

The Role of Social Media as a Tool for the Indonesian National Police in Revealing the Perpetrators of the Crime of Theft

¹Nanang Tomi Sitorus and ²Nasrullah Hidayat

¹Faculty of Law, University of Medan Area

²Faculty of Social and Political Science

Jalan Pool Number 1 Medan Estate / Jalan Gedung PBSI, Medan, 20223



Abstract – The use of social media is growing rapidly along with the times, so that social media is not only used as a venue for entertainment shows but is also used as a tool to uncover various criminal cases. With the existence of social media, the law enforcement process can be carried out quickly and completely. This study aims to determine the position of social media as a tool in proving a crime. The type used in this research is normative juridical and the nature of the research is analytical descriptive. Sources of data used in this study are primary legal materials, secondary legal materials and tertiary legal materials. The data collection technique used is library research and the data analysis used is qualitative.

Keywords – Social Media, Police of the Republic of Indonesia, Crime of Theft.

I. PRELIMINARY

The rapid development of social media today is caused by everyone who feels like they can "own" their own media. If to have traditional media like television, radio, or newspaper it takes a large capital and a lot of labor, then it is different with digital social media. A user can access social media with even a slow internet network facility, without big costs, without expensive tools, and done by himself without the need for employees. Social media users can freely edit, add, and modify (both text, images, videos, graphics, and various other content models).¹

Social media is an online medium, with its users being able to easily participate, share and create content including blogs, social networks, wikis, forums and virtual worlds. Blogs, social networks and Wikis are the most common forms of social media used by people around the world.²

Andreas Kaplan and Michael Haenlein define social media as a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, and enable the creation and exchange of user-generated content. Web 2.0 became the basic platform of social media. Social media exists in many different forms, including social networks, internet forums, weblogs, social blogs, micro blogging, wikis, podcasts, images, videos, ratings, and social bookmarking. According to Kaplan and Haenlein there are six types of social media: collaborative projects (e.g., Wikipedia), blogs and microblogs (e.g., Twitter), content communities (e.g., YouTube), social networking sites (e.g. Facebook, Instagram), virtual games (e.g. World of Warcraft), and virtual social (eg, second life).³

¹https://id.Wikipedia.Org/Wiki/Media_Sosial, Accessed on May 14, 2020, at 06.10 WIB.

²<http://Digilib.Uinsby.Ac.Id/15465/4/Bab%202.Pdf>, Accessed on May 14, 2020, at 06.10 WIB.

³Gusti Ngurah Aditya Lesmana, Thesis: Analysis of the Effect of Twitter Social Media on the Formation of Brand Attachment (Study : Pt. XI Axiata), (Master of Management Program, Faculty of Economics, University of Indonesia). Pages 10-11.

Social media is seen by some as just a means to express themselves and only to relieve fatigue, but most people use it as a tool to uncover crimes, as crimes are currently happening in Indonesia. Social media that are often used in uncovering crimes such as Instagram, Facebook and other social media.

The use of social media is not only used as a means of sharing experiences, but also as a means of assisting people who need help, including assisting the police in uncovering perpetrators of crimes.

The rise of crime in the community, starting from the crime of theft which incidentally is carried out when people are not at home. Like the incident that occurred on Jalan Haji Shibi, Srengseng Sawah, South Jakarta, the perpetrators of crimes committed theft in an uninhabited house. The crime was committed by the perpetrator carrying out the theft calmly, like a professional criminal, so that the victim suffered property loss with a fantastic value.

The act of the perpetrator of the theft was caught on a surveillance camera, hereinafter referred to as Closed Circuit Television (CCTV), with the CCTV evidence, the victim reported it to the local police by making an Investigation Report (BAP). After the report was received, the police did not investigate the case and the investigation dragged on. Feeling dissatisfied with the performance of the police, the victim makes a notification on social media or updates the status on his social media account for the occurrence of the crime.

In this case, the police must act swiftly on all reports from the public for all criminal acts, starting with investigations, investigations until the minutes of examination are declared complete, considering that the police's duties have been regulated in Law Number 2 of 2002 concerning the Indonesian National Police.

A. Literature Review

1. Social Media Overview

An online medium, with its users being able to easily participate, share and create content blog, social networking, wikis, forums and virtual world. Blogs, social networks, and wikis are the most common forms of social media used by people around the world. Andreas Kaplan and Michael Haenlein defines social media as "a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0 and enable the creation and exchange of user-generated content."⁴

2. Overview of the Indonesian National Police

Law number 2 of 2002 concerning the National Police of the Republic of Indonesia states in Article 1 that The police are all matters relating to the functions and institutions of the police in accordance with statutory regulations.

Article 2 explains that the function of the police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community.

Article 3 (1) Those who carry out police functions are the Indonesian National Police who are assisted by: a. special police; b. civil servant investigators; and/or c. forms of self-defense. (2) The bearers of police functions as referred to in paragraph (1) letters a, b, and c, carry out police functions in accordance with the laws and regulations which are the legal basis for each.

Article 4 The National Police of the Republic of Indonesia aims to realize internal security which includes the maintenance of public security and order, order and law enforcement, the implementation of protection, protection, and service to the community, as well as the establishment of public peace by upholding human rights. Article 5 (1) The National Police of the Republic of Indonesia is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection and services to the community in the context of maintaining domestic security.

The National Police is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection and services to the community in the context of maintaining domestic security.⁵

⁴ https://id.Wikipedia.Org/Wiki/Media_Sosial, Op. cit

⁵ <https://Ntmcpolri.Info/Pengertian-Kepolisian>, Accessed on October 29, 2020, at 12.20 WIB.

3. Overview of the Crime of Theft

The crime of theft is regulated in Article 362 of the Criminal Code which reads: Anyone who takes something, wholly or partly belonging to another person, with the intention of unlawfully possessing it, is threatened with theft, with a maximum imprisonment of five years or a maximum fine of nine hundred rupiahs.

The crime of theft in its principal form as regulated in Article 362 of the Criminal Code consists of subjective elements and objective elements.

a. Subjective element

Met het oogmerk het zich wederrechtelijk toe te eigenen with the intention of taking possession of the object against the law. The word "control" in article 362 of the Criminal Code is a translation of "zich toeëigenen" which according to Memorie Van Toelichting has the meaning as "to control an object as if he were the owner", namely, for example, acts of owning for oneself, giving to others, selling or pawn it, all of which he is not allowed to do because he is not the owner. The act of "zich toeëigenen" is the purpose of the crime of theft but the act does not need to have been carried out when the act has been completed, but must be proven that the perpetrator has that intention. The act of "zich toeëigenen" must be carried out "against the law" or "wederrechtelijk", according to Professor Mr TJ

b. Objective element

1. hij or anyone

2. Wegnemen or taking The act of taking has been completed, if the object is already in the hands of the perpetrator, even if it is true that he has later released the object because it was discovered by others. tangible and movable objects", as well as objects that have no economic value, for example: a train ticket that has been used, a key used by the perpetrator to enter another house, a letter and a doctor's certificate. This definition also includes electric power, but does not include rights or ideas such as copyright or copyright rights. Goods must be wholly or partly owned by someone else. The goods do not need to be entirely owned by someone else, while only a part of the goods can become the object of theft, so some of it belongs to the perpetrator himself. Items that have no owner cannot be the object of theft.⁶

B. Research methods

1. Types of research

The type of research used in this research is normative juridical, namely the type of research. Normative juridical research analyzes its analytical activities by analyzing empirical legal science, in the study of normative legal science, the steps or activities of conducting analysis have very specific or special characteristics, especially here that what is seen is whether the normative requirements of the law have been fulfilled or not. with the provisions and the building of the law itself.⁷

2. Nature of Research

This research is descriptive analysis. Descriptive analysis is research that describes a legal regulation that regulates legal rules and their implementation with the aim of answering the problems that are the object of research by the author.⁸

3. Data source

The source of data used in this research is secondary data obtained from library research aimed at obtaining concepts, theories and information as well as conceptual thoughts from research in the form of legislation and other scientific works. To collect the data of this research, the author uses three types of legal materials, namely:

a. Primary Legal Material

⁶ Rian Prayudi Saputra, The Development of the Crime of Theft in Indonesia, , Jurnal Pahlawan Volume 2 Number 2 Year 2019, Faculty of Law, Universitas Pahlawan Tuanku Tambusai.

⁷ Bahder Johan Nasution, 2008, Legal Research Methods, Bandung: Bandar Maju, page 83.

⁸ Bambang Sugono, Legal Research Methodology, Third Edition, Jakarta : Pt. Rajagrafindo Persada, 2001, Pages 116-117.

Is a legal material that has permanent legal force directly on the object of field research which is the main data of the problem regarding the Existence of Social Media to Assist the Tasks of the Indonesian National Police in Conducting Investigations Against Perpetrators of the Crime of Theft, namely Legislation such as the Book of Laws. Criminal Code (KUHP).

b. Secondary Legal Material

Is a legal material that provides an explanation of the primary legal material that the author uses to analyze and understand the research, consisting of regulations and provisions obtained from the literature as references such as books, legal journals, the internet and those related to this research.

c. Tertiary Law Material

Is a legal material that provides an explanation, understanding and understanding of primary legal materials and secondary legal materials in support of other legal materials. The legal materials used by the author in this study are the Big Indonesian Dictionary, legal dictionaries and legal materials related to the existence of social media to assist the task of the Indonesian National Police in conducting investigations against perpetrators of the crime of theft.

4. Data collection technique

The method of data collection was carried out in this study, namely by using two ways, namely:

Secondary data collection is done by means of library research, the authors collect data in the form of laws and regulations, books, legal journals and the internet.

5. Data analysis

The method used for data processing is qualitative, namely by means of research that refers to norms, theories, principles, doctrines, articles, laws and regulations in the discipline of law. The data is analyzed logically and systematically according to the problems discussed.

Research conducted to solve the topic of related problems uses descriptive analysis method, namely presenting facts or symptoms so that these problems can be analyzed in various aspects intensely between one correlation with another.

II. RESULTS AND DISCUSSION

The Role of Social Media as a Tool in Revealing the Perpetrators of the Crime of Theft

Social media has developed very significantly from year to year. If in 2002 Friendster dominated social media because only Friendster dominated social media in that era, now many social media have emerged with their own uniqueness and characteristics.

The history of social media began in the 70s, namely the discovery of a bulletin board system that made it possible to connect with other people using electronic mail or upload and download software, all of this was done still using a telephone line connected to a modem.⁹

1. The role of social media is not directly stated in the national criminal law legislation and other legal sources, but the role of social media is a form of surveillance camera or CCTV camera. The disclosure of the perpetrator of the crime of theft was due to the recording of the perpetrator's face when he acted in the victim's house, which the victim told him on his social media.

Social media also has characteristics and characteristics, including:¹⁰

1. The message conveyed is not just for one person but is wider in scope. For example, messages via SMS or the internet.
2. Messages are delivered freely or without having to go through a Gatekeeper.
3. Messages delivered tend to be faster than other media.

⁹Journal of Social and Political Sciences, The Influence of Social Media on Social Changes in Indonesian Society, Published by the Faculty of Social and Political Sciences, Tulungagung University.

¹⁰https://id.Wikipedia.Org/Wiki/Media_Sosial, Op. cit.

4. The recipient of the message determines the interaction time.

2. The crime of theft is regulated in Article 362 of the Criminal Code which explains that "Whoever takes something, wholly or partly belonging to another person, with the intention of being owned against the law, is threatened with theft, with a maximum imprisonment of five years or a maximum fine of nine years. hundred rupiah". The elements of the crime of theft are a). whoever; b). take something; c). wholly or partly belongs to another person; d). with the intention of breaking the law.

Application of Social Media as Evidence in the Investigation Process by the Police

3. Evidence in criminal law is contained in Article 183 of the Criminal Procedure Code (KUHP). In the evidence, it is clearly explained that the evidence in criminal procedural law contains 2 (two) valid evidences, namely a statement of instructions, where this information is a form of evidence, namely CCTV. CCTV is allowed to be evidence that after the Constitutional Court Decision 20/PUU-XIV/2016, where the position of CCTV as evidence in criminal procedural law in Indonesia cannot be separated from Law Number 19 of 2016 concerning amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions.

Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Article 2 states that among the functions of the police are the functions of the state government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community.¹¹

Article 13 The main tasks of the State Police of the Republic of Indonesia are:¹²a. maintain public security and order; b. enforce the law; and c. provide protection, protection, and service to the community.

Article 14 states that: 1). In carrying out the main tasks as referred to in Article 13, the State Police of the Republic of Indonesia shall be tasked with:¹³

- a. Implementing regulation, guarding, escorting, and patrolling community and government activities as needed;
 - b. Organizing all activities to ensure security, order and smooth traffic on the road;
 - c. Fostering the community to increase community participation, legal awareness of the community and the obedience of community members to laws and statutory regulations;
 - d. Participate in the development of national law;
 - e. Maintain order and ensure public safety;
 - f. To coordinate, supervise, and provide technical assistance to the special police, civil servant investigators, and other forms of self-defense;
 - g. Conduct investigations and investigations into all criminal acts in accordance with the criminal procedure law and other laws and regulations;
 - h. Organizing police identification, police medicine, forensic laboratories and police psychology for the purposes of police duties;
 - i. Protecting the safety of body, soul, property, society, and the environment from disturbances of order and/or disaster, including providing assistance and assistance by upholding human rights;
 - j. Serve the interests of the community for a while before being handled by the authorized agency and/or party;
 - k. Provide services to the community in accordance with their interests within the scope of police duties;
 - l. Carry out other duties in accordance with statutory regulations.
- 2). The procedure for implementing the provisions as referred to in paragraph (1) letter f shall be further regulated by a Government Regulation

¹¹Law on the Indonesian National Police, 2008, Bandung: Media Focus, page 5.

¹²ibid, page 9.

¹³ibid.

Proof of criminal acts must be carried out transparently so that justice can be enforced. Likewise in the investigation that uses CCTV as evidence. The evidence must be proven with special expertise so that the crime of theft in the victim's house is clearly exposed.

Factually, the examination of the evidence in the form of CCTV stated that it was true that the perpetrator had committed the crime of theft in the victim's house and took various kinds of goods, so that this action was detrimental to the perpetrator.

CCTV inspection at the investigation level has a positive impact on the task of the police in proving the crime of theft. This means that the police find it easy and helpful for the actions recorded on CCTV and the inspection process by the police is quickly completed in a short time and can catch the perpetrators of the theft who are on the Police Wanted List (DPO).

Based on the results of the investigation by the police, the perpetrator was subject to Article 365 of the Criminal Code, namely 5 years imprisonment and a fine.

III. CONCLUSION

The role of social media as a tool in uncovering the perpetrators of the crime of theft is not clearly regulated. Proving criminal acts in court with social media revealing the perpetrators of the crime of theft is not regulated in legislation, but is contained in the form of electronic evidence and the application of social media as evidence the investigation process by the police is very effective, considering that the existence of social media makes it easier for the police to carry out investigations into criminal acts of theft committed by the perpetrators, so that the perpetrators can be arrested quickly and sanctions against the perpetrators are subject to Article 362 of the Criminal Code, namely imprisonment for five years and a fine of sixty rupiah.

REFERENCES

- [1] Gusti Ngurah Aditya Lesmana, Thesis: Analysis of the Effect of Twitter Social Media on the Formation of Brand Attachment (Study: PT. XI Axiata), (Master of Management Program, Faculty of Economics, University of Indonesia).
- [2] https://id.wikipedia.org/wiki/Media_Sosial.
- [3] <http://digilib.uinsby.ac.id/15465/4/Bab%202.pdf>.
- [4] <https://megapolitan.com/read/2019/11/30/08531501/facts-burglary-which-alleged-perpetrated-one-woman-stealed-thousands-dollars?page=1>.
- [5] Journal of Social and Political Sciences, The Influence of Social Media on Social Changes in Indonesian Society, Published by the Faculty of Social and Political Sciences, Tulungagung University.
- [6] Nasution, Bahder Johan, Legal Research Methods, Bandung: Bandar Maju, 2008.
- [7] Sugono, Bambang, Legal Research Methodology, Third Edition, Jakarta : PT. Rajagrafindo Persada, 2001.
- [8] Law on the Indonesian National Police, Bandung: Media Focus, 2008.