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Non Penal Efforts to Overcome the Crime of Electricity Theft at PT PLN Persero Main Unit for West Sumatra Region

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Abstract: The crime of stealing electricity is regulated in Article 362 of the Criminal Code. Non Penal Efforts by PT PLN (Persero) Main Unit for West Sumatra Region in Preventing the Crime of Electricity Theft is by issuing a P2TL (Controlling the Use of Electricity) policy. The research specifications are analytical descriptive, with a normative juridical approach supported by empirical juridical. The data obtained was then analyzed qualitatively . The results of the research are the expertise of PLN field staff personnel and equipping them with adequate facilities and infrastructure so that they can track or detect electricity theft from an early age. The need for socialization to the public regarding the act of electricity theft so that people know the dangers and consequences that can occur from electricity theft.

Keywords: Non Penal Effort , Theft Crime, Electric Current .

INTRODUCTION

A country with the concept of a rule of law always regulates every action and behavior of its people based on applicable laws to create, maintain and maintain peace in social life, so that it is in accordance with what is mandated in Pancasila and the 1945 Constitution, namely every citizen has the right to feel safe. and free from all forms of evil.¹

The definition of criminal law formulated by Van Hamel in his book *Inleding Studie Nederlands Strafrecht* 1927, provides the following definition: "Criminal law is all the principles and rules adopted by a country in carrying out legal order (rechtsorde), namely by prohibiting *what* is contrary to law and imposes a sorrow on those who violate these prohibitions."²

Criminal acts are acts that are prohibited by a rule of law accompanied by threats or sanctions in the form of certain crimes for those who violate them.³ There are various types

¹Jimly Asshiddiqie, *Indonesian Constitution and Constitutionalism*, Secretariat General and Registrar of the Indonesian Constitutional Court, Jakarta, 2006, p. 69.

²Moeljatno, *Criminal Law Principles* , PT Rineka Cipta, Jakarta , 2002, p. 8.

³ *Ibid*

of criminal acts that often occur in the community, for various types of criminal acts that occur, law enforcement officials establish a rule of national law, hereinafter known as the rule of criminal law.

Crime is a complex phenomenon that can be understood from many different angles. That's why in our daily life we can catch various comments about a crime event that are different from one another. In our experience it is not easy to understand the crime itself.⁴ Crime is a social phenomenon that is influenced by various aspects of life in society such as politics, economics, socio-culture and matters related to national defense and security efforts. Crime and social reaction is a unit that has a very close relationship. Criminal acts are contrary to legal norms, one of the criminal acts that often occurs in society is the crime of theft.

Electric power is included in the meaning of objects, because it has certain values. To get it requires money and effort. Electric power can be used for personal purposes, but can also be handed over to other people in exchange for payment. Because Article 362 of the Criminal Code has the aim of protecting someone's property, then in the sense of objects the electricity must be included in it. This arrest became known as *the Electricities Arrest*.⁵ In the Criminal Code, R. Soesilo also emphasized that the meaning of objects also includes electric and gas power, although they are intangible, but flow through a wire or pipe.

Based on the results of the author's interview with PT. PLN West Sumatra Regional Main Unit had 620 cases of electricity theft in 2019 and in 2020 there was an increase with a total of 1006 cases.⁶ The background of the perpetrators committing the crime of electricity theft, is none other than due to economic conditions or low income levels so they commit electricity theft because they do not get electricity in their homes, but there are also perpetrators who come from high income levels and even industrial entrepreneurs who commit electricity theft because they do not want to pay more than they should, even though electricity usage exceeds the electricity limit that has been determined or agreed upon.

The problems that will be studied are non-penal efforts by PT PLN (Persero) Main Unit for the West Sumatra Region in preventing the criminal act of theft of electricity and its obstacles.

L I T E R A T U R E R E V I E W

Theft Crime

The crime of theft is a crime against individual interests which is a crime against objects/wealth. This is contained in Chapter XXII Articles 362-367 of the Criminal Code.

The word theft in Indonesian comes from the root word "curi" which gets the affix "pe" and ends with "an" so that it forms the word "stealing". The word theft means process, the act of stealing is carried out. Theft is an act that is very detrimental to other people and also many people, especially the people around us. Therefore we must prevent theft that often occurs in everyday life, because sometimes theft occurs due to many opportunities.

In the Indonesian Dictionary, it is stated that stealing is an act of taking other people's belongings in an illegal way. In order to get a clear definition of theft, it can be seen from Article 362 of the Criminal Code which reads as follows: "Whoever takes something which once or in part belongs to another person, with the intention of owning the item against his rights, is punished for theft. with a maximum imprisonment of five years or a maximum fine of Rp. 900, -1.

⁴Topo Santoso & Eva Achjani Zulfa, *Criminology*, PT. RajaGrafindo Persada, Jakarta, 2010, p. 1.

⁵PAF Lamintang and Theo Lamintang, *Special Offenses, Crimes Against Property*, Sinar Graphic, Jakarta, 2009, p. 20.

⁶Pre-research data at PT. PLN Main Unit for West Sumatra Region on November 2, 2021

Electric current

Electricity is an energy, even electrical energy plays an important role in our lives. Electricity is a charge consisting of a positive charge and a negative charge. Electric current is an electric charge that moves from a place with high potential to a place with low potential, passing through an electric conductor. One of the electrical conducting media is media made of metal, in which electrons are free to move from one metal atom to the next, while in the water medium the electrons are carried by the electrolyte contained in the water medium.

Electric current consists of two types, namely direct current (direct current = DC) and alternating electric current (alternative current = AC). DC electric current is an electric current that flows continuously in one direction. DC current is used in industries that use electrolytic processes, such as refining and plating or gilding metals.

METHODS

The specification of the research is *analytical descriptive*, with normative juridical approach supported by empirical juridical. The types of data used are secondary data and primary data. Secondary data was obtained from document studies, primary data was obtained by means of interviews. The data obtained was then analyzed qualitatively.

RESULTS AND DISCUSSION

Non Penal Efforts by PT PLN (Persero) Main Unit for West Sumatra Region in Prevention of the Crime of Electricity Theft

P2TL is a product of a policy or program that generally regulates technical matters for the implementation of regular electricity usage control activities by PLN, PLN conducts it in a structured manner in accordance with the description of the main tasks and their respective organizations.

The P2TL implementation itself includes matters, including: Conducting inspections of the electric power network, electric power connections, APP (limiting and measuring devices) and APP equipment (limiting and measuring devices) as well as customer installations in order to control electricity consumption by customers; Make temporary termination for customers who must be subject to temporary termination action; Performs direct disconnection; Take over the equipment/equipment used for direct connection; Carry out the removal of seals or signs that do not match the original for further examination; Taking APP (limiting and measuring devices) that are found to be damaged or suspected of not functioning properly for further inspection; Record the incidents found during P2TL according to the type of incident; Prepare reports and minutes regarding the implementation of P2TL in accordance with their duties and authorities.

P2TL activities are carried out based on information collected in several ways, namely: Monitoring of customers' electricity usage that is not reasonable for 3 consecutive months.

Information/reports from the public, meter/employee registrars, PLN regarding abnormalities in customer limiting devices and metering devices, illegal connections, electricity theft and others. This practice in the P2TL field functions as a technical regulation and becomes a reference for P2TL officers in the field. Due to limited human resources at PLN itself, the socialization of P2TL is not well known by the public. As well as the level of education and knowledge of the community which is still lacking resulting in the community not being able to grasp and understand the importance of implementing Controlling the Use of Electricity (P2TL).

P2TL implementation in the field often occurs when there is poor communication between the P2TL implementing officers and the community itself, so that various violations occur in the implementation of P2TL. Because the condition of the community

is not very friendly, they don't care, they also don't really understand the inspection or so on. Enough to make it difficult for P2TL officers to carry out their duties. Legal provisions, in-depth socialization (communication) will probably be one of the best ways in P2TL implementation so that it goes well according to its objectives and is successful in its implementation in the field.⁷

PLN has made efforts to secure the flow of electricity from acts of theft, including by providing seals, routine inspections, and outreach to users. Electricity theft can be detrimental to PLN, the state and society. Among the forms of these losses are reduced PLN revenues which automatically affect state revenues; losses in production costs that must be returned immediately to be reused as a production process for electricity which can then be channeled back to customers. Causing the PLN network to overload causing interruptions and blackouts as well as equipment damage; Causing fires and loss of life as well as harming the community due to the disturbance it causes.

The consequences of electricity theft include: Fires that can cause loss of property and lives, damage to PLN equipment, power outages that are detrimental to society. Interfere with the supply of electric voltage and cause it to be unstable. Understanding the principle of subsidiarity in solving the crime of electricity theft related to the use of criminal law instruments is important in connection with the application of criminal law as an ultimum remedium (last resort) in resolving cases of electricity theft.

The fact is that the settlement process currently used by PT PLN (Persero) is indeed felt to be more effective and efficient because it is faster and saves costs. If you use the settlement process according to the Criminal Procedure Code, cases will accumulate more and more and not only take up quite a lot of time and money, but also drain the energy of the PLN employees themselves who have to go back and forth in court. Because not all law enforcement officials or employees in charge of legal issues understand and understand electricity .

There are several procedures and strategies for PLN, especially P2TL, in dealing with electricity theft.⁸ The aspects consist of, first, namely Socialization which is primary prevention. Outreach activities to P2TL officers, carry out outreach and control activities for household customers who use electricity in the work area of PLN in West Sumatra. This socialization aims to provide counseling to customers and the public about the act of stealing electricity while at the same time introducing the public to the characteristics and the impact of the theft of electricity. The socialization was carried out to prevent people who are naughty from wanting to reduce the burden of paying for electricity but not in accordance with the burden of electricity usage. Therefore PLN needs to socialize to the public about the theft of electricity.

The second aspect is carrying out observations which are primary prevention. In this case the task was carried out by the P2TL team to find out information about the theft of electricity, in which the homes of customers who were suspected of committing violations of the theft of electricity.

The third aspect is conducting patrols, where this aspect is also primary prevention. The P2TL officer immediately jumped into the field using a car that was not recognized by the public, in fact it was not the car the P2TL team was traveling in or bearing the PLN car symbol. PLN, especially P2TL, can identify and deal directly with the mandate given to it.

Then the fourth aspect, namely through cooperation with the police, this is also primary prevention. Efforts to improve work quality are not only carried out through the scope of internal PLN officers, but need cooperation involving other agencies. This is

⁷ Interview with a West Sumatra Regional Main Unit PLN officer on April 28, 2022

⁸ Interview with P2TL Assistant Manager of PT PLN Main Unit Region V W Sumatra on 12 May 2022

important in order to ensure that the policies formulated in an effort to overcome problems related to the effectiveness of law enforcement and law enforcement against the theft of electricity receive support to overcome these problems. The form of cooperation with related agencies is the police. PLN asked for assistance from the police in controlling the theft of electricity only for security and safety in carrying out the task of controlling it.

Furthermore, the fifth aspect is making arrests, this aspect is secondary prevention. From the results of the interview results of the prosecution of PT PLN (Persero) Main Unit in West Sumatra, especially those carried out by P2TL officers, controlling and arrests that have been carried out by P2TL officers in the form of evidence are immediately secured to the office, and P2TL officers advise customers who commit these violations to resolve it to the PLN office.

The implementation of P2TL is in line with the Theory of Criminal Politics, namely that criminal politics as an effort to overcome crime can be pursued through penal and non-penal means. Law enforcement can not only be done through positive law, but there needs to be a policy outside of criminal law.

The Non Penal Approach is preferred in overcoming cases of electricity theft which are actually criminal acts. In tackling the penalty line, efforts to deal with electricity theft are aimed at the perpetrators of electricity theft. This means that punishment is carried out at the time the theft of electricity has been committed, the emphasis is on repressive and reactive actions.

Non-penal measures, both through prevention without punishment *and* influencing public views on crime and punishment through mass media (*influencing views of society on crime and punishment/mass media*) actually have a strategic role as a preventive measure to prevent people from committing crimes. . Due to its preventive nature, non-penal measures must pay attention to various social-psychological aspects which are conducive factors that cause people to commit electricity theft crimes. Considering that stolen objects are abstract in nature, the settlement approach cannot be overcome solely by penal (criminal) actions. The factors that cause the occurrence of this act of electricity theft can be overcome by non-penal ways but with certain criteria.

Using a non-penal approach pattern like this clearly does not create a deterrent effect and in the future the electricity theft will be carried out again because the non-penal approach adopted by PT PLN (Persero) Main Unit for the West Sumatra Region is still more profitable for the perpetrators of electricity theft. Whereas in the determination of fines regulated in the Decree of the Board of Directors it only classifies elements of violations. This means that the crime of electricity theft is only considered a violation. And this is very contrary to what is contained in Article 23 paragraph (1) Chapter IX Law Number 15 of 1985 concerning Electricity and Directors Decree Number 68.K/010/DIR/2000 Article 6 paragraph (1) and paragraph (2) .

Obstacles in Efforts to Prevent the Crime of Electricity Theft by PT PLN (Persero) Main Unit for West Sumatra Region.

There are various factors that become obstacles in efforts to prevent the criminal act of stealing electricity by the Main Unit PLN West Sumatra region, namely internal factors and external factors. Internal factors causing delays in efforts to prevent criminal acts of theft of electricity are the lack of personnel and lack of operational facilities. External factors that cause delays in efforts to prevent criminal acts of electricity theft are the lack of community participation in law enforcement originating from the community, which aims to find out where the issues and news points of houses that commit electricity theft. Therefore, from a certain point of view, society influences law enforcement.

Furthermore, community factors that hinder efforts to prevent criminal acts of electric current theft consist of a lack of awareness of the effects of electricity theft, lack of participation and lack of public knowledge about the criminal sanctions that are imposed. And third, it's hard to find people who are good at stealing the flow

This is in line with the theory of legal effectiveness put forward by William J. Chambliss and Robert B Seidman that the formation of law and its implementation will not be separated from influences outside the law, such as economic, political, cultural, educational, interests and all forces from individuals and society. which is outside the process. This is what then influences law enforcement against the theft of electricity.

In theft of electricity, some people can do it. However, some of these people are experts in grafting cables from transformers and changing the Kwh meter to electricity so that the load is reduced. Because when the author conducted in-depth interviews, the informant seemed to be covering up the expert actors in the transplantation of the electric current.

Factors that become obstacles for investigators in carrying out investigations into the crime of electricity theft which make it difficult to resolve cases of electricity theft are divided into two factors, namely internal factors and internal factors. Internal factors are factors originating from the Police itself in carrying out investigations into criminal acts of electricity theft. The factors include: **first** , limited Polri Investigative Personnel (Human Resources). Investigations into the crime of electricity theft are constrained or hampered by the number of Polri investigation teams they have, the number of human resources they have to carry out these investigations is small or lacking, no proportional to the area. The ratio of police and society is currently around 1:1575. This ratio is not ideal considering that for big cities it should be 1: 300. 44 If the ratio of the number of police officers is not proportional to the number of people and cases of electricity theft handled, the result is that the implementation of police duties becomes ineffective when investigators search for evidence and find witnesses of the crime of electricity theft. the. The lack of handling of the crime of electricity theft due to being hampered by the limited number of Polri Investigators has made the public think that Polri Investigators have neglected the crime of electricity theft.

Limitations of Ability and Knowledge A police officer cannot become an investigator even though he has passed education and training, but must also pass a competency exam. Police who pass the new competency exam can be pinned as investigators. Most of the police who have passed the competency exam and become investigators still lack the ability and knowledge in handling criminal cases, especially the crime of electricity theft. This can be seen from the existence of cases of criminal acts of theft of electric current that were not finished just like that, and some cases were even closed without further legal proceedings. This incompetence shows that the police have not carried out their role as law enforcers. The investigative team should have better knowledge, both general and specific. Investigators mostly gain knowledge by being self-taught (self-taught, from seniors and experience) who previously worked in the field of investigation.

The main points of effort in overcoming criminal acts as mentioned above are a series of efforts or activities that need to be carried out in tackling criminal acts including the crime of theft of electrical energy. Efforts to prevent and overcome the practice of theft of electrical energy in West Sumatra are still experiencing problems due to the lack of supporting infrastructure, in addition to the geographical conditions of West Sumatra which result in difficult access. Based on the results of the interviews, this case of theft of electrical energy is very detrimental to PLN so that there are several efforts to prevent and deal with crimes of electricity theft, including the following: first,

carry out routine checks, second, provide guidance to the public, third, conduct inspections with the police and fourth, Give sanctions to those who commit violations.

However, in the case of the theft of electricity in the West Sumatra Region, there has been no action taken against the perpetrators of the theft. PLN in the area has not carried out routine checks according to PLN procedures. In addition, the lack of supervision in cases of theft of electrical energy has resulted in the theft still occurring today. No specific response was given in the form of counseling about the dangers and losses resulting from cases of theft of electrical energy carried out by its citizens. There has not been a clear warning or warning given or a solution to the practice of electricity theft in the West Sumatra Region.

Based on the reasons above, the authorities, in this case the police, have not taken action against the perpetrators of the practice of electricity theft in the West Sumatra Region, both in cases of theft of electricity through MCBs and kWh meters, so that the practice of electricity theft in the West Sumatra Region can occur easily. .

CONCLUSION

The expertise of PLN field officers and equipping them with adequate facilities and infrastructure so that they can track or detect electricity theft early on. The need for socialization to the public regarding the act of electricity theft so that people know the dangers and consequences that can occur from electricity theft.

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