



# THE APPLICATION OF ARTICLE 480 OF THE INDONESIAN CRIMINAL CODE BY POLICE INVESTIGATORS AT KUNINGAN POLICE STATION ON PERPETRATORS OF CRIMINAL RECEIVING

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## Abstract

**Background.** The number of criminal receiving cases is rising in Kuningan Regency, Indonesia, and has become a matter of public knowledge. Many people ignore these crimes due to a lack of legal awareness and compliance. Others take advantage of the situation because the prices of stolen goods are significantly lower than market value.

**Objectives.** This research aims to examine the investigation process and the application of Article 480 of the Indonesian Criminal Code by police investigators at the Kuningan Police Station against perpetrators of criminal receiving.

**Methodology.** This study employs a normative juridical approach. The research seeks to understand how police investigators apply Article 480 of the Indonesian Criminal Code during the investigation of receiving stolen goods.

**Conclusion.** The findings indicate that investigators have the authority to detain both perpetrators of theft and those who commit criminal receiving. The legal sanctions for this crime are specifically outlined in Article 480 of the Indonesian Criminal Code.

**Recommendations.** To achieve the goals of criminal law, severe penalties should be implemented to act as a deterrent and a form of rehabilitation for offenders, preventing them from repeating their actions. Members of the community are also advised to remain vigilant against goods sold at unusually low prices without proper receipts or purchase documentation.

**Keywords:** Criminal act, receiving, investigation, legal sanctions, Indonesian Criminal Code, Indonesian National Police, Kuningan Regency.



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## INTRODUCTION

Criminal acts, especially property crimes like theft, extortion, embezzlement, fraud, and receiving stolen goods, are on the rise in Kuningan Regency, attracting significant public attention. The act of receiving stolen goods isn't typically seen as a standalone crime but rather as an act that aids the initial crime by providing an outlet for the stolen property. (Lamintang, 2009).

The prevalence of this crime in Kuningan is an open secret. While most people know that receiving stolen goods is illegal, many ignore it due to a lack of legal awareness and compliance. From a legal standpoint, a crime is a malicious act defined within a legal code. Criminal law, in essence, is a set of rules with prohibitions and mandates, the violation of which carries a penalty (Pernomo, 2005). From a criminological perspective, a crime is any human act that violates the core norms of a community. Given this rise in criminal activity, law is an essential tool for addressing these problems.

Considering the issues outlined above, this study will investigate the application of Article 480 of the Indonesian Criminal Code by police investigators at the Kuningan Police Station against perpetrators of the crime of receiving stolen goods. This research aims to answer the following questions:

1. What is the investigation process conducted by police investigators for the crime of receiving stolen goods?
2. How do police investigators at the Kuningan Police Station apply Article 480 of the Indonesian Criminal Code to perpetrators of this crime?

This study will therefore be titled: "The Application of Article 480 of the Indonesian Criminal Code by Police Investigators at Kuningan Police Station on Perpetrators of Criminal Receiving."

## LITERATURE REVIEW

S.R. Sianturi defines a criminal act as an action that is illegal, punishable by law, and committed by a person who is capable of being held responsible. The act of receiving stolen goods is closely linked to crimes like theft, embezzlement, and fraud. The existence of people who are willing to "receive" stolen goods essentially makes it easier for others to commit the initial crimes. Theft is a key part of this, and the Indonesian word for it, *pencurian*, means the act or process of stealing (Sianturi, 2004).

The Indonesian dictionary defines stealing as illegally taking someone else's property. Theft is a property crime and is considered a "formal offense" (*delik formil*), meaning the crime is complete as soon as the prohibited action occurs. This is reflected in Article 362 of the Indonesian Criminal Code, which explicitly prohibits theft (Sianturi, 2004).

Motor vehicles, due to their high mobility, are often targets of such crimes. The negative impact on society from motor vehicle theft is also high. This type of crime has evolved into an organized, syndicated operation with individuals and groups specifically dedicated to receiving the stolen vehicles (Lamintang, 2009). The network of criminals involved in these activities often includes those who steal the vehicles and those who receive and sell them.

## **METHOD**

The research will also include an analysis of the legal system to identify the core concepts and principles within it. This systematic approach is used to investigate the application of sanctions and the underlying principles of criminal law, specifically focusing on how Article 480 of the Indonesian Criminal Code is applied by police investigators at the Kuningan Police Station to perpetrators of criminal receiving. The ultimate goal is to formulate a clear understanding of how these legal sanctions are implemented.

## **DISCUSSION**

### **Investigation Process of Criminal Receiving**

The investigation process is a crucial function of the police. According to Article 1, Clauses 1 and 2 of the Indonesian Criminal Procedure Code (KUHAP), investigators are officials of the Indonesian National Police or other specified Civil Servants who are given special authority by law to conduct investigations. A key challenge faced by investigators at the Kuningan Police Station is the difficulty in securing willing witnesses for trial.

The Kuningan Resort Police frequently rely on statements from defendants and victims of theft as primary evidence. Article 362 of the Indonesian Criminal Code defines theft as "taking an item, wholly or partly belonging to another, with the intent of unlawfully possessing it." This definition establishes that the stolen item is the product of an illegal act, and this item can then become the subject of criminal receiving, as outlined in Article 480 of the Indonesian Criminal Code.

Article 480 states: "Whoever buys, rents, accepts in exchange, receives in pawn, accepts as a gift, or with the intent to profit, sells, exchanges, pawns, carries, stores or conceals

an item which he knows or ought to suspect was obtained through a crime..." Soesilo's commentary on the Criminal Code explains that the term "receiving" (also known as *heling*) refers specifically to the acts mentioned in this article. While proving the mental element of "knowing or ought to suspect" is difficult, it can often be inferred from the circumstances of the purchase, such as buying an item at a price well below market value or during suspicious hours.

This interpretation is supported by Supreme Court Jurisprudence No. 79 K/Kr/1958 and No. 126 K/Kr/1969, which state that it is not necessary to first prosecute and convict the thief before prosecuting the receiver. This means that receiving stolen goods and theft are separate and distinct offenses. An investigation file for receiving stolen goods can be declared complete (P-21) by the public prosecutor even if the perpetrator of the original theft has not yet been identified.

### **Application of Article 480 by Kuningan Police Investigators**

The enforcement of Article 480 of the Indonesian Criminal Code is based on the principle that each of its elements stands alone. For example, if a perpetrator sells stolen goods, it is not necessary to also prove they bought or pawned them. This specific focus on each element allows the police to prosecute offenders based on the actions they committed.

The criminal justice system's objective is to maintain public order, control crime, apprehend and detain offenders, and hold them accountable. The Kuningan Police address the crime of receiving stolen motor vehicles by conducting a thorough investigation and prosecution process, from initial inquiry to indictment. Police have the authority to detain individuals for investigative purposes under Article 21 of the KUHAP.

Once the investigation is complete and the case file is deemed ready, responsibility is transferred to the public prosecutor, who is then responsible for filing the indictment and making the final demands based on the legal facts revealed during the court proceedings. The case then proceeds to trial until a final verdict is handed down by the judge.

## **CONCLUSION**

1. Investigation and Detention: In the investigation of both theft and criminal receiving, which often involves collaboration between the two parties, police investigators have the authority to detain suspects. This power is granted to the police for investigative purposes under Article 21, Clause 1 of the Indonesian Criminal Procedure Code (KUHAP). Once the investigation is complete and the case file is deemed ready, the process shifts to the public prosecutor, who is responsible for filing the indictment and making demands based on the

evidence presented in court.

2. Application of Article 480: The application of legal sanctions for criminal receiving is governed by Article 480 of the Indonesian Criminal Code. An individual is considered a perpetrator if they are proven to have fulfilled the elements of this article, particularly by committing the acts mentioned in the first part of the provision. This includes buying, renting, accepting, pawning, giving away, or profiting from an item that they knew or should have suspected was obtained through a crime.

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