In Criminal Law Perspective

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ABSTRACT

This study aims to explain the factors that cause the crime of embezzlement of rental four-wheeled motor vehicles, obstacles in overcoming it and the efforts made by law enforcement in combating crime of rental four-wheeled motor vehicles. The Data obtained in the writing of this article was done with literature and Field Research. Literature research was conducted to obtain secondary data by studying laws and books, while Field Research was conducted to obtain primary data by studying, reviewing cases and interviewing respondents and informants. From the results of the study, it is known that the cause of the crime of embezzlement of rental four-wheeled motor vehicles is due to economic factors, factors of Community Legal Awareness, utilization of opportunities, not using a driver or Key Release System, and weak security system factors. Obstacles in overcoming the factor of facilities and infrastructure, people who are apathetic in helping the police, the difficulty of presenting witnesses who know the incident the perpetrator or defendant in getting the goods, and the car that was embezzled has been mortgaged to a third party. The efforts made are to carry out raids or patrols carried out in a directed and regular manner against motor vehicles and their letters to ensure that the vehicle is not a vehicle obtained from the results of criminal acts, especially theft and embezzlement. It is recommended to every car rental service owner to not only supervise, but also to improve the security system so that there is no more embezzlement of rental cars and law enforcement must be more active in making efforts both preventive and repressive efforts in the case of criminal acts of embezzlement of rental four-wheeled motor vehicles.

INTRODUCTION

The crime of embezzlement against rental cars is widely committed by various parties, not only people who lack the economy but also officials whose economic needs are met. The embezzlement of rental cars is carried out in various modes, but most of the cases of embezzlement that occur are carried out by mortgaging the car to another party.

This is very felt and cause unrest both among the public and owners of rental car companies.

But in fact in practice, after all the convenience provided by car rental services, it turns out that the car rental business is still the target or target of crime by irresponsible elements. This is characterized by the frequent occurrence of fraud and embezzlement suffered by car rental service

owners committed by car rental service users by not returning, selling or mortgaging cars rented from car rental companies, resulting in car rental companies being materially harmed. This crime also occurred in the labuhan batu-rantau prapat area which can be categorized as an area that is not too large.

The crime of embezzlement is regulated in the provisions of Article 372 of the Criminal Code which reads "Anyone who intentionally and unlawfully claims as his own property an item that in whole or in part is the property of another person but which is in his power not because of a crime that is threatened due to wiping with a maximum penalty of four years or a maximum fine of nine hundred rupiah".

Based on the background that has been described above, the problems in this writing, namely : What are the factors causing the crime of rental car embezzlement in labuhan batu - rantau prapat, What are the obstacles of law enforcement in combating the crime of rental car embezzlement in rantau prapat, and what efforts are being made to tackle the crime of embezzlement of rental four-wheeled motor vehicles in rantau prapat.

METHOD

The research method used in writing this law is a normative juridical approach. Normative juridical approach is a study that uses secondary sources obtained through library materials. This normative legal research usually includes: research on legal principles, research on legal Systematics, research on vertical and horizontal synchronization levels, Comparative Law and legal history. The method of this approach is carried out by studying the legal norms in legislation.

RESULTS AND DISCUSSION

A. Forms and consequences of violence by inmates in detention houses Class I Medan

The place of State prisoners of Class I Medan has a function as an institution that is expected to provide education and protection to the community that has become the status of prisoners, it often turns out to be a location that is loaded with acts of violence against prisoners in the State Prison Class I Medan. In the State Prison Class I Medan, violence that has been committed by prisoners against other prisoners, among others, in the form of acts of persecution, especially when prisoners who have just entered the State Prison Class I Medan.

As for also in the form of misdemeanor and ordinary misdemeanor resulting in the victim

suffered serious injuries and minor injuries and the perpetrator received punishment in the form of confinement in an isolation room and given a warning and reprimand.

Violations of the law against prisoners in the form of violence committed by fellow prisoners are still common in the State Prison Class I Medan. This violence usually occurs in the form of direct violence which is manifested in the form of physical and psychological violence against fellow inmates. That any violations committed by prisoners will be processed in the State Prison Class I Medan which then receive sanctions in the form of a reprimand or up to the isolation cell. When there is a crime of abuse, the officer will take action to resolve and find out the causes of the fight.

The initial action to be taken by the officer is to bring the two sides together in order to make peace efforts. But if it turns out that the fight continues, then the state Detention Center Officer Class I Medan will impose sanctions expressly. The sanction given is in the form of placing the prisoner in a detention cell that is far from other cells. In addition, prisoners are also not given the freedom to move up to an indefinite time limit, depending on the severity of the offense committed.

B. Legal remedies and causes of violence by inmates in State Prison Class I Medan

One of the factors that cause violence by prisoners in the State Prison Class I Medan is an individual problem, the existence of problems from the outside, both private and public, so as to make prisoners who are in custody can not control emotions when disturbed by other prisoners.

The next factor is personal grudges between prisoners, the existence of personal grudges both outside (before entering prison) and inside the prison, when they meet in the state Detention House Class I Medan with the same case or cases that are not the same, those who have grudges before have never got the same cell, because the officers do not know if they have grudges before outside, after the violence the officers separate them into different cells.

There is also a room capacity factor that does not use or over capacity (excess capacity). As a result, Class I Medan Detention Center is no longer conducive and functioning normally. According to Husni, KPR (Kasubsi pengamanan Rumah Penahan Negara) Klasi Medan, the number of occupants of the room and also the restricted movement space caused the emotions of the prisoners themselves to be unstable. The number of prisoners and inmates in the Banda Aceh Class IIB State Detention House

which reached 800 clearly exceeded the capacity of the Medan Class I state Detention House which could only accommodate 600 prisoners. This is one of the factors that lead prisoners and convicts to commit violent criminal acts in the form of mistreatment in custody.

Efforts are made by the detention center officers in carrying out technical security tasks (reception, supervision, placement of prisoners/ inmates) security officers perform :

- a) Control, reception, placement, and withdrawal of inmates and prisoners,
- b) Maintenance of security and order,
- c) Checks against violations of security and order,
- d) Activities that are considered to be able to strengthen relationships between fellow inmates and prisoners,
- e) Daily reports and news events implementation of security.

In addition to ensuring compliance with the rules by prisoners, the security unit conducts surveillance for 1x24 hours. This supervision was carried out by 32 prisoners (wardens) who were divided into 3 (three) shifts. The time interval from the first shift to the second shift is about 5 to 6 hours, from 7 am to 1 pm, and from 1 pm to 6 pm. For the night shift, it starts from 6 pm to 7 am. General pickets are in charge of guarding prisoners and ensuring that there is no disturbance of order in the detention center, while clinic pickets are in charge of guarding prisoners who are temporarily ill. The number of security officers is 32.

CONCLUSION

The form and consequences of violence by prisoners in the state Detention House Class I Medan is in the form of misdemeanor and ordinary misdemeanor resulting in the victim being seriously injured and minor injuries and the perpetrator gets a punishment in the form of confinement in an isolation room. The factors that cause violence by prisoners in State Prison Class I Medan are personal problems that become the burden of prisoners' thoughts, so that they are always overshadowed by annoyance, saturation, and emotional carrying, inadequate room capacity, which causes limited space for prisoners and prisoners to move, resulting in unstable emotions of prisoners and prisoners, and the absence of intimacy and harmonious relationships between fellow inmates. Efforts to overcome cases of violence by inmates in the State Prison Class I Medan is given a warning sanction or reprimand for minor violations, put in isolation for serious violations, not given remission for violations

committed repeatedly, the security unit of the State Prison Class I Medan supervises each room and places of prisoners and inmates, this supervision is carried out for 1x24 hours, besides that each block is guarded by a general picket, public pickets are in charge of guarding prisoners and inmates and ensuring that there is no disturbance of order in the Medan Class I state Detention House.

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