

PREVENTION OF CRIMINAL ACTS THEFT OF ELECTRICAL CURRENT

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ABSTRACT

The crime of theft is a crime that most often occurs in the community, one of which is the crime of theft of electric current. Electricity has become the most important requirement for the community in line with the increasing development in all fields. The government continues to try to improve the facilities and infrastructure of power plants to reach vast areas up to remote villages because electricity has become a basic need for the community. No exception for the weak economy to the upper economy requires electricity. Behind all of that there are still complicated problems because there are too many violations committed by users of electricity services or electricity customers which are often referred to as theft of electric current. The more sophisticated the technology, the modus operandi of criminal acts of theft of electric current is also growing, ranging from theft techniques in a simple way to by tweaking the official meter of the state electricity company without damaging the seal, then at the time of payment by the perpetrator the amount of electric current used it turns out to be less than what should be paid. The longer the modus operandi of criminal acts of theft of electric current is getting more sophisticated, so this can cause obstacles in eradicating it. Law enforcers find it difficult to prove the perpetrators' actions because the methods used to carry out criminal acts of theft of electric current are growing.

Keywords: Countermeasures, Theft Crime, Electric Current

INTRODUCTION

Law is one of the fields that is very closely related to everyday life, it cannot be denied that almost most aspects of human life as personal and social beings are regulated in this law. The law is intended to regulate human behavior in social life with one another.

Law in Indonesia is divided into various types, one of which is criminal law which may be witnessed, heard or maybe even studied in college. Thus, it can also be said that criminal law is a system of norms that determine which actions and under what circumstances the law can be imposed and what penalties can be imposed for these actions. In short, the criminal law contains provisions regarding the prohibition of certain acts which are accompanied by the threat of sanctions for anyone who violates them.

In the criminal law there are various offenses or criminal acts, one of which is theft offenses. The crime of theft or theft is regulated in the Criminal Code (KUHP) Book II Chapter XXII Articles 362 to Article 367 of the Criminal Code. In Article 362, the definition of theft has one of the elements to be said as a criminal act of theft, namely taking an item. The definition of goods here is anything that is manifested including animals, money, clothes, necklaces, electricity, and gas.

The crime of theft is an act that deviates from the perspective of law, religion and customary norms. Law as a tool of social control in this case also needs the assistance of criminology. Criminology is a science that studies crime from various aspects. Crime is a social phenomenon that has no end to be studied. This is because crime is increasingly developing along with the development of human life. Crime as a social phenomenon is influenced by various aspects of life in society such as political, economic, socio-cultural aspects and matters related to national defense and security efforts.

Crime is also seen as one of the anti-social causes of loss and indecency in society, so that in society there is anxiety and to reassure society, the state must impose penalties on the perpetrators of the crime. The crime of theft is a crime that most often occurs in the community, one of which is the crime of theft of electricity. Electricity has become the most important requirement for society in line with increasing development in all fields. The government continues to strive to improve the facilities and infrastructure for power generation to reach a very wide area to remote villages because electricity has become a basic necessity for the community. This includes the weak economy and the upper economy needs electricity. Behind all of that, we still have to face a complicated problem because there are too many violations committed by users of electricity services or electricity customers, which are often referred to as theft of electricity. Electric power as part of an important production branch for the country really supports this effort. As one of the results of exploiting natural resources that control the lives of many people, electricity needs to be used for the general welfare and the prosperity of the people. In an effort to meet the demand for electricity more equitably, fairly and to further enhance the state's ability to supply electricity to the widest possible extent possible to State-Owned Enterprises (BUMN), Regionally Owned Enterprises (BUMD), Cooperatives and even private companies to provide electricity.

In order to promote sustainable and environmentally sound development in the electricity sector, efforts are needed to optimally and efficiently utilize domestic energy sources as well as clean and environmentally friendly energy and efficient technology to generate added value for power plants so as to ensure the availability of the necessary electricity. The results of development, especially electricity, which are dreamed by all Indonesian people, always produce positive results and negative results. When viewed from the positive results, the Indonesian people can already feel the information, both in cities, in villages and even in most parts of the country that have received the use of electricity. This positive result was also accompanied by its negative impact, where there were many thefts of electricity by some Indonesians, both in household use, home industries, and even large industries.

Due to the lack of awareness, some of the Indonesian people listen and see news in the mass media and on electronic media such as television, fires often occur due to the use of electric currents. If it is investigated the occurrence of the fire is probably the result of excess use of electric current which exceeds the capacity according to the official meter which is sealed

because it has been "tampered with" by the user so that there is no longer the use of the electric transformer to neutralize the entry of electric current according to a certain capacity.

Proper maintenance and utilization of electric power is the responsibility of the entire Indonesian nation, but the problem of criminal acts of theft of electricity still occurs due to various reasons such as economic pressure or for personal gain. In this case, law enforcement officers have an important role in enforcing laws in Indonesia in accordance with the provisions of the applicable laws.

Also, with the increasingly sophisticated technology, the *modus operandi* of the criminal act of theft of electricity is increasingly developing, starting from simple theft techniques to tampering with the official meter from PLN without breaking the seal, then at the time of payment by the perpetrator, the amount of electric current that is used. used up is less than what it should be paid for.

The longer the *modus operandi*, the more sophisticated the criminal act of theft of electricity, so that this can create obstacles in eradicating it. Law enforcers find it difficult to prove the perpetrator's actions because the methods used to commit the crime of theft of electricity are increasingly developing.

DISCUSSION

1. The Crime Of Electricity Theft

Stealing means illegally taking other people's property. People who steal from other people are called thieves. Theft itself means an act or case related to theft. A person is said to be a thief if all the elements stipulated in the article of theft are fulfilled. Fulfillment of the elements in the provisions of the statutory regulations is only a minimal effort, in the level of going into real legal events.

In the provisions of the Indonesian Criminal Code, Article 362 states:

"Anyone who takes an object wholly or partly belonging to another person with the intention of illegally possessing it, shall be punished for theft by a maximum imprisonment of 5 (five) years or a maximum fine of nine hundred rupiahs".

From these provisions, Article 362 of the Criminal Code is theft in its main form. All elements of the crime of theft are formulated firmly and clearly, while other articles of the Criminal Code do not mention the elements of the crime of theft, but it is sufficient to mention the name, the crime of theft is accompanied by an element of weighting or mitigation.

In fact, neither the lawmakers nor the legislators have provided any explanation regarding what is meant by the act of taking, whereas according to the ordinary meaning of the word taking itself has more than one meaning each, namely:

a. According to the Blok

Wegnemen is ene gedraging waardoor men het goed brengt in zijn feitelijke heerschappij, onder zijn macht in zijne detentie, onafhankelijk van de bedoeling, die men te opzichte van dat goed verder koestert: meaning that taking it is a behavior that makes an object under its control real or under his control or in his detention, regardless of what he meant by that thing

b. According to Simos

Wegnemen is het voorwerp tot zick nemen, het bregen onder zijne uitsluitende feitelijke heerschappi maw de dader moet het voorwerp op het ogenblik der handeling niet reeds onder zink hebbn means: to take is to bring an object into its control or to bring the object absolutely under its control. under real mastery, in other words, when the perpetrator commits the act, the object must not be under his control.

c. According to Van Bemellen and Van Hattum

Wegnemen is tedere handeling, waardoor iemand of een vermorgenbestandeed van een onder in zijn eigen heerschappij brengt zonder mederwerking of toestemming van dia ander of de band, die op en of andere wijze nog tussen die ander en dat vermogen is bestanddeel means: bestond verbreekt, actions that make part of the assets of another person under his control without the help or permission of the other person, or to cut off the remaining relationship between that other person and that part of the assets in question.

2. Types of Theft Crime

The drafters of the law classify the crime of theft into the classification of crimes against assets contained in book II of the Criminal Code which is regulated in Article 362 to Article 367 of the Criminal Code.

The theft offense is divided into several types, namely:

A. Ordinary Theft (Article 362 of the Criminal Code)

The formulation of this ordinary theft is regulated in Article 362 of the Criminal Code which stipulates: "Anyone who takes property wholly or partly belonging to another person with the intention of illegally possessing it, is punished for theft by a maximum imprisonment of five years or a maximum fine of sixty rupiahs".

Based on the formulation of Article 362 of the Criminal Code above, the elements of the (ordinary) theft are as follows:

1. Objective elements which include elements of taking, an object, which is wholly or partly owned by other people.
2. Subjective elements which include elements with the intention of owning said goods / objects for themselves, against the law.

A person can be declared proven to have committed the crime of theft, that person must be proven to have fulfilled all the elements of the criminal act of theft contained in the formulation of Article 362 of the Criminal Code, the legislators did not state explicitly that the crime of theft as referred to in Article 362 of the Criminal Code. it must be done on purpose, but the truth is that the crime of theft must be done deliberately, namely because the applicable criminal law does not recognize the institution of the crime of theft which was committed accidentally.

B. Minor theft (Article 364 of the Criminal Code)

Minor theft is theft which has the elements of theft in its main form, which due to the addition of other elements (which alleviate) the penalties become lightened. Minor theft in the Criminal Code is regulated in the provisions of Article 364. Included in the definition of light theft is theft in the family.

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The ratio of family theft to minor theft is because this type of theft in the family is a complaint offense, where the perpetrator can only be prosecuted if there is a complaint. Thus it is different from the usual type of theft in general which does not require a complaint for prosecution.

There are two forms of theft regulated in Article 364 and Article 367 of the Criminal Code.

1. Light theft

This type of theft is regulated in the provisions of Article 364 of the Criminal Code which stipulates: the actions described in Article 362 and Article 363 the 4th, as well as the acts described in Article 365-5, if they are not committed in a house or closed yard where the house is, If the price of the stolen goods is not more than twenty-five rupiahs, the person is subject to minor theft, a maximum imprisonment of three months or a maximum fine of sixty rupiahs.

2. Family Theft

Theft in the family is regulated in the provisions of Article 367 of the Criminal Code which states:

- a. If the perpetrator or assistant in one of the crimes in this chapter is the husband or wife of the person affected by the crime and does not have separate tables and beds or separate assets, then criminal charges will not be possible against such perpetrators or servants.
- b. If he is a husband or wife who has separate tables and beds or separate assets or if he is a family by blood or by blood, either in a straight line or a deviant line to the second degree, then prosecution is only possible against that person, if there is a complaint from the exposed to crime.

Theft as regulated in the provisions of Article 367 of the Criminal Code is theft among families. This means that both the perpetrator and the victim are still in the same family. Theft in Article 367 of the Criminal Code will occur if a husband or wife commits (alone) or assists (someone else) stealing the property of his wife or husband. Based on the provisions of Article 367 paragraph (1) of the Criminal Code, if the husband and wife are still in a complete marriage bond, do not have separate tables or beds nor have their assets separated, then theft or assisting the theft committed by them absolutely cannot be prosecuted.

C. Family theft

Theft as regulated in the provisions of Article 367 of the Criminal Code constitutes theft among families. This means that both the perpetrator and the victim are still in the same family, for example what happens when a husband or wife commits (alone) or helps (someone else) steal the property of his wife or husband.

D. Violent Theft

Theft with the second weight is theft as regulated in Article 365 of the Criminal Code. This type of theft is commonly referred to as violent theft or popularly known as violent theft.

3. Arrest HogeRaad

In general, the definition of the criminal act of theft of electricity is the use or utilization of electricity networks without rights. Thus, electric current can be categorized as objects or goods. Andi Hamzah in saying that the electric current is nothing but objects or goods. This can be seen in the arrest of Hogeraad on May 23, 1921, W.10728 N.J. 1921, 564, which asserts that: "Electric power is included in the definition of objects, because it has a certain value. To get it, it requires cost and energy. Electricity can be used for its own purposes, but it can also be handed over to other people with reimbursement of payments. Since Article 362 of the Criminal Code has the objective of protecting someone's property, in the sense of an object, electric power must be meant in it .:

HogeRaad asserts that electric current is a thing because:

1. Electricity cannot be separated separately
2. Electrical energy can be transported and collected
3. Electrical energy has value because generating energy requires money and effort and can be used alone or by other people.

It was also stated in the Arrest HogeRaad dated May 23 that the act of taking in the theft of an electric current, namely "the act of connecting an electric wire to be supplied to a house from the wire that was present before the meter was the act of taking".

In general, it can be said that a crime of theft has been completed if the perpetrator has taken or moved an object from its original place to another place with the intention of controlling or possessing it illegally so if the act is only holding, touching, or extending a hand it cannot be said that it has been completed. committing the act of stealing but can be said to have just attempted to commit theft.

The theft of electric currents is also confirmed in Arrest HogeRaad dated May 24, 1937, which states that: "In the theft of electric currents it is not important whether the person who turns on the flow and thus is used for his own interests or to be collected for his own interests. The thief was finished when the electric current was taken".

4. Factors that cause the occurrence of electric current theft

Theft is regulated in chapter XXII concerning theft from Article 362 - Article 367 of the Criminal Code (KUHP). In this chapter, there are various provisions regarding theft that are carried out in various conditions and ways. In addition to being able to refer to the Criminal Code, because this is about the theft of electricity, it also refers to Law Number 30 of 2009 concerning Electricity.

The crime of theft of electricity that is committed by the community is a matter that is very detrimental to several parties, therefore it is necessary to make an effort to solve the problems related to the theft of electricity as soon as possible. Many factors can cause people to commit crimes of theft of electricity. Criminal cases of theft of electricity are more likely to be committed by the lower middle class due to inadequate economic factors.

As for the factors causing the crime of theft of electricity, include:

a. Weak economic factors

In essence, a person commits a crime because of a weak economic drive, this is done because it is for the sake of meeting his daily needs. Economic factors are one of the driving factors that greatly influence the emergence of a person's desire to commit crimes.

The weak economic factor is the main cause of the occurrence of criminal acts of theft of electricity so that in general the perpetrators of theft of electricity come from weak economies. However, in reality it does not rule out the possibility of criminal acts of theft of electricity that can be committed by the middle and upper class. This can happen because they have the desire to use more power but do not want to pay more according to the power used.

Economic factors in carrying out the theft of electric currents can motivate someone to be brave in doing this. Even a feeling of dissatisfaction that makes someone dare to do electricity theft. Usually, those who commit a lot of violations or criminal acts of theft of electricity come from household customers who are the middle class or may come from the upper class. Several factors cause more household customers to be found to have stolen electricity, namely:

- a. There is a sense of dissatisfaction in using the power provided by the state electricity company, but want to pay a small nominal.
- b. Committing an offense by tapping the electricity because the tools in the house are completely electronic and require high power and the power provided by the state electricity company in the house is not sufficient for the power needed.
- c. Making a residence as a place of business that requires small electricity bill payments in order to get big benefits, for example a boarding house for students.

Economic factors can make someone justify any means at the expense of small things that can actually produce new things, namely the result of the theft of electricity itself, for example:

1. There is a loss of voltage (loses) and the center of the network, namely the voltage that is distributed or sold is not in accordance with rupiah revenue which results in the state electricity company (State Electricity Company)
2. The transformer load will become Over Load (OB) which has fatal consequences, that is, the transformer will explode, because the load exceeds the available capacity or the transformer capacity is limited.
3. The state electricity company (PLN) suffers a loss due to the conversion of social tariffs to household rates without a report to the state electricity company so that the energy distributed does not match the rupiah received
4. The state electricity company (PLN) has suffered losses due to the conversion of social tariffs to business tariffs without a report to the state electricity company, so that the energy sold does not match the rupiah income.
5. The state electricity company (PLN) suffers a loss due to a backflow which has fatal consequences to the consumers themselves because the connection method is not correct or the power is taken out of the box without a barrier, so that the energy distributed does not match the rupiah income.

b. Lack of Supervision Factors

Lack of supervision by the State Electricity Company (PLN), in this case as a distributor and at the same time as a supervisor, the public easily commits a crime of theft of electricity which results in losses from the state electricity company (PLN) itself. Cooperation between PLN officers and the police is less effective in monitoring the community so that it can make it easier for people to commit crimes against theft of electricity.

c. Personnel Factors from PLN

PLN has checked every two months throughout the house, but there are still some elements from the PLN who seem to have ignored them, especially if the person has received a tip from the community, the person does not report to the district office. Moreover, there are those who think that this is the additional income they get and it is clear that this violates the applicable regulations.

d. Low educational factor

Low education also triggers the crime of theft of electricity. The existence of low education can have an impact on their psychological condition and behavior. If a person's education level is higher, the way he thinks is more rational and in taking action is always considered first. This factor can encourage and influence a person to behave badly because his very limited psychological condition and behavior can easily commit a crime of theft of electricity.

e. Electrical installation procedure factor

The crime of theft of electricity is also often carried out by connecting cables directly from electric poles to be distributed directly to his house, this can make the perpetrator enjoy electricity to his heart's content without having to worry about costs for electricity payments. The crime was also caused by the factor of the new electrical installation procedure which according to the perpetrator was too complicated. This is in accordance with the anomie theory, namely describing deregulation in society, a state of deregulation means that the rules in society are not obeyed. If you want to enjoy a lot of electricity, you should be able to apply for a new connection to PLN.

f. Environmental factor

Environmental factor is one of the causes of the perpetrator to commit the crime of theft of electricity. In environmental life, it is the main factor in one's behavior. If someone lives in a bad environment, it is also very likely that that person will do things that deviate from the rules. A person who tries to connect the cable from the electric pole with his own cable, so that the aim of the perpetrator is that when the lights go out or the voltage drops, the electricity in his house remains on and the payment of electricity bills is cheap. The factor of the perpetrator of the theft of electricity is imitating his neighbors who are also doing the same thing, while the goal is to benefit himself. This is in accordance with the differential association theory where the wider the scope of a person's association, the wider the possibility of committing a crime.

5. Efforts to Prevent Crime Theft of Electric Current

To overcome a crime can be done with prevention efforts or in other words prevention is better than cure. As for the prevention of criminal acts of theft of electric currents committed by the public are:

a. Preemptive Efforts.

Efforts made in preventing crime in a preventive manner are to instill good values / norms so that these norms are internalized in a person even though there is an opportunity to commit an offense / crime but there is no intention to do so it will not happen. So, in preventive efforts, the intention factor is lost even though there are opportunities.

b. Preventive Efforts

Efforts that are a follow-up to preemptive efforts that are still at the level of prevention before the crime occurs. In preventive efforts, the emphasis is on eliminating the opportunity to commit crimes. An example is someone who wants to steal a motorbike but that opportunity is eliminated because the motorbike is placed in a motorcycle custody, thus the opportunity is lost and there is no crime. So, in a preventive effort the opportunity is closed.

c. Repressive Efforts

This effort is carried out when there has been a criminal act in the form of law enforcement by imposing a sentence. In an effort to prevent or overcome the crime of theft of electricity, there are obstacles due to the lack of supporting facilities and infrastructure.

Other efforts to prevent and overcome criminal acts of theft of electricity are:

1. Checking every two months. In this case, PLN will perform a task where they will check the meter on every house every two months. From the meter inspection, PLN will know which people have violated or committed a criminal act of theft of electricity.
2. Provide direction to the community. Every house or customer that uses electric current will be given directions by PLN, so that people do not use electricity carelessly. With the directions given, it is hoped that every community will carry out their duties and parts as customers.
3. Conducting inspections with the police. PLN, in this particular case PLN, is obliged to build and establish good cooperation with the police. Customers who have committed a crime of theft of electricity continuously even though in fact the PLN party has repeatedly given fines, then the next thing the PLN party does is hand over to the police for immediate processing.
4. Provide sanctions or greater fines to violators. A violator will be given a deterrent effect against him either with sanctions such as the payment of a fine for the crime of theft that has been committed.

If there is a criminal act of theft of electricity, the PLN will immediately contact the police and conduct an investigation in order to provide a deterrent effect for the offenders.

CONCLUSION

- a. The factors that lead to the crime of theft of electricity include weak economic influence, lack of supervision from PLN, irresponsible persons from the PLN and low education.
- b. The efforts that have been made by the PLN in preventing and overcoming the crime of theft of electricity are conducting checks every two months, giving directions to the public, conducting investigations with the police and giving fines. However, it cannot be denied that these efforts are still experiencing obstacles, for this reason the cooperation between the PLN and the police needs to be increased again so that these efforts can reduce the rate of criminal acts of theft of electricity.

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