

JURIDICAL ANALYSIS OF INHIBITING FACTORS LAW ENFORCEMENT IN HANDLING OF ACTIONS THE CRIMINAL CRIMINAL OF COOKING OIL embezzlement (Number : 2557//Pid.B/2022/PN.Mdn.) MEDAN STATE COURT

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Keywords

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Abstract Embezzlement is an act of dishonesty by hiding other people's goods/ property by one or more people without the knowledge of the owner of the goods with the aim of transferring property (theft), possession, or use for other purposes. The criminal act of embezzlement is regulated in Article 372, Article 374, and Article 375 of the Penal Code. The definition of embezzlement is regulated in Article 372 of the Criminal Code. In this study, the author wants to discuss how the Juridical Analysis of Law Enforcement Inhibiting Factors in Handling Cooking Oil Embezzlement Crime (Number: 2557//Pid.B/2022/ Pn.Mdn.) Medan District Court. In this study the author used explanatory qualitative research methods. Research does not simply describe the occurrence of phenomena but tries to explain why the phenomenon occurs and what influences it has to provide an explanation for why something happens. In this study, it was found that the defendants were legally and conclusively proven guilty of committing the crime of "embezzlement because there is a continuous employment relationship" as stipulated in Article 374 jo. Article 64 of the Penal Code with imprisonment for 1 (one) year and 6 (six) months minus

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1. INTRODUCTION

The State of Indonesia is a state based on law, which implies that all actions and patterns of behavior of every citizen must be in accordance with the norms and provisions regulated by the state. When talking about legal issues, we will be confronted with matters related to the social activities of human life in society which are manifested as a process of interaction and interrelationship between one human being and another human being in social life. Law is an important system of rules, norms and sanctions made with the aim of regulating human behavior, maintaining order, justice and preventing chaos.

In a rule-of-law state, laws and regulations culminating in the constitution (constitution) constitute a unified legal system as the basis for every administrator of power. A criminal act is an act that violates/ violates a predetermined law. Where the law that has been determined is contained in the Criminal Code (KUHP), embezzlement in the Criminal Code is classified as a crime. Embezzlement is contained in Article 372 of the Criminal Code, namely as follows "Anyone who intentionally and unlawfully owns goods which wholly or partly belong to another person, but is in his power not because of a crime, is threatened with embezzlement, with a maximum imprisonment of four years or a maximum fine of nine hundred rupiahs ". For the perpetrators of embezzlement according to the provisions of the Criminal Code Article 372 of the Criminal Code threatens the defendant with a maximum penalty of 4 (four) years in prison. Article 372 is also the legal basis for

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the perpetrators of embezzlement. Law enforcement efforts against perpetrators of criminal acts of embezzlement can be penalized using criminal law means (*ultimum remedium*). This is because it considers the frequency of occurrence of criminal acts of embezzlement.

The crime of embezzlement occurs in almost all regions of Indonesia and occurs in all Indonesian people, only the frequency of this crime is experienced by people with greater opportunities. Law enforcement is part of law development which leads to efforts to implement or apply or concretize law in real life to restore or restore balance in the order of life in society, nation and state. Enforcement of criminal law against criminal acts of embezzlement is carried out strictly and will bring fear to other perpetrators of criminal acts of embezzlement to carry out their actions. The feeling of fear from the perpetrator so that the potential perpetrator discourages him from committing the crime of embezzlement. In connection with the verification process by law enforcers, the criminal act of embezzlement is carried out by an actor against a victim with the intention of controlling and embezzling something belonging to the victim. In the crime of embezzlement, law enforcers look more at the consequences caused by the perpetrators, not how the perpetrators commit crimes. Based on the background described above, the authors wish to conduct research on Juridical Analysis of the Inhibiting Factors of Law Enforcement in Handling the Crime of Edible Oil Embezzlement (Number: 2557//Pid.B/2022/Pn.Mdn.) Medan District Court.

2. METHOD

The author made initial observations in the form of collecting data that supports the problem under study. Furthermore, the authors in this study will conduct research on Law Enforcement and Inhibiting Factors Against Law Enforcement in Handling the Crime of Embezzlement at the Medan District Court.

This research is legal research. Legal research is research on a scientific event, which is analyzed based on certain methods, systematics, and thoughts, which aims to study one or several legal phenomena by analyzing them using legal arguments. Legal research using legal arguments, means that legal research is research whose main focus is studying the application of a rule of law accompanied by legal arguments/considerations made by law enforcers, as well as the interpretation behind the enactment of a decision that has coherence with the enactment of the rule of law.

The type of research that will be used in this study is qualitative research. Qualitative research is research that is interpretive by involving many methods in understanding the research problem. With this research it is expected to be able to produce an in-depth description of speech, writing, and observed behavior of an individual, group, both community groups and certain organizations.

This research will use qualitative explanatory research, research with explanative methods, namely research whose purpose of explanatory research is to provide an explanation of why something happens or answer the question "why (why)". Study Qualitative is as process, understanding, complexity, interaction and human. In explanatory research, the researcher does not just describe the phenomenon but tries to explain why the phenomenon occurs and what the effects are

Data Collection Techniques/Legal Materials

In this study, data collection was carried out by observing, interviewing and documenting. An interview is a way of gathering information which is carried out by asking and answering orally and with a predetermined direction and purpose. By conducting interviews researchers can dig up as much information as possible so as to obtain in-depth information from the object of research.

The documentation method is looking for data in the form of notes, transcripts, books, newspapers, magazines, inscriptions, meeting minutes, leggers, agendas and so on. Documentation

study is a way of collecting data through written heritage, especially in the form of archives and including books regarding opinions, arguments related to investigative issues.

Data Analysis/Legal Materials

Data analysis is the process of simplifying data into an easy-to-read form. Starting from the data collection process, namely interviews, observation and documentation as well as literature studies followed by qualitative data analysis through explanative techniques. All data collected both primary data and secondary data will be analyzed qualitatively, namely description according to quality, which applies to reality as primary data connected with secondary data theories. The data obtained in this study will be presented in the form of detailed and systematic descriptions. The data obtained is then analyzed with the data or objects studied and interpreted based on the existing theoretical framework to obtain a conclusion.

3. RESULTS AND DISCUSSION

- a. This research begins with observations made at the Medan District Court to find things that serve as initial data for conducting research. After finding the initial data which is the subject of this study, the researcher formulates the problem to be studied and determines the steps to be carried out in the research. After formulating and determining the steps to be taken, the researcher looks for data that can be used in research. The research data were obtained by observation, interviews and documentation obtained at the Medan District Court. Researchers conducted research by conducting in-depth discussions and interviews with the Medan District Court regarding the law enforcement process for the crime of embezzlement of cooking oil at the Medan District Court. Researchers collect data that can be used from the Medan District Court.
- b. From this research, a decision file was obtained regarding the criminal case of embezzlement of cooking oil handled by the Medan District Court. The files obtained can be used as primary data because the data is obtained directly from the results of interviews and observations with respondents or informants in this study. After obtaining the data and files of the law enforcement process at the Medan District Court, the researcher then conducted interviews with the Medan District Court regarding the law enforcement process and problems that could hinder the course of the law enforcement process.

Research Findings and Discussion

1. Description of the decision on the crime of embezzlement of cooking oil (Decision Number: 2557/Pid.B/2022/PN.Mdn.)

In this section, we will discuss the conditions of the criminal case of embezzlement of cooking oil. In this case involving an actor who has a working relationship with the embezzlement he committed was in accordance with Decision Number: 2557/Pid.B/2022/PN.Mdn. In the decision of the case, the defendant has been held in detention from 6 September 2022 to 31 January 2023.

2. Law Enforcement of Cooking Oil Embezzlement and its Inhibiting Factors

Based on the results of interviews conducted by researchers, it was found that the process of law enforcement against criminal acts of embezzlement at the Nerei Medan Court was carried out sequentially. The law enforcement process began when the defendant uncovered the act of embezzlement committed by the defendant. After the crime of embezzlement committed by the defendant was uncovered, the prosecutor's office and the police conducted an investigation so that evidence was found that could be used in the law enforcement process. After that, the defendant was detained by the investigators to obtain further information. Processing of criminal acts continues to be carried out until concrete evidence is obtained and the defendant is found to have committed embezzlement.

From the law enforcement process that usually occurs, several inhibiting factors are found law enforcement, such as: Lack of witnesses or witness statements, Absence of witnesses at trial, The defendant was not present at the trial, Lack of evidence

Based on the above, in the law enforcement process carried out by the Medan District Court against perpetrators who violated the law in the crime of embezzlement of cooking oil with case number: 2557/Pid.B/2022/ PN.Mdn. no obstacles were found that could hinder the course of the law enforcement process or it could be said that the law enforcement process was proceeding as it should.

4. CONCLUSION

From the explanations described above, it can be concluded that this research was conducted on cases of embezzlement of cooking oil in Decision Number: 2557/Pid.B/2022/PN.Mdn at the Medan District Court. In this case the defendant was detained in remand detention from 6 September 2022 to 31 January 2023. In addition to the evidence, witness testimony was also found that the defendant was a driver whose job was to deliver Fortune brand cooking oil from Jalan Platina Raya Komp. New Town Shophouse Block A, No. 46 Kel. Titi Papan Kec. Medan Deli Medan City to the main road Namorambe Poni Garden Housing Block F No. 05 Ujung Labuhan Village, Kec. Namorambe Kab. Deli Serdang and when the defendant arrived at the main street of Namorambe, Poni Garden Housing Block F No. 05 Ujung Labuhan Village, Kec. Namorambe Kab. Deli Serdang

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