



Law Enforcement of Criminal Offense of Vehicle Registration Certificate Forgery: A Case Study of BPKB Forgery in the Bali Police Department

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ABSTRACT

This research aims to explore how these differing definitions influence legal interpretations, law enforcement practices, and societal perceptions of crime. Additionally, the study will examine the impact of these definitions on the development of criminal law policies and how they affect the treatment of various offenses within the justice system. Thus, this research will provide a comprehensive analysis of the multifaceted nature of crime definitions and their implications for both theory and practice in the fields of law and criminology. Research method the type of research used in writing this thesis is a type of normative legal research which is supported by empirical research, namely by conducting research through observations in the field where the research is then compared with the concepts contained in the library materials used and statutory regulations. Invitation as a legal basis for solving problems. Conclusion Law enforcement of the criminal act of falsifying Motor Vehicle Owner's Books (BPKB) in the Bali Regional Police's legal area is as follows. Carrying out outreach to the public, spreading information that you should not easily believe the perpetrators of the criminal act of falsifying Motor Vehicle Owner's Books (BPKB). Report immediately if there is someone. Suspicious related to the criminal act of falsifying the Motor Vehicle Owner's Book (BPKB).

Keywords: Law Enforcement, Crime, Motor Vehicle Owner's Book

INTRODUCTION

Law enforcement against the criminal offense of Vehicle Registration Certificate (BPKB) forgery is a crucial issue in the criminal justice system, particularly within the jurisdiction of the Bali Police Department (Nababan et al., 2023). The case of BPKB forgery, involving the manipulation of official vehicle documents, has serious implications for the integrity of the vehicle registration system and public trust in vehicle ownership administration. This research aims to examine the effectiveness of law enforcement in addressing BPKB forgery, focusing on the practices and procedures implemented by the Bali Police Department. Through this case study, it is hoped that better solutions can be found to handle

and prevent similar crimes, thereby enhancing justice and reliability in Indonesia's vehicle registration system.

Crime is behavior that is detrimental to society until a reaction arises from society itself (Hendrawati & Krisnan, 2019) . According to its origin, there are no official restrictions and there is also no interference from the authorities towards crime, but crime is solely seen as personal or family (Ainal Hadi & Mukhlis, 2022) . Indonesia is a country based on law. Laws are rules or norms, namely instructions or guidelines for life that humans must obey (Indriastuti, 2018) . This can be interpreted as meaning that the rules made must be obeyed, so that if they are violated they will be subject to criminal sanctions. The state has the right to impose sanctions if a crime occurs, every human or community activity which is a life activity must be based on existing regulations and norms that apply in society.

The law of counterfeiting something in Indonesia is a form of criminal act that is regulated in the Criminal Code (KUHP) (Kaligis, 2021) . The act of making a fake letter is the act of making a letter that previously did not exist/does not yet exist, which is partly or completely fake (Afandi, 2018) . Forged letters resulting from this action are called fake letters. Meanwhile, falsification is any form of action aimed at an existing letter, by deleting, changing or replacing one of the contents of the letter so that it is different from the original letter. This letter is called a forged letter (Priambada, 2023) . One type of crime that often occurs today is forgery of motor vehicle documents.

Based on Indonesian law, counterfeiting something is a form of criminal act that is regulated in the Criminal Code (KUHP) (Jalal et al., 2018) . Indeed, forgery itself will result in being regulated in CHAPTER

1. Any person who makes a fake document or falsifies a letter which could give rise to a right, obligation or discharge of debt, or which is intended as proof of something with the intention of using or ordering another person to use the document as if it were true and not fake, is threatened with This use can result in losses due to forgery of documents, with a maximum prison sentence of six years.
2. The same penalty shall be imposed on anyone who deliberately uses a fake or falsified document as if it were genuine, if the use of the document could cause harm.

The crime that often occurs is related to Article 263 of the Criminal Code (making fake letters or falsifying letters). The law is an embodiment of the value of trust, therefore it is natural that law enforcers are expected to be people who should be trusted in upholding the authority of the law, which essentially means upholding the value of trust in society.

The rise in motor vehicle theft, especially in big cities, has resulted in many motor vehicle owner's books (BPKB) being forged (Burhan et al., 2023) . Usually the crime of motor vehicle counterfeiting is carried out by more than one person in a group and is carried out in an organized manner. In this group, each person has a different task. In general, the activities of criminal organizations can be grouped into three legal violations, namely perpetrators of motor vehicle theft, looters and forgers of motor vehicle owner's books resulting from crime (Nugraha et al., 2020) . Many people are deceived by buying stolen motorbikes because the fake Motor Vehicle Owner's Book (hereinafter referred to as BPKB) resembles and is very similar to the original one.

In 2011, the East Denpasar Police Sector managed to arrest one of the syndicates of counterfeiting Motor Vehicle Owner's Book (BPKB) by pawning the fake BPKB to disburse loan funds. "The perpetrator was arrested based on a report from UD Surya Indah Motor, which recognized that the BPKB pawned by

the suspect to the victim was fake,” said East Denpasar Police Chief AKP I Gusti Nyoman Wintara in Denpasar on Friday. The perpetrator of the BPKB forgery is I Made Suatra (49), a resident of Banjar Dinas Santhi Karya, Ungasan, South Kuta, Badung Regency. The perpetrator was arrested on Friday (15/7) after the police investigated the victim's report from UD Surya Indah Motor. From the UD Surya Indah Motor report, the victim claimed that the suspect pawned the BPKB of a Toyota Avanza car with police number DK-808-00 for Rp 78 million. For his actions, the suspect can be charged with Article 262 paragraph (2) of the Criminal Code regarding using fake letters with a sentence of six years in prison.

Then in 2020, the Jembrana Police Satreskrim arrested three suspects in a case of counterfeiting the Motor Vehicle Owner's Book (BPKB). The three suspects are Ni Komang S, Ni Made S, and Moh LK alias Johan. This case began with a report from Tri Tunggal Tuka Credit Cooperative in Negara after finding three fake BPKBs used as credit collateral by Ni Komang S. When Ni Komang S failed to pay the installments, the cooperative checked the BPKB at Samsat Jembrana and found that the identity was different from the Samsat database. And the item was suspected to be fake. The total loan obtained with the fake BPKB reached Rp 160 million. The three fake BPKBs were for Toyota Avanza and Honda CRV vehicles, which were used as collateral for loans of Rp 100 million and Rp 60 million respectively in 2019. Ni Komang S bought the fake BPKBs from Ni Made S for Rp 12 million, which was then bought from Moh LK for Rp 9 million. Moh LK obtained the fake BPKB from someone named Agus S for Rp 8 million. As a result of their actions, the three suspects were charged with Article 263 paragraph (2) of the Criminal Code or Article 378 of the Criminal Code for Ni Komang S, and Article 263 paragraph (2) of the Criminal Code or Article 378 of the Criminal Code in conjunction with Article 56 of the Criminal Code for Ni Made S and Moh LK.

Based on the case examples above, although there have been cases in 2011 and 2020, cases of forgery of vehicle documents still occur, so there is a need for special handling of this crime (Shen et al., 2022). The Indonesian National Police is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection and services to the public in the context of maintaining domestic security. The Indonesian National Police is a state instrument that carries out its role as a security maintainer, community order maintainer, and law enforcer as well as providing protection, protection, and services to the community in the context of maintaining domestic security.

The task of the police is to foster security and public order or in other words to supervise the public so that things do not happen that could disturb the peace and tranquility of the community (Hanifar, 2020). Viewed from a juridical perspective, the first action taken by the police is the beginning of an investigation, after it is previously known that a criminal act has occurred or is suspected of having occurred, so it can be said that the police action is a repressive implementation of law, which in principle must be based on regulations. Applicable legislation, such as the Criminal Code and provisions of the Criminal Procedure Law.

Based on the background of the problem described above, the author formulates the problem as follows: What are the sanctions for the criminal act of counterfeiting a motor vehicle owner's book (BPKB) in the legal area of the Bali Regional Police? What are the Inhibiting Factors in tackling the crime of Counterfeiting Motor Vehicle Ownership Books (BPKB) and its resolution in the Bali Police jurisdiction.

RESEARCH METHODS

Type of Research

This research employs an empirical legal research method. Empirical legal research involves the collection and analysis of empirical facts derived from human behavior. These behaviors include both verbal behavior, obtained through interviews, and real behavior, observed directly in the field. This approach allows the research to understand how laws operate in practice and how legal principles are applied in real-life situations.

Data Collection Techniques

Interviews: To gather verbal data, the research will conduct structured or semi-structured interviews with individuals who are directly involved or have relevant knowledge of the legal issue being studied. This could include law enforcement officers, legal practitioners, victims, or other stakeholders.

Direct Observation: Real behavior will be observed through fieldwork, where the researcher will directly observe the practices and behaviors related to the legal issue under study. This might involve observing court proceedings, law enforcement activities, or other relevant social interactions.

Data Analysis Techniques

Qualitative Analysis: The data collected from interviews and observations will be analyzed qualitatively. The qualitative analysis will involve coding the data to identify patterns, themes, and relationships within the empirical data. The aim is to understand the underlying principles, motivations, and implications of the observed behaviors in relation to the law.

Descriptive Analysis: The research will describe the findings in a systematic manner, presenting the empirical facts alongside relevant legal theories. The description will focus on how the empirical data aligns with, deviates from, or challenges existing legal norms and practices.

RESULTS AND DISCUSSION

Law Enforcement of the Crime of Counterfeiting Motor Vehicle Ownership Books (BPKB) in the Bali Regional Police Legal Area

According to M. Faal, the division of police duties is that the division of police duties between preventive and repressive is well known to people, preventive is preventing, and repressive is taking action. In general, police experts tend to choose prevention rather than action. Just as medical experts always recommend that it is better to maintain health than cure, prevention is better than curative.

Based on Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, the duties and authorities of the Police are:

- a Maintains security and public order;
- b Enforces the law;
- c And provide protection, protection and services to the community

Based on the results of an interview with I Wayan Andika Pratama, he stated that law enforcement for the criminal act of falsifying Motor Vehicle Ownership Books (BPKB) in the Bali Regional Police jurisdiction is as follows:

1. Conduct outreach to the public and spread information that they should not easily believe perpetrators of the crime of falsifying Motor Vehicle Ownership Books (BPKB).

2. Report immediately if someone is suspicious regarding the criminal act of falsifying Motor Vehicle Ownership Books (BPKB).

Inhibiting factors in overcoming the criminal act of falsifying motor vehicle owner's books (BPKB) and its resolution in the jurisdiction of the Bali Regional Police

Based on the research results, there are several factors above that are related to the research results:

1. Law Enforcement Factors

According to the results of an interview with I Putu Eka Putra as PS. Committee 1 Unit 4 Subdit 4 Ditreskrim Polda Bali at the Bali Regional Police Office stated that not all law enforcement officers have knowledge about fake and original BPKBs. In addition, there is also a lack of accuracy from law enforcement officials who can see directly without the help of tools, so this is a separate problem in handling BPKB counterfeiting cases. The accuracy of the police is needed in checking the authenticity of the BPKB of the vehicle owner when conducting raids or when checking the authenticity in the field. When the police are not careful in checking, BPKB forgery can easily spread. In addition, he mentioned that not all law enforcement officers have knowledge about fake and original BPKBs. In addition, the lack of accuracy of law enforcement officers who can see directly without the help of tools, makes this a separate problem in handling BPKB counterfeiting cases. The accuracy of the police is needed in checking the authenticity of the BPKB of the vehicle owner when conducting raids or when checking the authenticity in the field. When the police are not careful in checking, BPKB forgery can easily spread. When viewed in terms of apparatus as a factor that affects criminal law enforcement, among others:

- a Low Human Resources (HR) for law enforcers, especially the police.
- b Police recruitment is still based on high school education standards, resulting in a lack of understanding of legal science.
- c Apart from that, the level of public trust in law enforcers is still very low, causing people to distrust the law.
- d The police lack expertise in handling criminal cases of falsifying motor vehicle registration

With the current development of technological advances with various sophisticated equipment, there is almost no difference between the original and the fake. To find out whether the motor vehicle registration certificate is genuine or not, it must be examined through a Forensic Laboratory.

2. Facilities and Facility Factors

Facilities and facilities are also obstacles faced (Valizadeh et al., 2018). He conveyed this that there was a lack of vehicle facilities provided by the police at the Bali Regional Police, apart from that there were also no tools that could directly detect fake and genuine BPKBs that could be used during road raids. Facilities and facilities are also obstacles faced. Without certain means or facilities, it is impossible for law enforcement to run smoothly. These means or facilities include, among other things, educated and skilled human power, good organization, adequate equipment, sufficient finances and so on which are not much different from what existing ones as well as personnel needs.

3. Community Factors

Community factors are always related, usually with the legal awareness of the community itself. Based on the results of the interview, it was revealed that the lack of legal awareness of the community, especially regarding the importance of the role of witnesses and victims in uncovering criminal acts of STNK or BPKB forgery, made it more difficult for investigators in the process of uncovering criminal acts that are currently occurring (Ardian et al., 2023). It is true that the investigator's reference in uncovering

the case. The crime of BPKB forgery is a report from the victim directly, but apart from the victim's report, reports from the community around the occurrence of BPKB forgery crime are also very instrumental in handling this case. In addition, the lack of public understanding to distinguish between fake and genuine BPKBs. In addition, the lack of public awareness to ask the status of the vehicle to be purchased before the sale and purchase transaction occurs at the Samsat office.

4. Cultural factors

Culture is the result of work and sense of creation based on human spirit in social life, in this case culture includes abstract conceptions of what is considered good so that it is implemented, and what is considered bad so that it is avoided (Sorokin, 2017). Based on the results of the interview, it was mentioned that the rapid development of technology has an impact on people's actions and lives. With technology, many things are easy to do. This changes the way people think about doing things in an instant way to get something, one of which is committing the crime of BPKB forgery which is clearly prohibited by law.

Factors that become obstacles in the process of investigating criminal acts of forgery of Vehicle Registration Certificate or BPKB at the Bali Police lie in the law enforcement factor because not all law enforcers have knowledge about fake and original BPKB. In addition, there is also a lack of accuracy from law enforcement officials who can see directly without the help of tools, facilities and infrastructure factors, namely the lack of vehicle facilities and the absence of tools that can directly detect fake and original BPKBs that can be used during road raids. In addition, there are also factors of public legal awareness and the culture of the community itself.

CONCLUSION

Law enforcement of the criminal act of falsifying a Motor Vehicle Owner's Book (BPKB) in the Bali Regional Police's legal area is by conducting outreach to the public by spreading information that they should not easily believe the perpetrators of the criminal act of falsifying a Motor Vehicle Owner's Book (BPKB). And immediately report if someone is suspicious regarding the criminal act of falsifying the Motor Vehicle Owner's Book (BPKB). The factors that become obstacles in the process of investigating criminal acts of counterfeiting vehicle registration certificates or BPKB at the Bali Regional Police lie in the law enforcement factor because not all law enforcement officers have knowledge regarding fake and genuine BPKB. Apart from that, there is also a lack of accuracy from law enforcement officers who can see directly without the help of tools, facilities and infrastructure factors, namely the lack of vehicle facilities and the absence of tools that can directly detect fake and genuine BPKB that can be used during road raids. , apart from that, there are also factors in the community's legal awareness and the culture of the community itself.

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