

# Criminal Policy Of Property Crimes Countermeasures: An Reforming Indonesia's Criminal Law

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## Abstract

In this study, the aim is to examine policies for overcoming Property Crimes in Indonesia that have not yet realized public security and order and to offer the concept of overcoming Property Crimes in Indonesia for reform in criminal policy. This research includes two things, namely the practice of law enforcement and the concept of criminal policy to Countermeasures of Property Crimes in the view of reforming Indonesian criminal law. This study uses a normative juridical approach that refers to written laws in law and regulations and other approaches related to research. The results of the study show that law enforcement practices in Indonesia have not been effective, namely, the judicial process has not been well-coordinated, the imposition of sanctions is not appropriate, there is no integrated background data on perpetrators (criminal records), the existence of "labeling" as a result of judicial decisions. In this study, the authors offer the concept of criminal criminal policy of Property Crimes, namely criminal law policies that are supported by policies outside of criminal law.

**Keywords:** Criminal Policy; Property Crimes, Criminal Law, Legal Reform.

## A. INTRODUCTION

Indonesia makes the law (*rechtstaat*) the highest power, including by playing the function and purpose of the law. The functions of law include the achievement of order in human life in society, while the purpose of the law is to maintain and ensure order and order (Ramadani et al., 2021; Prahassacitta, 2016). In addition, the purpose of the law is expected to be for certainty, justice, and social benefits (Widyawati, 2020).

Furthermore, talking about order is a fundamental aspect of life in society. However, currently, people's lives cannot be said to be orderly, because there are still disturbing crimes including Property Crimes (Harefa, 2020; Tahir et al., 2020). The Property Crimes continue to this day, causing people to feel afraid, insecure, anxious, and worried when leaving the house. Countermeasures of Property Crimes not only

cause property losses but also have an impact on the loss of life and body. This disruption of the order has implications for the loss of public trust in the state, especially law enforcement officials because it is not optimal for overcoming criminal acts, especially at the level of law enforcement in question (Suartha, 2020; Rifai, 2017).

The fact that law enforcement is not yet optimal has an impact on its effectiveness of law enforcement (Wibowo, 2018; Lasmadi & Disemadi, 2020). The fact that law enforcement is not yet effective is that there are still criminal acts every year (continuously) (Frensh et al., 2022; Zulkarnain et al., 2021). In addition, there are still criminals who commit repeated crimes (recidivists) (Santoso, 2015) so they become a burden on the state (Utari & Arifin, 2020). In law enforcement, the implementation of the criminal justice system consists of the police as

investigators, prosecution as prosecutors, judges as a trial, and correctional institutions as guidance.

The Property Crimes currently still emphasizes action, carried out after the crime has occurred (Elpina & Purba, 2021). In its application, law enforcement officers follow the positive law (Danujaya & Wahyuningsih, 2019) which prioritizes sanctions for criminals according to the purpose of punishment (Butt, 2018). The Property Crime in question is in the form of rape/attack on the legal interests of people on property belonging to other people not privately owned (Danil & Warman, 2019). This crime is regulated in Book II of the Criminal Code which includes criminal acts of theft, extortion, embezzlement, fraud, vandalism, and embezzlement.

The Property Crimes are troubling the public so it becomes a serious concern for law enforcement officials and the public. Almost every day, this crime becomes interesting news (trending topic) by the media (Wangi & Tyas, 2017). Several cases are often broadcast repeatedly from various media because they have a high selling price. This news has become consumption and negative opinion by the public towards the performance of law enforcement officers who seem unprofessional. The police as law enforcement officers at the forefront have received negative reviews from the public (Renhard et al., 2021; Setyowati & Rusdiana, 2020).

Responding to these conditions, the role of the state in tackling Property Crimes is highly expected, one of which is manifested in the renewal of criminal policies (Kenedi, 2020). According to Supeno (2020), the criminal policy is a rational and organized effort of a society to tackle criminal acts. Furthermore, it is said that criminal policy can be carried out repressively through the criminal justice system using "penal" can also be carried out using "non-penal" through various efforts to prevent criminal acts without

having to use the criminal justice system, for example, efforts to improve community mental health, legal counseling, renewal of civil law and administrative law, and so on (Aji, 2019). Another opinion was expressed by Wagner, that criminal policy is an effort or policy to prevent and overcome criminal acts, including the field of criminal policy. Furthermore, it is explained that criminal policy cannot be separated from broader policies, namely policies, which consist of welfare policies and defense policies (Wagner, 2021).

Therefore, the Countermeasure of Property Crimes needs to be synchronized with government policies to reform the law through criminal policies. Hermanto said that criminal policy in a narrow sense is a rational effort from society to tackle crime. In a broad sense, it is stated that criminal politics includes efforts made through the making of laws and actions from official bodies aimed at enforcing the basic norms adopted by the community (Hermanto, 2021).

The facts on the ground show that law enforcement in tackling Property Crimes has not been effective. The ineffectiveness of law enforcement is partly because the background data of the suspect is incomplete and integrated so it has an impact on inappropriate decision-making in the criminal justice process in Indonesia. In addition, policies outside of criminal law have not been fully implemented by all law enforcement officers. Therefore, through this research, it is examined law enforcement against Property Crimes in Indonesia which has not yet realized security and public order, and the concept of overcoming Property Crimes in Indonesia as a renewal in criminal policy.

Through this research, it is hoped that it will be used as input to determine the direction of criminal policy for the Countermeasure of Property Crimes. The intended policy is a concept for tackling Property Crimes which is currently still not effective so it affects public security and order. This research is also an input to law

enforcement officials, the government, and the community that law enforcement of Property Crimes needs to be optimized, besides that it also requires other approaches to tackling Property Crimes. The goal to be achieved is the realization of security and order in society.

## **B. METHOD**

This study uses a normative juridical approach. This approach refers to the law written in legislation (law in books) or the law as rules, norms, and values as a benchmark for human behavior that is considered appropriate (Wahyuningsih et al., 2020). This study was carried out by examining library materials (secondary data) which included: legal research in abstract, legal principles, legal history, comparative law, and concrete (Renggong, 2014). According to Firdaus (2018), normative legal research or doctrinal research is research on the law that is conceptualized and developed based on the doctrine adopted by the conception or the bearer. For this reason, this study looks at the extent to which the application of laws and regulations in the prevention of Property Crimes is currently following the above understanding. In addition, this study also uses an empirical juridical approach to see the process and operation of law in society (Sulistyono et al., 2019).

## **C. RESULT AND DISCUSSION**

### **a. Policies for Law Enforcement of Property Crimes in Indonesia**

An unlawful act that violates a rule or norm is an act that is not following the rule of law and is the concern of criminal law. Disgraceful acts or behavior are the main causes of violations of legal order which are called criminal acts (feit) (Wahyuningsih, 2020). The disgraceful act fulfills the element of being against the law, which is done intentionally, negligently, or in other relevant circumstances (Faozi et al., 2021).

Therefore, a rule is needed to provide sanctions for perpetrators who violate the law in the form of a law.

Laws are made by the legislature together with the executive. Legislative or formulating policies are the most strategic stages in the process of operationalization/functionalization and concretization of criminal law (Ma, 2020). In the process, input from other elements is needed, for the sake of perfecting the law. One of these essences is criminal policy (Felka et al., 2020).

Criminal policy or criminal politics and criminal politics have various meanings according to the views of experts. Bao formulated it as "The rational organization of the control of crime by society" (Bao, 2018). This was emphasized by Min, criminal policy is a rational and organized effort of a society to tackle crime (Min, 2019). Meanwhile, Winarni said that criminal policy is an effort or policy to prevent and overcome criminal acts, including the field of criminal policy (criminal policy). Winarni reiterated that criminal policy cannot be separated from a broader policy, namely a policy consisting of a welfare policy and a defense policy (Winarni et al., 2021).

Furthermore, Peng argues about criminal policy is a science of crime prevention, this cannot be separated from the attention of other sciences that study crime. The criminal policy includes a study of how to influence humans and their environment, so it is said that the impact of knowledge in the community environment as an object is organized rationally as a social reaction that causes crime (Peng et al., 2019).

In a narrower sense, it is also known as criminal law policy. Synonyms in the above sense can be said to be criminal law politics, criminal politics, legal reform, statutory politics, or formulating policies. Quan emphasized that criminal law policy is an effort to reorient and reform criminal law following the socio-political, socio-philosophical, and socio-cultural values of Indonesian society that underlie social policies,

criminal policies, and law enforcement policies in Indonesia (Quan, 2019). In addition, criminal law policy means holding elections to achieve the best results of criminal legislation, in the sense of having the requirements of justice and efficiency. In this sense, criminal law policy means efforts to realize criminal regulations that are following the circumstances and situations at the time and for the future. Criminal law policy focuses on protecting the community against crime through law enforcement (Zurnetti & Mulyati, 2022).

The criminal law policy requires an approach to the criminal justice system. This approach is intended to include (Zurnetti & Mulyati, 2022): 1) The starting point for coordination and synchronization of the judicial component; 2) Supervision, control, and use of power by the judicial component; 3) The effectiveness of crime prevention is more important; 4) Use of law as an instrument to strengthen the administration of justice.

The reason for the emergence of criminal law policies as part of the branch of criminal law is because the law inherited in Indonesia is the previous law which is considered incomplete. Along with the times, therefore, to fill the legal vacuum, a policy or legal policy is needed. Several definitions of legal politics have various meanings based on several opinions. Zurnetti & Mulyati (2022) defines legal politics as a basic policy that determines the direction, form, and content of the law to be formed relating to the law that applies in the future (*ius constituendum*). Furthermore, Zurnetti & Mulyati said that legal politics is a legal policy or official line of law that will be enforced either by making new laws or by replacing old laws, to achieve state goals. Law is positioned as a tool to achieve the goals of the rule of law as a tool, means, and steps used by the government to create a national legal system to achieve the ideals of the nation and the goals of the state (Zurnetti & Mulyati, 2022).

The criminal policy can be carried out by taking action through the criminal justice system

using "penal" can also be carried out utilizing "non-penal" through various efforts to prevent criminal acts without having to use the criminal justice system, such as efforts to improve public mental health, legal counseling, renewal of civil and legal laws, administration, and so on (Saeed et al., 2021).

The Property Crimes can be using penal means the prevention of criminal acts by prioritizing law enforcement. In law enforcement, it is essentially a policy of applying legal substance by the authorities or regimes following the social policies that have been outlined (Mingkai & Wenjing, 2020). In law enforcement, Property Crimes are carried out in an integrated manner through the criminal justice system, which consists of investigations by the police, prosecution by prosecutors, trial by courts, and coaching of convicts by correctional institutions. However, in reality, law enforcement by prioritizing criminal law is currently not in line with the expectations of the community, because there are still things that need to be improved.

Meanwhile, the prevention of criminal acts by using outside the criminal law is said to be a non-penal policy, emphasizing the preventive nature (prevention/deterrence/control) before the crime occurs. This non-penal facility is a crime prevention tool, not prioritizing criminal law, law enforcement, or coercive actions against the community. This approach focuses more on crime prevention. Efforts to prevent criminal acts without having to use the criminal justice system, for example, community mental health efforts, legal counseling, legal reform and administrative law, and so on (Kostina et al., 2018).

Furthermore, Quan said that the non-penal policy includes prevention without punishment and influencing the public's perspective through mass media (influencing views of society on crime and punishment). The Property Crime is carried out in a non-penal manner through preventive actions such as patrols, community education, cultivating

community psychological problems, public health, family welfare, utilization of mass media, utilization of technological advances, and utilization of potential preventive effects from law enforcement officers (Quan, 2019).

The criminal policies implemented still need improvement, given the dynamic development of society along with the times. This condition has made the legislature and executive as the policymakers and field implementers in the application of criminal law a whip. Therefore, there is a need for a constructive breakthrough that does not violate the rules in the application of criminal law that is just, with certainty, and has benefits.

Regulations regarding Property Crimes are as follows: 1) Theft (*diefstal*), regulated in chapter XXII; 2) Extortion and Threats (*efpersing* and *afdreiging*), regulated in chapter XXII; 3) Embezzlement (*verduistering*) is regulated in chapter XXIV; 4) Fraud (*bedrog*), set out in chapter XXV; Destruction and destruction (*vernietiging of bes chatiging van goederen*) is set out in chapter XXVII; and Penahahan (*heling*) is set out in chapter XXX (Saeed et al., 2021).

Articles related to Property Crimes and their arrangements following the Indonesian Criminal Code in this study include the following: a) Article 362 is known as the crime of ordinary theft; b) Article 363 is known as the crime of theft by weight; c) Article 365 is known as the crime of violent theft; d) Article 368 is known as the crime of extortion and threats; e) Article 372 is known as the crime of embezzlement; f) Article 378 is known as the crime of fraud; g) Article 406 is known as the crime of destruction and destruction, and; and h) Article 480 is known as the crime of detention.

Concerning the regulation regarding the practice of law enforcement of Property Crimes in the criminal justice system, including investigation (Police), Prosecution (Prosecutor), Trial (Court), and Correctional Institutions (Reksodiputro, 2020).

## **I. Indonesian republic police**

Based on Law No. 2 of 2002, concerning the Police of the Republic of Indonesia, it is explained that the police function as one of the functions of government in the field of maintaining security and order, law enforcement, protection, shelter, and service to the community. The development of society today requires the presence of the police, along with shifts in values in life that have an impact on deviations in social behavior. The dual role of the police in addition to being law enforcers also performs other tasks outside of law enforcement. In handling Property Crimes, the police as investigators carry out investigations and investigations as outlined in the case file until they are delegated to the public prosecutor. The investigation begins with a report by the victim which is then carried out by coercion, and the administrative process until the examination and monitoring of court decisions.

## **2. Prosecutor of the Republic of Indonesia**

Based on Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, it is in charge of carrying out prosecutions, carrying out judges' decisions, and court decisions that have permanent legal force. The Prosecutor's Office has a central role in controlling cases (Kostina et al., 2018). The central role of the Prosecutor's Office includes delegating cases to court and executing convicts to correctional institutions after being decided by a judge. In handling Property Crimes, the prosecutor's office carries out the role of the prosecution but begins with pre-prosecution. Furthermore, in the trial, the public prosecutor reads out the indictment against the defendant until the verdict is handed down by the judge. After that, the Prosecutor's Office carries out judges' decisions and court decisions that have permanent legal force. In carrying out their duties, the prosecutor's office coordinates with

police investigators, courts, and correctional institutions.

### **3. Court/Judge**

Based on Law Number 48 of 2009 concerning Judicial Powers whose task is to carry out cases ranging from receiving, and examining to adjudicating cases that enter the Court. The role of the judge is the bearer of practical law which is the backbone of judicial activities. The main key in the judicial system is the judge's decision. The judge's decision is absolute (permanent), but if the defendant is not satisfied, he can take other legal remedies regulated by law. The basis for a judge to make a decision is legislation that has been written (codified). The duties performed by a judge in a judicial (technical judicial) are (1) to receive, examine and adjudicate and settle every case that is brought to him. (2), to judge according to the law without discriminating against people; and (3), to assist justice seekers and try their best to overcome obstacles and obstacles to achieve a trial that is simple, fast, and low cost; may not refuse to examine and try a case that is submitted on the pretext that the law is not/less clear, but must examine and judge it.

### **4. Correctional Institution**

Based on Law Number 12 of 1995 concerning Corrections. The main task is to carry out the punishment of prisoners/students following the applicable laws and regulations. Correctional Institutions are a forum for fostering convicts, as a follow-up to the results of court decisions. Prison is the starting point for convict training. In pre-adjudication, due to the limitations of the Jail, the penitentiary functions as a jail. In a penitentiary, a coaching system based on protection, treatment and education, guidance, respect, human dignity and worth, loss of independence is the only suffering and guaranteed the right to keep in touch with family and certain people. In carrying out their duties, the prison is controlled by the Countermeasure of

Property Crime periodically and in coordination with the police and the prosecutor's office.

### **b. Handling Crime Against Property in the Reform of Indonesian Criminal Law**

The practice of overcoming Property Crimes is carried out by law enforcement officers in the criminal justice system (Kostina et al., 2018). The law enforcers who are members of the criminal justice system include investigations from the police, prosecution from the prosecutor's office, judges from the courts, and prison personnel. The roles and duties of each law enforcement officer in the judicial system are formally regulated in the Criminal Procedure Code (KUHAP). While the guidelines used as the basic material use the Criminal Code (KUHP).

The results of research on law enforcement practices in the judicial process against suspects/defendants through the stages of the investigation, prosecution, and trial have not been as expected or have not been effective. This affects the implementation of sentencing that has not shown a sense of justice so that criminal acts continue to occur, the perpetrators are not deterred, namely that repeated criminal acts (recidivists) are still a burden on state financing. This condition has an impact on people feeling insecure, feeling anxious, afraid to travel, and so on, which are bad indicators of public security and order. The lack of conducive security and order has not yet resulted in the achievement of legal objectives. That is, in the aspect of justice, certainty and benefit have not been fully implemented properly (Peng et al., 2019).

In the formal aspect, in the judicial process, there is still incomplete background data on suspects (criminal records), uncoordinated investigations at the pro-prosecution stage, trial implementation processes, and judicial administration. The background data of the suspect is still based on the confession of the suspect (not yet integrated recorded) obtained from the investigation stage. In the pro-

prosecution stage, the prosecutor still feels reluctant to coordinate directly with the investigator, so he is waiting for the dossier from the investigator. Investigators are rarely involved as witnesses in the trial. Meanwhile, in the administration of justice, concerning indictments, complete court decisions are rarely sent to investigators or other law enforcement officers.

Data collection on suspects' backgrounds (criminal records) is still centralized in the police but has not been integrated with other agencies. Meanwhile, each law enforcement agency has its data collection system. The background of the suspect is very important, considering that it can be used as a decision-maker at the level of investigation, prosecution, court, and even coaching. For example, if a person commits a crime for the first time by accident, minor and no impact losses can be resolved at the investigation or prosecution stage through restorative justice (Frensh et al., 2022), not having to be enforced until a court decision. This is intended to reduce state costs and improve their behavior so they don't become bigger criminals due to the impact of the justice system (Firdaus, 2018). On the other hand, if someone who has committed a criminal act (recidivist) if the data is incomplete, only based on the suspect's confession, then will have an impact on judicial decision making, which is felt not to be in line with expectations.

The existence of a complete background database of suspects obtained from the investigation, prosecutions, court decisions, and records of coaching in prisons is very important. The background data of the suspect can be used as a bridge for good coordination between law enforcement at the investigation, prosecution, trial, and coaching levels. So, with this integrated background data, the criminal procedure law will run following the provisions.

Furthermore, materially in the judicial process, in the application of the main punishment, imprisonment is still applied, but the application of the fine has not been optimized.

This is because, at the decision-making stage, the punishment is an alternative, which underlies Article 10 of the Criminal Code, namely that the judge can only choose one of the main crimes. Therefore, the court chose imprisonment as a Countermeasure of Property Crime while the existence of peace was to reduce the prison sentence. If the loss is small and there is an attempt to repair it, the victim cannot withdraw the report, everything is decided through the courts.

The law enforcement process in tackling Property Crimes is still not effective. To make it effective, it is necessary to carry out a policy in criminal law. Among them is by updating several rules that have not been regulated in the procedural law, such as the provisions for recording the background of suspects (criminal records) as has been done by several comparative countries. In addition, it needs to be supported by optimizing fines or actions as an alternative to criminal sanctions to reduce state costs.

However, law enforcement is not the main choice in tackling Property Crimes, other approaches are needed as supporters. This means that in addition to the means of criminal law policy, it also uses policies outside of criminal law. Policies outside of criminal law are part of the policy of overcoming criminal acts. Faozi said that efforts to carry out countermeasures and prevention are included in the field of criminal policy (Faozi et al., 2021). One of the policy strategies for crime prevention/prevention according to the United Nations congress is to eliminate the causal factors that lead to crime. The crime prevention strategy examines the factors that cause it such as economic, social, educational factors, and so on (Felka et al., 2020).

Butt (2018) emphasized efforts to prevent criminal acts without having to use the criminal justice system, for example, efforts to improve community mental health, legal counseling, renewal of civil law and administrative law, and so on. In line with the

above opinion, crime prevention can be carried out in a non-penal manner (without a criminal). The methods used through preventive actions are patrols, community education, cultivating community psychological problems, public health, family welfare, utilization of mass media, utilization of technological advances, and utilization of potential preventive effects from law enforcement officers.

Furthermore, in the results of research on policies outside of criminal law, the concern is related to infrastructure, education, crime prevention, and other factors that cause crime. Regarding infrastructure, as conveyed by Danil & Wahyuningsih in his lecture on Political Law, stated that one of the things that need to be considered in legal development is adequate infrastructure. Infrastructure as a means and infrastructure for the use of integrated database technology has an impact on success in legal development.

What is meant by infrastructure in this research is related to the background database of criminals who are integrated between law enforcement agencies and related departments. The preparation of an integrated criminal database, as a comparison, in the Netherlands with the application of a single integration number (SIN), the country of Singapore with a database that has been regulated in the criminal procedure record, and the country of Thailand by requiring the recording of criminal backgrounds. Valid data is intended as a basis for coordination and appropriate decision-making. If the data is complete, investigations, prosecutions, courts, and prisons will make it easier to make decisions at every stage. In addition, to carry out supervision after the convict has finished serving his sentence.

The background data that is integrated is in the form of personal data and trade record data for criminals. The data contains identity, moral and social aspects as well as other data that can be accessed for the public interest. Furthermore,

to avoid leakage and confidentiality of data access, it is necessary to make separate arrangements. Data leaks have a negative impact on individuals and law enforcement confidentiality. Empirical facts and data on criminals have not been integrated, as revealed that data regarding crime (criminal records) in Indonesia are still not connected (Danil & Wahyuningsih, 2019). internal and not integrated.

This is because the pattern of data collection from each law enforcement agency is different, the police are based on reports received from the public, and the prosecutor's office receives a report from the police (if there is a case that is resolved at the police, there is a reduction), the court receives a request from the prosecutor's office ( if the case is resolved at the prosecutor's office, there is a reduction) and correctional institutions (receiving a valid decision from the court). So that there is depreciation in every case (Firdaus, 2018).

Furthermore, another effort in supporting policies outside of criminal law is public education. The education in question is the socialization of legal education. Tackling Property Crimes is through education which is manifested in the socialization of law in society. Socialization of the law is very important for people who are not familiar with the law (Danujaya & Wahyuningsih, 2019).

The findings of the research results of criminal acts rarely receive socialization from the authorities about the law, along with their low average education. Socialization about the law is only received from parents and in general in elementary schools so that in detail what the law is and the material in it has not been fully understood. Meanwhile, law enforcement officers such as the police, prosecutors, and courts are also limited in socializing education about the law. Based on information from the police, prosecutors, and courts, it was stated that socialization was carried out at the school level only a few times during the year. Currently, the



material provided is related to the latest regulations such as the ITE Law, the Narcotics Law, the Law on Ormas, and the socialization of the internal rules of each agency.

It can be said that the legal education socialization program carried out by law enforcement officers to the community is not optimal and does not touch the right target. The impact of this lack of legal education socialization has an impact on the current success of overcoming Property Crimes. Many actors do not know, realize and understand what the meaning and function of the law are. The program of legal socialization activities has been implemented and succeeded in the last year. In line with the key points of Mohtar Kusumaatmaja's opinion in development law theory, that law is not only a complex of rules and principles that regulate but also includes institutions and processes What are needed to realize the enactment of the law in reality (Bao, 2018) means that the enactment of the law cannot be separated from the role of the apparatus or institution and the process in society.

The interesting thing about the concept of legal socialization is that the community is not only an object in the law enforcement process, but the community is a subject in law enforcement. The activities carried out are fostering and fostering compliance and legal awareness of the community through lectures at village halls and door-to-door visits. Furthermore, the community as subjects needs to be involved and actively participate in legal counseling, so that the community itself is expected to be able to educate itself. This means that the community is encouraged to achieve self-reliance and self-reliance in legal counseling by holding Legal Awareness Meetings. Indeed, legal education for the community contains 3 main elements, namely elements of change, progress, and renewal. As an element of renewal, it is intended that there are changes in human values, attitudes, and behavior. The element of progress is meant not to be left

behind by other nations. The element of renewal is intended as the nation's efforts to develop its personality and make adjustments to the demands and needs of modern society.

Furthermore, other efforts in tackling Property Crimes, need policy support outside of criminal law, namely crime prevention. Crime prevention has been regulated in the penal policy, as in relative theory, and one of the goals of punishment is to prevent crime (Elpina & Purba, 2021). It is said that the purpose of punishment is as a means of preventing crime which includes 2 (two) types of prevention. As General Preventie (Algemeene), namely prevention that is aimed at the general public. Thus, the nature of prevention in general. As a Special Preventie, namely prevention aimed at the criminal himself (special prevention).

The prevention is a result of the enforcement of laws and regulations in the community. This is in line with the classical school which says that punishment is only justified as long as the punishment is intended to maintain a social agreement, therefore the purpose of punishment is to prevent future crimes (Felka et al., 2020). In contrast, G.P. Hoefnagels said that one of the efforts to overcome crime can be done through prevention without punishment. The important thing in crime prevention cannot be separated from the social defense as its main goal. Bao explained that the essence of community security contains the basic concept of protecting the community by the state (Bao, 2018).

As for the main points of social defense, it can be said that crime prevention is understood as a system that does not merely punish or impose criminal sanctions on criminal offenders but is community protection against criminal disturbances. Community security is a step to protect the community through various steps outside of criminal law, fostering law violators as individuals so that they do not commit acts and pay attention to the public interest and pay

attention to crime as personal behavior from the community (Danujaya & Wahyuningsih, 2019).

Felka et al. (2020) categorize 3 (three) crime prevention strategies which include primary prevention, secondary prevention, and tertiary prevention. First, primary prevention is a crime prevention strategy through social, economic, and other fields of public policy, especially as an attempt to influence criminogenic situations and the basic causes of crime. Second, secondary prevention is a strategy of crime prevention found in criminal justice policy and its implementation. Third, tertiary prevention is a strategy to pay attention to the role of officers in preventing recidivists. Attention and supervision of repeat offenders/recidivists are very important in crime prevention.

To minimize Property Crimes, criminal policies implemented in addition to law enforcement policies (legal policies), are also supported by policies outside of criminal law. Based on the results of the author's analysis, criminal law policies cannot run alone without the support of policies outside of criminal law. Therefore, an integrated criminal policy is needed in law enforcement to Countermeasure of Property Crimes.

In line with this policy, it is hoped that the law enforcement of Property Crimes is following the legal objectives, namely certainty, justice, and social benefits (Felka et al., 2020). In addition, Mohtar Kusumaatmadja emphasized that the essence of development in the broadest sense includes all aspects of people's lives which are not limited to one aspect of life. The characteristic of a developing society is changing, therefore the role of law in development is intended as a guarantor that changes occur regularly. These regular changes can be assisted by legislation or court decisions, or even both, which say that the law is a tool that cannot be ignored in the development process (Firdaus, 2018).

Romli said that good law is a law that is following the living law in society, which of course is also appropriate or is a reflection of the values that apply in that society. The implementation of the above legal functions can only be realized if legal assistance is carried out by power, but the power itself must run within the limits of the signs found in the law. In this reform, it can be interpreted that the highest power is the law. Following article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it reads that the State of Indonesia is a state based on the law (*rechstaat*), not based on mere power.

Furthermore, as a country based on Pancasila, philosophically, Indonesia is a legal state based on Pancasila. This is reasonable considering that the Founding Fathers formulated a concept of the rule of law that is following the conditions of the Indonesian people. Integrated criminal policies in the prevention of Property Crimes are expected to be more effective in overcoming crime. The right policies will have an impact on maintaining public security and order. This policy is part of the means of legal reform in Indonesia because as a state of law, we continue to uphold positive law and the law that lives in a society based on the Pancasila state law.

#### **D. CONCLUSION**

The practice of Countermeasures of Property Crime has not been effective. The ineffectiveness of overcoming criminal acts has resulted in the occurrence of Property Crimes, perpetrators of property crimes are not deterrents and tend to commit repeated criminal acts (recidivism) so that they become a burden on state financing. Viewed from the perspective of law enforcement, the judicial process has not been effective, this is indicated by the not yet optimal coordination between law enforcers in the judiciary, namely in the application of procedural law (formal), the application of provisions that have not been optimal and the provisions that have not been regulated firmly. Furthermore, concerning the

imposition of sanctions, it has been imposed on the defendant by the criminal justice system, but there are still repetitions of Property Crimes (recidivists) and the emergence of new motives for criminal acts.

Meanwhile, in formal law, the application of basic punishment in the judicial process still prioritizes imprisonment, because the criminal system is still an alternative. In addition, the choice of a fine is only applied to violations, not criminal acts. This makes it difficult to make decisions in the judicial process. What is very important is data collection on the background of the perpetrators of property crimes. Although it has been recorded by each agency in the criminal justice sub-system, it is not yet complete and integrated. The suspect's background database plays an important role in the judicial process, starting from the stages of the investigation, prosecution, trial, and coaching. A valid database makes it easy to trace the track records of perpetrators who are recorded in the criminal record or criminal record. The setting of the suspect's background database is still unclear. The incomplete and integrated database has an impact on the decision-making process.

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