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The Role of the Kao Police in Handling the Case of the Crime of theft of Livestock in Tolabi Village, North Halmahera Regency Background of the Problem

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Abstract

In the village of Tolabi, Kab. North Halmahera cases of theft that occurred in 2020 yesterday, reports that entered the Police amounted to 4 (four) total cases of theft. Consists of 3 (three) cases of theft of livestock (cows), the perpetrators of which amounted to 6 people. Then in 2021

the reports that entered the Police amounted to 4 (four) cases of theft of livestock (cows) where there were 5 perpetrators. The case has been transferred to the Attorney General's Office. Out of a total of 7 (seven) case reports submitted to the police, 3 (three) cases are still under investigation.

Keywords: Tolabi, Police, Crime, Livestock

1. Introduction

In Indonesia, the term constitutional rule of law state has been mentioned in the 1945 Constitution. The use of the term rule of law country has a difference between after amendments are made and before amendments are made. Prior to the amendment to the 1945 Constitution, it was stated in the general explanation that "Indonesia is a state based on law". Meanwhile, after the amendment to the 1945 Constitution, namely "Indonesia is a state of law." Which is contained in the 1945 Constitution article 1 paragraph (3).¹

Several statements reflecting that Indonesia as rule of law, among others:

- 1. The 1945 Constitution of the Unitary State of the Republic of Indonesia article 1 paragraph (3) which reads that the StateIndonesia is a country of laws 1.
- 2. Chapter X article 27 paragraph (1) which states that all citizens have the same position before the law and the government are obliged to uphold the law and government without exception.
- 3. In article 28I paragraph (5) which reads that in order to uphold and protect human rights in accordance with the principles of a democratic rule of law, the implementation of human rights is guaranteed, regulated, and set forth in statutory regulations.3.

A state based on law is characterized by several principles including that all actions or actions of a person, whether individual or group, people or government, must be based on legal provisions and statutory regulations that existed before the action or action was carried out or based on applicable regulations.

A state based on law must be based on good and fair law without discriminating. In accordance with the 1945 Constitution article 28 paragraph (5) concerning human rights, "that in order to uphold and protect human rights in accordance with the principles of a democratic rule of law, the implementation of human rights is guaranteed, regulated, and set forth in statutory regulations. invitation."²

In this case, all citizens, both officials and the public, have the same rights as contained in the article mentioned above. In social life, it is common to hear the word crime. This is because crime has often occurred in various regions, both urban and even rural areas and even remote areas. For this reason, Criminal Law and Criminal Procedure Laws, better known as the Criminal Code and the Criminal Procedure Code, were created.

The Criminal Code also mentions the crime of theft. The crime of theft is a crime that is very common in the community and is a crime that can be said to be the most troubling to society. stated in article 362 of the Criminal Code that:

¹ Janpatar Simamora. 2014. TAFSIR MAKNA NEGARA HUKUM DALAM PERSPEKTIF UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA TAHUN 1945. Jurnal Dinamika Hukum. Vol 14 No 3. Pp 549.

²Andi Hamzah, — KUHP dan KUHAP Edisi Revisi", (Jakarta: Rhineka Cipta, 2014), Hal. 140.

"Anyone who takes goods, which wholly or partly belong to another person, with the intention of unlawfully possessing them, is threatened with theft, with a maximum imprisonment of five years or a maximum fine of nine hundred rupiahs."

One of the criminal acts of theft that worries the community, especially rural communities, is the crime of theft of livestock. Livestock theft itself has such a big impact on people's lives, in this case especially rural communities. Livestock such as cows and goats are a very important factor for the life of rural communities, especially farmers and animal breeders.³

Judging from economic factors, most of the people in rural areas have low levels of income, for example farmers, fishermen and animal breeders who have seasonal income, namely income that depends on crops or catches. Therefore the fact that livestock is important for rural communities, especially farmers and animal breeders, is a natural thing.

The problem of theft of livestock is indeed an endless conversation to be discussed. In fact, from several cases that have occurred, cases of livestock theft have not been caught by the perpetrators or have not been resolved, although in fact they have been reported to the authorities and it seems that the case has not been followed up by law enforcement agencies.

The case that occurred in Tolabi Village, North Halmahera Regency has become a topic of discussion among the local community, but the results of the investigation at the Kao Police have not yet received a clear point so this case must be withdrawn and reported to the Tobelo Police and until now there has been no find results that can satisfy the victims of the perpetrators of the theft of livestock.

Of the cases reported, the reason why the police have not followed up on them is not yet known what the cause was, whether the factor was from the factor of evidence or from other factors. Cases that are reported should be handled immediately when they are reported, because in law No. 2 of 2002 concerning the Indonesian National Police which states that "Polri is a tool of the State that plays a role in maintaining Kamtibmas, enforcing the law, providing protection and service to the community"⁴, however, the case was allowed to drag on without notification of the progress of the case to the reporting party so that the reporting party who was also a victim of theft felt that the case had not yet reached a resolution, finally withdrew the report and made an LP to the Tobelo Police (North Halmahera).

Based on the background of the problems described above, the authors are interested in researching it in the form of a research proposal with the title "The Role of the Kao Police in Handling Cases of Theft of Livestock in Tolabi Village, North Halmahera Regency".

Based on the description on the background of the problem above, the formulation of the problem is What is the role of the police in following up on reports of criminal cases of theft of livestock in Tolabi Village, North Halmahera Regency?

2. Research methods

The type of research used in this study is to use an empirical legal approach, because in this study the focus of the study is how the methods or mechanisms can be carried out by the police because as mandated by law in terms of legal protection for victims of crime⁵. The research location will be conducted at the Kao Police. By conducting research at that location, the authors hope to obtain accurate data so as to obtain objective and comprehensive research results. Data Types and Data Sources⁶:

- 1. Primary data, namely data obtained through interviews or data obtained from field research. Research directly with the parties that have been determined as respondents.
- Secondary data, namely data obtained through literature studies on various types of literature related to research purposes such as documents, articles, books, and other sources related to the problem.

C. Collection Techniques

Data Data collection procedures are carried out by:

- For primary data, namely by conducting interviews with related parties, namely: Officers at the Kao Police. The research conducted interviews and observations in collecting comprehensive data on the Kao Police and livestock theft victims.
- For secondary data, it is carried out with library research by collecting and reading and reviewing it as library material, legislation books, print media, articles and so on related to the object of research.

D. Data Analysis Techniques

The data that has been obtained both primary data and secondary data will then be processed and analyzed to produce conclusions. Then it is presented descriptively in order to provide a clear and directed understanding of the results of the research later. The data analysis used is data analysis which seeks to provide a clear and concrete picture of the research problems discussed qualitatively, and then the data is presented descriptively, namely explaining, describing, and describing according to the problems that are closely related to this research.⁷

3. Research results and discussion

The Role of the Police in Following Up Case Reports of the Crime of Cattle Theft in Tolabi Village, Kab. North Halmahera

Every sociological law enforcer has a position (status) and roles, is a certain position in the higher social structure. In Article 14 of law No. 2 of 2002 paragraph (I) it is stated that the main tasks of the Indonesian National Police are: to carry out regulations, guard, guard and patrol community and government activities as needed.

³ Brylian M. T. Berhimpong, 2017 Pencurian Ternak (Pasal 363 Ayat (1) Ke-1 KUHP) Sebagai Pemberatan Terhadap Tindak Pidana PencURIAN. Lex Crimen. Vol 6 No 10. Pp 59.

⁴ Acacio Fernandes Vassalo. 2021. Penyelesaian Tindak Pidana Pencurian Hewan Ternak Menurut Hukum Adat Masyarakat Kecamatan Alas Kota Madya Manufahi. Jurnal Komunikasi Hukum. Vol 7 No 1. Pp 146.

⁵ H. Zainuddin Ali. Metode Penelitian Hukum. Jakarta: Sinar Grafika, cetakan ketiga. 2011. Hal 51.

⁶ Bambang Sungono. Metodologi Penelitian Hukum. Jakarta: P.T.Raja Grafindo Persada 2007 Pp 103.

⁷ Bernard L. Tanya. Penegakan Hukum Dalam Terang Etika. Yokyakarta: Genta Publishing, cetakan pertama. Pp 67.

In the village of Tolabi, Kab. North Halmahera cases of theft that occurred in 2020 yesterday, reports that entered the Police amounted to 4 (four) total cases of theft. Consists of 3 (three) cases of theft of livestock (cows), the perpetrators of which amounted to 6 people. Then in 2021 the reports that entered the Police amounted to 4 (four) cases of theft of livestock (cows) where there were 5 perpetrators. The case has been transferred to the Attorney General's Office. Out of a total of 7 (seven) case reports submitted to the police, 3 (three) cases are still under investigation. Indonesia Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia including cases of theft of livestock (cows) and until now there has been no clear light for victims of theft.

Of the total reports of cases of theft that have been submitted to the police, cases of theft of livestock are cases that fall into the category of aggravated theft and should have been followed up to completion, however, in reality, of all the reported cases of theft of livestock, there was not 1 (one) cases were resolved even from 2020 to 2021.

These are all cases where there are no bright spots and Mr Supri's case is still at the investigation stage. The above information is justified based on information from AIPTU Max as an investigating officer from the Kao Police in 2020 yesterday, the theft of livestock (cows) has been repeatedly reported to the Kao Police and according to information from the Police that an investigation has been carried out, but the case has been running for several weeks. this is starting to fade there is no further action on the case, even though the community has repeatedly reported this case but always with the same result there is no bright spot in the case.⁸

Because the case of theft of livestock has not been resolved by the Polsek, the community feels confused about how to solve this problem, while reporting this to the Tobelo Police, the community is constrained by distance, so they are so restless with the theft activity that has happened too often without being able to stop it and found the culprit.

Cases of theft that often occur are caused because Tolabi Village is a village whose area is in a rice field area and this area is far from the downtown district, so thieves take advantage of this opportunity. and cases that are often reported to the Police are cases of livestock (cow) theft.

Because there were no bright spots in the reports of people who were victims of theft, then one of the reporters, namely Mr. Supri, took (LP) and reported it to the Kao Police. They finally felt that this case would get longer and longer so that in the evening one of the police officers who was later found out as one of the buyers of stolen livestock, came to Mr. Supri with cash in the amount of Rp. 8,000,000, and told the reporter, Mr. Supri, to withdraw the case report and ask for it to be resolved amicably.⁹

However, Mr. Supri did not want to revoke the case report because the community felt uneasy because the reported cases were not followed up, and the community even felt that cases that had already been reported to the Polsek were always unresolved. After 2021 yesterday, Mr. Supri was summoned again by the Kao Police investigators and said

that the case had been handled and followed up on the testimony of the witness, and the witness explained the chronology that occurred.happened, but a few days later after the case was handled and followed up by the Police.

Mr. Supri was visited by 6 (six) men and they admitted that they were the gang that stole Mr. Supri's cows. Then Mr. Supri reported the arrival of the 6 (six) people to the police and the police then summoned the 6 (six) people and asked for information.

After being summoned and questioned by the police, only 1 person admitted that he himself stole Mr. Supri's cow, even though they admitted to Mr. Supri that 6 of them stole the cow and so far there has been no resolution. This was followed up by the Kao Police so we asked for information from the reporter and came to the TKP location and asked for evidence and information from witnesses, and the witness explained the chronology of what happened, but a few days later after the case was handled and followed up by the Police.

The data were obtained from the results of research at the PolsekKao

1) Police Role

Roles and Functions of the Indonesian National Police. State policeanywhere is always in a dilemma of the interests of power which is always at the forefront of differences of opinion between power and society. The police system of a country is heavily influenced by the political system and social control that is applied. With this decree, the Government hopes that the Police can develop better and initiate vertical relations to the smallest level, such as in the sub-districts.

In carrying out the duties and functions of the Police, it is necessary to arrange the formulation of the main duties and powers of the Indonesian National Police in Law No. 2 of 2002 concerning the Indonesian National Police concerning the Roles and Functions of the Indonesian National Police. ¹⁰

1. Police Functions

Article 2: "The function of the Police is one of the functions of the State government in the field of maintaining public security and order, law enforcement, protection, protection and community service" Main Duties of the Police

2. Main Duties of the Police

Article 13: The Main Tasks of the Indonesian National Police in Law No. 2 of 20002 are as follows:

- a) Maintain public order and security
- b) Uphold the law
- Provide protection, shelter and service to the community

The description of Police duties is explained again in Article 14 of the Republic of Indonesia Police Law.

2) Police Authority

In Articles 15 and 16 of the Indonesian Police Law, there are details regarding the duties andthe authority of the Indonesian National Police, while Article 18 contains Police discretion based on the Police Code of Ethics. In accordance

⁸ Wawancara dengan Aiptu Max dilakukan di Polsek Kao pada tanggal 16 September 2022.

⁹ Wawancara dengan Bapak Supri pada Tanggal 18 September 2022 di rumahnya di Ternate.

¹⁰ sd.fuji lestari hasibuan, Melisa Melisa, Novel Anggraini. 2021. Peran Kepolisian Dalam Melakukan Pembinaan Keamanan Dan Ketertiban Masyarakat Desa Melalui Pendekatan Komprehensip (Penelitian Di Polsek Baturaja Barat). Jurnal Pro Justitia. Vol 2 No 1. Pp 47.

with the formulation of the functions, main tasks, duties and powers of the Police as stipulated in Law no. 2 of 2002, it can be said that the main functions of the police include:¹¹:

- 1. Community Development Tasks (Pre-emtive)
 - All efforts and community development activities to increase community participation, awareness of laws and laws and regulations. The task of the National Police in this field is Community Policing. By approaching the community socially and in mutual relations, the goals of community policing will be achieved. However, the concept of Community Policing itself is currently biased towards its implementation in Polres. Actually, as mentioned above, in making a comparison of the police system in foreign countries, apart from having to look at the government administration, the police system is also related to the social character of the community. The concept of Community Policing already exists according to Indonesian (Javanese) character and culture by carrying out an environmental security system (siskamling) in village and village communities, In turn, the community feels responsible for the security of their respective territories. This is also supported by Babinkamtibmas activities which must always supervise their area at all times to carry out special activities.
- 2. Duties in the field of prevention All efforts and activities in the field of preventive policing are to maintain security and public order, maintain the safety of people, objects and goods including providing protection and assistance, especially preventing violations of the law. In carrying out this task, special technical professional skills are needed, such as patrolling, guarding and controlling.
- 3. Duties in the Repressive Field In the repressive field there are 2 (two) types of Roles and Functions of the Indonesian National Police, namely justisiil repressive and non-justisiil. UU no. 2 of 2002 gives the role of the Police to carry out non-justicial repressive actions related to Article 18 paragraph 1 (1), namely "police discretion" authority which generally concerns minor cases.

We will briefly explain how the systematic investigation works. So later you can understand the concept of law and not feel awkward when dealing with it.

A. Stages of Systematic Investigation Based on the Criminal Procedure Code

There is a difference between an investigation and an investigation so you have toobservant in knowing both. Here we will explain about the stages of conducting an investigation of a criminal act. As already mentioned a little at the beginning of the discussion that this action will only take place if there are indications, reports and orders. So without one of these three things the investigation process will not work. Then the next stage of the investigation the investigator will receive evidence from the investigator and may seek additional evidence if possible. After the evidence related to the report is collected, it will be reconsidered later. Does it turn out that the case is included in the violation of the law or not so it needs to be taken action. If it turns out

¹¹ Koesparmo Irsan. 1997. Peningkatan Peran Kepolisian Dalam Pemeliharaan Dan Pembinaan Keamanan Dalam Negeri, Jurnal Ketahanan Nasional. Vol 2 No 2. Pp 36. that the report does not violate the law then the process stops here.

When it turns out that there are indications of violations of the law, the stages in the investigation will be continued by the authorities. Then from the collected evidence, it will be sought who will be responsible. This is the goal of having a systematic process in the investigation of a criminal case. So this is a preparation for prosecution of violations of law committed by the relevant parties earlier. It doesn't stop there, this process will continue to strengthen and clarify matters. So it's still long enough for an offender to be caught in a criminal sentence. This is done so that later the person responsible is the true perpetrator of the crime. So innocent civilians will be free from threats and potential mistakes in determining the course of action. 12

Because the investigation process according to the Criminal Procedure Code must of course prioritize the principle of innocence. So everyone is presumed innocent until evidence has corroborated his involvement in a criminal act.

B. Stages of Establishing a Suspect

Determining a suspect from a criminal act should not be arbitrary without evidence and key witnesses. So this investigation will continue until it is strongly proven that the accused is a suspect.

There is a legal basis for investigation, the process of the stages of investigation refers to extracting additional information to find witnesses and evidence so that the case can be solved perfectly. Retrieval of information can come from agencies, agencies, places, even local residents. So when the authorities try to dig up information from a case, it is hoped that civilians will also be cooperative. This will be very useful for uncovering the truth in a case. ¹³

When the investigation stage has entered the collection of this information, many things can happen. It is possible to find an alibi that is mitigating or aggravating against the defendant in a case. Authorized officers must move quickly because this process certainly has a time limit according to law. So later the defendant will not be detained for too long because he is waiting for the investigation to be completed. After all the evidence is strong enough to reveal the truth, the investigator will make a report. The report of course contains whether the accused is a potential suspect or not. If it turns out that based on all the evidence it turns out that the defendant was not involved then he can be released. When it turns out that the evidence corroborates the occurrence of a violation of the law, the case will go to court. This is a series of complex processes in uncovering a truth. So the stages of investigation are indeed quite complicated, time-consuming, and laborious until the truth is finally revealed.

3) Stages of Handling Cases of Criminal Acts of Theft

In accordance with the narrative from the Police, explained by AIPTU Max (38 years) in an interview on 5 August 2022, his statement that if it is true that there has been a case

¹² Idem Sitepu, Gomgom T.P. Siregar dan Syawal Amry Siregar. 2022. Peran Kepolisian Dalam Penanganan Tindak Pidana Pencurian Dengan Kekerasan (Studi Pada Kepolisian Sektor Delitua). Jurnal pro Integrita. Vol 6. No 1. Pp 103.

¹³ Edrin Dan Heri Tahir. 2015. Analisis Deskriptif Tindak Pidana Pencurian Hewan Ternak Di Polres Bone Kabupaten Bone. TOMALEBBI: Jurnal Pemikiran, Penelitian Hukum, Pendidikan Pancasila dan Kewarganegaraan (PPKn). Vol 2 no 3.

of criminal theft of Livestock (Cow) in Tolabi Village. The police must follow up on the case, because this is the duty and responsibility of the police.

Muhama (43 years) as the head of the RT and Samsia, Wife (35 years) as a community representative in Tolabi village said that the community felt uneasy because livestock theft often occurred which required reports or complaints from the victims of the theft, but due to distance constraints as well as vehicles that make it difficult for people to make reports. Meanwhile, from the victim's report, only then can the police follow up or investigate the theft case. From the results of observations and interviews conducted by researchers, it can be concluded that the stages of handling the theft case that occurred in Tolabi Village can be described as follows.

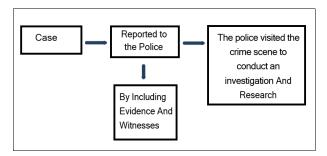


Fig 1: Stages of handling the theft case that occurred in Tolabi Village

The stages in resolving cases of criminal theft begin with a report submitted to the police, followed by the inclusion of witnesses and evidence that a theft case has occurred. BRIPTU Sawal (29 years) revealed that reporting of the existence of a crime of theft apart from having to show evidence and witnesses must also be followed by the existence of the truth of the report, meaning the truth about the whereabouts of the stolen object.

For example, if the complainant experiences livestock (cow) theft, the police have the right to ask for evidence of the truth of the case being reported to the police and the police come to the crime scene to conduct an examination and investigate by including evidence and witnesses to notify the whereabouts of the cow. Like the straps, blocks, identification marks on the cow and the cow's hide that the cow really has been stolen.

The report can be made orally or in writing to the partythe police, at the Kao Police Station itself, if the public finds or experiences a case of criminal theft, they can report this by telephone before making a written report to the Police. After the community members provide this information. the police can immediately go to the scene of the case (TKP) then will conduct an examination and conduct an investigation. The time needed to carry out an investigation to its completion is determined by how the theft case occurred, if the case is classified as a minor theft case or moderate the completion time takes a maximum of 30 days, and if the theft case is classified as a serious theft crime case it will take time. maximum 60 days.

All criminal cases of theft reported by members of the public will be thoroughly investigated by the police. Not choosing between one case and another. The police will do their best to help the reporter to find the items that have been stolen, even if the perpetrator has been found but the goods have changed hands while the goods do not have the

property to run out (for example theft of plantations or agriculture) the police will investigate the goods until found until the case is resolved completely. The handling of the crime of theft will be declared complete if the police investigator has handed over the suspect and evidence to the prosecutor's office (with the term P21).

The roles of each police officer in handling theft cases are divided into two types, namely the Sabara function and the Criminal Investigation function. The Sabara function is tasked with guarding the Crime Scene (TKP) and the Criminal Investigation function is in charge of processing the TKP, carrying out inspections up to carrying out investigations and investigations. All investigative tasks are carried out by the Investigation and Criminal sections,47

In an interview with AIPTU Max (38 years) said that sanctions

in each case of theft can be described as follows.

- 1. Ordinary theft is explained in Article 362 of the Criminal Code which carries a maximum sentence of 5 years
- 2. Aggravated theft committed by two or more persons is explained in Article 363 of the Criminal Code with a penalty of 7 years and minor theft is explained in Article 364 of the Criminal Code with a maximum penalty of 3 months
- 3. Theft with violence that we often know as robberyor mugging is regulated in article 365 of the Criminal Code with a maximum penalty of 9 years
- 4. Theft within the family, regulated in Article 367 of the Criminal Code, in this case is in the nature of a complaint offense, so the police can take action if there is a report or complaint. And this case doesn't have to reach the prosecutor's office, if it can be resolved amicably.

Meanwhile, if the perpetrators of theft have been found, the handling of the perpetrators or suspects before arriving at trial depends on the considerations of the investigator or public prosecutor (JPU). The cases of theft that often occur in Tolabi Village are livestock (cow) theft. This research is limited to reports of theft incidents that occurred during 2020 and 2021, so reports that entered the Kao Police in 2020 there were 3 cases of theft that occurred, and in 2021 there were 4 cases. So the total number of cases that entered the Police report was 7 cases.

Of the 3 cases that occurred in 2020 where the perpetrators of the theft were found through investigation, there were 4 cases where the perpetrators could be found. And in 2021 the cases that were revealed were 3 (three) cases whose perpetrators could also be found through investigation.

Responding to the increasing number of theft in Tolabi Village lately, as a society, we are very sad to hear about this, because there are increasing victims of theft, especially for people who have livestock. Cases of theft in Tolabi Village no longer look at place, not only in public places or illegal parking on the streets, in places of worship such as prayer rooms or mosques, it is no longer surprising if someone becomes a victim of theft. The Kao Police are trying to try to overcome it in a way such as preventive efforts (prevention).

In preventing the increasing occurrence of theft in Tolabi Village, West Kao District, the Police made preventive efforts where these efforts were carried out before cases of theft occurred. This effort is to prevent cases of theft from occurring by carrying out socialization actions as follows:

- a. Giving bhabinkamtibmas messages.
- b. Conducting counseling held through lectures at prayer rooms or mosques.48

4. Conclusion

Based on the results of the research and the results of the discussion in chapter IV, it can be concluded that the role of the Police in handling cases of theft that occurred in Tolabi Village was not optimal enough in disclosing the cases. It has been proven from several cases that occurred during 2020 and 2021 that only a few of the 7 existing cases could find the perpetrators. Work around this by optimizing the role of the community as a source of information on various theft incidents.

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