



CRIMINAL LAW ENFORCEMENT AGAINST THEFT CRIMES IN NORTH TAPANULI REGENCY: A LEGAL AND CRIMINOLOGICAL ANALYSIS

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Abstract

Criminal law enforcement against theft is a crucial issue in maintaining order and protecting public property rights, including in North Tapanuli Regency. This study analyzes law enforcement from a juridical and criminological perspective. The discussion reveals that legal regulations are adequate, but their implementation still faces structural, social, and economic obstacles. Optimizing law enforcement requires institutional strengthening, regulatory reform, and preventive and restorative approaches. These efforts are expected to increase the effectiveness of law enforcement and create certainty and a sense of justice for the community.

Keywords: criminology; theft; criminal law enforcement; North Tapanuli

A. INTRODUCTION

Criminal law enforcement is a fundamental instrument for maintaining social order, protecting property rights, and ensuring legal certainty in a state based on the rule of law. Philosophically, criminal law serves not only as a repressive measure against violations of the law but also as a preventive mechanism to foster a sense of security in society. As a state based on the rule of law, Indonesia places criminal law as a crucial component of its system of protecting society against various forms of crime, including theft, which remains a frequent occurrence in many regions.¹

Legally, the crime of theft is regulated in the Criminal Code (KUHP), specifically Articles 362 to 367, which outline the elements, forms, and penalties for perpetrators of theft. These provisions demonstrate the state's serious concern for protecting individual property rights and the public interest. However, in law enforcement practice, issues often arise, such as the effectiveness of law enforcement, differing interpretations by law enforcement officials, and limited law enforcement facilities and infrastructure.²

From a sociological perspective, theft is not solely influenced by legal factors but is also closely related to the socioeconomic conditions of the community, education levels, employment opportunities, and social changes occurring within the community. Economic instability, social inequality, and weak social control are often driving factors behind the rise in theft. Therefore, a criminological analysis is essential to comprehensively understand the background of this crime.³

North Tapanuli Regency, as one of the regions in North Sumatra, also faces a complex theft problem. Regional economic development, population mobility, and changes in community lifestyles have all influenced the dynamics of crime in the region. Enforcing criminal law against theft in this region requires not only legal certainty but also an approach that takes into account the social conditions of the local community.⁴

¹Barda Nawawi Arief, *Problems of Law Enforcement and Criminal Law Policy*, Citra Aditya Bakti, Bandung, 2018.

²Criminal Code (KUHP), Articles 362–367.

³Topo Santoso & Eva Achjani Zulfa, *Criminology*, RajaGrafindo Persada, Jakarta, 2019.

⁴North Tapanuli Police Resort Data on Crime Statistics, 2023.

Furthermore, the effectiveness of criminal law enforcement is greatly influenced by the synergy between law enforcement officials, local governments, and community participation. Without public support, the law enforcement process often encounters obstacles, both during the investigation, inquiry, and prosecution stages. This demonstrates that criminal law enforcement is not merely a normative issue but also involves social, cultural, and economic aspects of society.⁵

Based on this description, a study of criminal law enforcement against theft in North Tapanuli Regency is important for legal and criminological analysis. This study is expected to provide an overview of the effectiveness of law enforcement, the causal factors of theft, and efforts to address it. Therefore, the research problem formulation is as follows:

1. How is criminal law enforcement against the crime of theft in North Tapanuli Regency viewed from a legal perspective?
2. What criminological factors influence the occurrence of theft crimes in North Tapanuli Regency?

B. DISCUSSION

1. Criminal Law Enforcement against Criminal Acts

Theft in North Tapanuli Regency Reviewed from a Legal and Criminological Perspective

Criminal law enforcement against theft is essentially aimed at maintaining social order, protecting property rights, and ensuring a sense of security, as part of the principles of a state based on the rule of law. Philosophically, criminal law functions not only as a means of punishment but also as an instrument for protecting society and preventing crime.⁶ This concept emphasizes that criminal law must be able to maintain a fair balance between individual and social interests.⁷

Legally, the crime of theft is clearly regulated in the Criminal Code, specifically Articles 362 to 367 of the Criminal Code.⁸ These provisions demonstrate legal certainty regarding the elements of the crime of theft, the types of theft, and the penalties imposed. However, in practice, law enforcement in the regions, including North Tapanuli Regency, often encounters obstacles such as limited evidence, investigative facilities, and coordination between law enforcement officials.⁹ These factors are part of the structural problems of law enforcement as outlined in the theory of legal effectiveness.¹⁰

From a sociological perspective, the crime of theft cannot be separated from the socioeconomic conditions of society. Poverty, unemployment, low education, and weak social control are often triggers for crime.¹¹ The criminological approach views crime as a social phenomenon influenced by the interaction of individual and environmental factors.¹² This suggests that criminal law enforcement cannot be achieved solely through a repressive approach but must be accompanied by social policies that support community well-being.

In North Tapanuli Regency, the social dynamics of rural communities, population mobility, and changes in the local economy influence crime patterns. Criminal law enforcement against theft in the region often faces challenges such as limited access to information, low public participation, and local cultural factors that influence crime reporting.¹³ These conditions demonstrate that law enforcement must consider the socio-cultural aspects of the community to be effective.

⁵Soerjono Soekanto, *Factors Influencing Law Enforcement*, Rajawali Pers, Jakarta, 2017.

⁶Barda Nawawi Arief, *Anthology of Criminal Law Policy*, Citra Aditya Bakti, Bandung, 2016.

⁷Moeljatno, *Principles of Criminal Law*, Rineka Cipta, Jakarta, 2015.

⁸Criminal Code, Articles 362–367.

⁹Andi Hamzah, *Indonesian Criminal Law*, Sinar Grafika, Jakarta, 2019.

¹⁰Soerjono Soekanto, *Factors Influencing Law Enforcement*, Rajawali Pers, Jakarta, 2017.

¹¹Topo Santoso & Eva Achjani Zulfa, *Criminology*, RajaGrafindo Persada, Jakarta, 2019.

¹²Romli Atmasasmita, *Theory and Selected Chapters of Criminology*, Refika Aditama, Bandung, 2017.

¹³Indonesian National Police Criminal Statistics Data, latest annual report.

Criminologically, the crime of theft is also related to the opportunity theory, which states that crime occurs due to opportunity, motivation, and weak supervision.¹⁴ Therefore, criminological analysis is crucial in understanding the root causes of theft, allowing for more targeted law enforcement policies.

2. Efforts to Optimize Criminal Law Enforcement against Theft Crimes in North Tapanuli Regency

Optimizing criminal law enforcement against theft requires a multidimensional approach that encompasses regulatory reform, strengthening law enforcement institutions, and community empowerment. From a regulatory perspective, national criminal law reform through revisions to the Criminal Code is expected to align the law with developments in modern society and provide stronger legal certainty.¹⁵ Regulatory harmonization is also necessary to avoid overlapping policies that could hamper effective law enforcement.

Strengthening law enforcement institutions

Strengthening law enforcement institutions includes increasing the human resource capacity of officers, providing adequate investigative facilities, and improving coordination between law enforcement agencies. An integrated criminal justice system will increase the effectiveness of case handling while strengthening public trust in the law.¹⁶ In addition, the professionalism of law enforcement officers is an important factor in ensuring fair and non-discriminatory law enforcement.

Regulatory reform and increased legal awareness

Regulatory reform must be accompanied by legal outreach to the public. Public legal awareness is a crucial factor in preventing crime and supporting effective law enforcement.¹⁷ Public legal education, legal counseling, and legal awareness campaigns can be effective preventative strategies.

Social and preventive approach

Preventive efforts through improving economic welfare, creating jobs, and enhancing the quality of education are important strategies for reducing crime rates. This social approach aligns with modern criminology, which emphasizes the importance of social policies in crime prevention.¹⁸ Community participation through neighborhood security systems, social supervision, and cooperation with law enforcement officials has also proven effective in reducing theft.

Restorative justice approach and international comparison

The restorative justice approach is an alternative for resolving certain crimes, particularly minor ones. This approach emphasizes restoring relationships between the perpetrator, victim, and community, and provides opportunities for perpetrators to assume social responsibility.¹⁹ Several countries have successfully implemented this approach to reduce the burden on the criminal justice system and increase victim satisfaction with the legal process. Indonesia has also begun adopting this approach through law enforcement policies, which are considered more humane and effective in certain contexts.²⁰

Thus, optimizing criminal law enforcement against theft in North Tapanuli Regency requires synergy between responsive legal policies, professional law enforcement institutions, and active public participation. A comprehensive and multidisciplinary approach is expected to create a law enforcement system that is not only repressive, but also preventive, rehabilitative, and oriented towards substantive justice.

¹⁴Yesmil Anwar & Adang, *Criminology*, Refika Aditama, Bandung, 2018.

¹⁵Muladi & Barda Nawawi Arief, *Criminal Theories and Policies*, Alumni, Bandung, 2016.

¹⁶Law Number 2 of 2002 concerning the Republic of Indonesia National Police.

¹⁷Achmad Ali, *Uncovering Legal Theory and Judicial Theory*, Kencana, Jakarta, 2015.

¹⁸Lilik Mulyadi, *Indonesian Criminal Procedure Law*, Citra Aditya Bakti, Bandung, 2016.

¹⁹United Nations Office on Drugs and Crime, *Crime Prevention and Criminal Justice Report*, Vienna

²⁰Regulation of the Republic of Indonesia National Police on Restorative Justice.

C. CLOSING

1. The enforcement of criminal law against the crime of theft in North Tapanuli Regency has a clear legal basis through the Criminal Code, specifically Articles 362 to 367. However, in its implementation, various obstacles are still found, such as limited facilities and infrastructure for law enforcement, difficulties in providing evidence, and socio-cultural factors that influence the reporting and resolution of cases. Philosophically, criminal law enforcement aims to maintain social order and protect community property rights, while sociologically the crime of theft is influenced by economic factors, education, opportunities to commit crimes, and weak social control in the community.
2. Optimizing criminal law enforcement against theft in North Tapanuli Regency requires a comprehensive approach that includes regulatory reform, strengthening law enforcement institutions, and increasing public participation. In addition to a repressive approach through law enforcement, a preventive and restorative approach is also needed, emphasizing crime prevention, improving community welfare, and restoring relationships between perpetrators, victims, and the community. This multidimensional approach is expected to increase the effectiveness of law enforcement while creating a sense of justice and legal certainty within the community.

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