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**ANALYSIS OF THE ACCOUNTABILITY OF CRIMINAL  
ACTIVITIES IN THE EIGHT OF THE LUWAK POWDER COFFEE  
IN PD. SUMBER BUANA ABADI**

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**Abstract**

One form of embezzlement is in the Decision of the Kalianda District Court of South Lampung Number 307 / Pid.B / 2018 / PN.Kla which states that Defendant Selamat Riyadi Bin Tugino has been proven legally and convincingly guilty of committing a criminal offense " The problem in the research is why the perpetrators committed the crime of embezzling civet coffee in PD. Sumber Buana Abadi based on Decision Number 307 / Pid.B / 2018 / PN.Kla and how the responsibility of perpetrators of criminal acts of embezzlement of civet coffee in PD. Sumber Buana Abadi based on Decision Number 307 / Pid.B / 2018 / PN.Kla. The research method uses a normative and empirical juridical approach, where the normative juridical approach is carried out by studying legal norms or rules, legal principles, while the empirical approach is conducted by direct interviews with informants who will relate to research problems, data analysis used is qualitative juridical. The results of the study showed that the causes of the perpetrators committed the crime of embezzling civet coffee in PD. Sumber Buana Abadi, based on Decision Number 307 / Pid.B / 2018 / PN.Kla, is a mentality of workers, a fulfillment of life necessities, an intention and opportunity and a greedy attitude from humans. The most dominant factor is the urgent need for money from the perpetrators. Criminal liability perpetrators of criminal acts of embezzlement of civet coffee in PD. Sumber Buana Abadi based on Decision Number 307 / Pid.B

/2018 / PN.Kla is where the defendant Selamat Riyadi Bin Tugino has been proven legally and convincingly guilty of committing a criminal offense "Also Participating in Crime of Emblem". Sentenced to Defendant because of that with imprisonment for 10 (ten) months. Determine the period of arrest and detention that has been carried out by the Defendant to be deducted entirely from the sentence handed down. Determine the Defendant to remain detained. As well as imposing on the Defendant to pay court fees in the amount of Rp. 2,000 (two thousand rupiah). Saran, it is expected that the Judge in carrying out consideration prioritizes a sense of justice for victims, defendants and the public. It is expected that the Public Prosecutor in applying the criminal or in giving a claim to the defendant must be in accordance with the actions of the defendant because this is the judge's reference in making his decision.

**Keywords: Accountability, Crime, Darkening, Civet Powder Coffee.**

## **I. Introduction**

The issue of crime that is very important should be discussed which is the concern for the security value for the people of Indonesia. Many phenomena of crime that arise in various regions in Indonesia are a polemic for all people. Crimes committed by perpetrators of crime are social phenomena that occur in society. The law must always be upheld in order to achieve the ideals and goals of the State of Indonesia, which is stated in the fourth paragraph of the Opening of the 1945 Constitution of the Republic of Indonesia, which is to establish an Indonesian government that protects the entire Indonesian nation and spills Indonesia's blood and promotes public welfare, educates the nation's life and implements world order based on freedom of eternal peace and social justice. However, the law in reality (*das sein*) is not always in accordance with what is written in the legislation (*das sollen*).<sup>1</sup>

Factors of economic problems that have occurred in Indonesia have shown a negative effect with the large number of people doing wrong actions solely aiming to fulfill their needs. Nowadays, in order to make ends meet,

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<sup>1</sup> Moeljatno. 2000. *Asas Asas Hukum Pidana*. Rineka Cipta, Jakarta p.93

someone does not think about the cause of his actions. This has contradicted moral values in the Pancasila. Even for some criminal offenders, they are not afraid of law enforcement agencies that regulate security and public order. Even criminal law is "regulating and coercive" as if it has been ruled out and is unable to cope with the growing crime in this era. Based on the legal aspects with the development of all crimes that occurred during this period it seems very necessary to study an application of criminal law against criminals and analyze criminology in terms of the causes of these crimes<sup>2</sup>.

In addition there are also causes of increasingly advanced times resulting in the weakening of extended family and community kinship networks which are manifested in new phenomena such as the emergence of vulnerable groups. This happens because the more progressive times, the more the needs to complement one's life are added. Crime is an act that is prohibited by law and whoever does something that violates the law will be punished. Besides that crime is also a form of violation of social rules. Violations are determined within the limits of values that are upheld in a society. In almost all communities where life and property are valued. The problem of crime is a human problem which is a social reality whose problem causes are poorly understood because the study is not yet in the right proportion in a dimensional manner<sup>3</sup>.

The development or increase in crime as well as a decrease in the quality or quantity of crime, both in large cities and in villages, are relative and intrinsic in nature. It can be understood that crime is the shadow of civilization, is a shadow of the war and there is even a theory that says that crime is the product of society. The location of crime is in the community, not in individuals<sup>4</sup>. One form of embezzlement is in the Decision of the Kalianda District Court of South Lampung Number 307 / Pid.B / 2018 / PN.Kla which states that Defendant. Selamat Riyadi Bin Tugino has been proven legally and convincingly guilty of committing a

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<sup>2</sup> Eldi Rizqi. 2017. *Analisis Hukum Pidana Terhadap Tindak Pidana Perdagangan Orang (Wanita) Dalam Perspektif Kriminologi*. Jurnal Penelitian.

<sup>3</sup> Soedjono Dirdjosiswoyo. 2008. *Ruang Lingkup Kriminologi*. Remaja Karya, Bandung, p. 27

<sup>4</sup> H.Ridwan Hasibuan. 2004. *Kriminologi Dalam Arti Sempit dan Ilmu-Ilmu Forensik*. Universitas Sumatera Utara Press, Medan. p.5

criminal offense " Sentenced to Defendant because of that with imprisonment for 10 (ten) months. Determine the period of arrest and detention that has been carried out by the Defendant to be deducted entirely from the sentence handed down. Determine the Defendant to remain detained. Determining evidence in the form of: - 455 (four hundred and fifty five) planes of civet sachet (1 cup = 10 packs) returned to PD. Source Buana Abadi through witness Dedi Hendri Bin Katimun). To charge the Defendant to pay a court fee of Rp. 2,000 (two thousand rupiahs); The research method uses a normative and empirical juridical approach, where the normative juridical approach is carried out by studying legal norms or rules, legal principles, while the empirical approach is conducted by direct interviews with informants who will relate to research problems, data analysis used is qualitative juridical.

## **II. DISCUSSION**

### **A. Causes of Actors Doing Crime in Darkening Civet Powder Coffee in PD. Sumber Buana Abadi Based on Decision Number 307 / Pid.B / 2018 / PN.Kla**

The term embezzlement as often used by people to refer to the type of crime contained in book II of Chapter XXIV of the Criminal Code is one of the crimes regulated in the Criminal Code. Darkening in Dutch is called *verduistering*. This criminal act is regulated in Articles 372-377 of the Criminal Code. Based on the embezzlement formula as mentioned above, then if further examined, the formulation consists of subjective and objective elements. The objective includes the act of owning, something which is partially or wholly owned by another person, who is in his power not because of crime and his subjective elements include deliberate embezzlement and illegal violations. Understanding the meaning of embezzlement in the above formula is not interpreted as making something dark or not bright, like the actual meaning of the word. *Verduistering* words into Indonesian are translated literally with embezzlement, in fact for Dutch people it is broadly interpreted (*figuurlijk*), not interpreted as the actual meaning of the word as making something not bright or dark.

The results of the interview with Mohamad Syahran as the South Lampung Regional Police Investigator stated that the progress of the age development along with it was also a lot of crime popping up now with various methods. One of them is the crime of embezzlement (verduistering) as stipulated in Chapter XXIV Article 372 up to Article 377 of the Criminal Code. Such criminal acts as an abuse of trust. Because, the core of the criminal act stipulated in Chapter XXIV is abuse of rights or misuse of trust. The interview with Selamat Riayadi bin Tugino as the defendant stated that he committed the crime of embezzling civet coffee in PD. Sumber Buana Abadi because of the urgent need factor so that he carried out the embezzlement of Luwak ground coffee with his two friends. The defendant took the civet coffee from the top of the fuso car and sold the bad coffee, the role of Brother Adi was to take the bad coffee from the top of the fuso car and sell the civet coffee, the role of Subur watching when taking goods and delivering goods at the place of sale, while the defendant's role was carrying and driving a fuso car loaded with civet coffee from Semarang for the purpose of Bandar Lampung and handing over the car to witness Riben Hardnatal Sinurat, son of Jamson Sinurat to collect some of the items.

The results of Sri Indarti's interview with the Prosecutor at the Kalianda District Prosecutor's Office state that criminal acts of embezzlement often occur in various circles, ranging from the low to high-ranking people who are not educated and understand the law, but these crimes still occur not only by the small community or even a person who is respected who should be a role model also falls into this case. The interview with Ade Suherman as the Kalianda District Court Judge stated that embezzlement was regulated in Chapter XXIV (book II) of the Criminal Code, consisting of 5 Articles (372 to 376). One of them is Article 372 of the Criminal Code, which is an act of embezzlement in the main form which states: Anyone who intentionally controls against the law something that should or partly belong to someone who is not in crime, because he is guilty of embezzlement, convicted imprisonment for a maximum of 4 (four) years or with a maximum fine of 900 (nine hundred) rupiahs.

Crime of embezzlement can be caused by several supporting factors. As is known, that embezzlement is included in the criminal acts stipulated in the



Criminal Code (book two) Article 372-377. Emblem is included in the type of crime against property. Crimes that occur in social life become a phenomenon that continues to be in the spotlight. Talking about the emergence of embezzlement, it cannot be separated from the causes of the crime itself. This is because the embezzlement as described previously is part of the criminal act stipulated in the Criminal Code. Therefore, the causes of embezzlement can not be separated from the theories in criminology about the emergence of criminal acts or causes that encourage someone to commit a criminal act in general.

Lamintang has an opinion about the meaning of embezzlement which is basically the same as the description of Article 372 of the Criminal Code. According to Lamintang, a criminal act of embezzlement is an abuse of rights or misuse of trust by someone whose trust is obtained without any element of violating the law. By mentioning the misuse of rights or misuse of trust, it will make it easy for everyone to know what actions are actually prohibited and threatened by criminal acts in these provisions.<sup>5</sup> The term embezzlement as often used by people to refer to the type of crime contained in book II of Chapter XXIV of the Criminal Code is one of the crimes regulated in the Criminal Code. Darkening in Dutch is called *verduistering*. This criminal act is regulated in Articles 372-377 of the Criminal Code. The definition in these articles is formulated as follows: Anyone who intentionally has the right to something which is entirely or partially belongs to someone else and the item is in his hand not because of crime, is punished for embezzlement, with a sentence of imprisonment for four years or a fine of up to Rp. 900, - (nine hundred rupiah).<sup>6</sup>

This is called ordinary embezzlement. Darkness is a crime that is almost the same as theft in Article 362. The difference is that in the theft of property it is still not in the hands of thieves and still has to be taken, while embezzling the time of possession it is already in the hands of the wicked not by evil. Crime of embezzlement is the misuse of rights or misuse of trust by a person whose trust is obtained without any elements against the law, with the mention of misuse of rights or misuse of trust which makes it easy for

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<sup>5</sup> P.A.F. Lamintang dan C. Djisman Samosir. 1981. *Delik-delik Khusus*. Tarsito, Bandung. p. 193

<sup>6</sup> R. Soesilo. 2008. *Kitab Undang-Undang Hukum Pidana*. Politeia, Bogor, p.258

everyone to know what acts are actually prohibited and threatened by criminal provisions. In order to know more clearly what is meant by criminal acts of embezzlement under Article 372. Based on the description above, according to the researchers the factors causing the perpetrators to commit criminal acts of embezzlement of civet coffee in PD. Sumber Buana Abadi, based on Decision Number 307 / Pid.B / 2018 / PN.Kla, is a mentality of workers, a fulfillment of life necessities, an intention and opportunity and a greedy attitude from humans. The most dominant factor is the urgent need for money from the perpetrators.

#### **B. Accountability of Criminal Actors for Darkening Civet Powder Coffee in PD. Sumber Buana Abadi Based on Decision Number 307 / Pid.B / 2018 / PN.Kla.**

Criminal liability in foreign languages is referred to as toereken-baarheid, criminal responsibility, criminal liability, criminal liability here is intended to determine whether a person can be accountable for criminal or not for the action he committed. In the 2012 Criminal Code concept, Article 27 states that criminal liability is in the continuation of objective criticism that there is a crime based on the applicable law, objectively to the maker who fulfills the requirements of the law to be punished because of his actions. The interview with Mohamad Syahran as South Lampung Regional Police Investigator stated that one form of embezzlement was in the Decision of the Kalianda District Court of South Lampung Number 307 / Pid.B / 2018 / PN.Kla which stated that Defendant Selamat Riyadi Bin Tugino was legally proven and convincing guilty of committing a criminal act and committing criminal acts of embezzlement. After hearing the testimonies of the Witnesses, and the Defendant and paying attention to the evidence and the evidence presented at the trial. After hearing the reading of criminal charges filed by the Public Prosecutor in principle as follows: states the Defendant Selamat Riyadi Bin Tugino guilty of committing criminal acts of Darkness as regulated and threatened with criminality in Article 372 Jo of Article 55 Paragraph (1) of the First Criminal Code, as the second indictment . Imposing a sentence against Defendant Selamat Riyadi Bin Tugino in the form of imprisonment for 1 (one) year and 4 (four) months minus the

period of detention that has been carried out, with the order that the defendant be detained. Determine the evidences in the form of 455 (four hundred fifty five) planets of civet sachet (1 cup = 10 packs). (Returned to PD. Source Buana Abadi through witness Dedi Hendri Bin Katimun). Assign the defendant to pay court fees of Rp.2,000 (two thousand rupiah).

The results of Sri Indarti's interview with the Prosecutor at the District Attorney's Office in Kalianda state that the defendant's actions, as stipulated and threatened with crimes in article 480 of the first Criminal Code of Law Jo. Article 55 paragraph (1) 1st of the Criminal Code. In the decision, the judge sentenced the defendant to a sentence of 10 (ten) months. Determine the period of arrest and detention that has been carried out by the Defendant to be deducted entirely from the sentence handed down. Determine the Defendant to remain detained. Determining evidences in the form of: - 455 (four hundred fifty five) plans of civet sachet (1 cup = 10 packs) returned to PD. Source of Eternal Buana in Serdang Village, Tanjung Bintang Subdistrict, South Lampung Regency through witness Dedi Hendri Bin Katimun). To charge the Defendant to pay a court fee of Rp. 2,000 (two thousand rupiah).

Judge consideration is one of the most important aspects in determining the realization of the value of a judge's decision that contains justice (*ex aequo et bono*) and contains legal certainty, in addition it also contains benefits for the parties concerned so that the judge's consideration must be addressed carefully, both , and careful. If the judge's judgment is not thorough, good, and careful, then the judge's decision that comes from the judge's consideration will be canceled by the High Court / Supreme Court. The judge in examining a case also requires proof, where the results of the evidence will be used as material for consideration in deciding the case. Proof is the most important stage in the examination at the trial. Proof aims to obtain certainty that an event / fact that was submitted really happened, in order to get a right and fair judge's decision. The judge cannot make a decision before it is evident to him that the event / fact really happened, which is proven by the truth, so that there appears to be a legal relationship between the parties.

The results of the interview with Ade Suherman as the Kalianda District Court Judge stated that the Defendant Selamat Riyadi Bin Tugino had been legally and convincingly proven guilty of committing a criminal offense and committing criminal acts of embezzlement. Sentenced to Defendant because of that with imprisonment for 10 (ten) months. Determine the period of arrest and detention that has been carried out by the Defendant to be deducted entirely from the sentence handed down. Determine Defendant remains detained. Criminal liability is defined as Pound is an obligation to pay retribution that will be received by the perpetrator of someone who has been harmed, according to him also that the accountability carried out is not only about legal issues but also concerns the moral or moral values that exist in a society. Criminal liability in foreign languages is referred to as toereken-baarheid, criminal responsibility, criminal liability, criminal liability here is intended to determine whether a person can be accountable for criminal or not for the action he committed.

In the 2012 Criminal Code concept, Article 27 states that criminal liability is in the continuation of objective criticism that there is a crime based on the applicable law, objectively to the maker who fulfills the requirements of the law to be punished because of his reparation. Regarding the actual ability to be responsible is not explicitly confirmed by article 44 of the Criminal Code. Only found a few views of scholars, for example Van Hammel who said, people who are able to be responsible must meet at least 3 (three) conditions, namely: (1) can realize (understand) the meaning of his actions in the realm of evil, (2) can realize that doing in view of being inappropriate in community relations, (3) being able to determine his intentions or intentions towards these actions. Based on the description above, according to the researcher the criminal responsibility of the perpetrator of the crime of embezzling civet coffee in PD. Sumber Buana Abadi based on Decision Number 307 / Pid.B / 2018 / PN.Kla is where the defendant Selamat Riyadi Bin Tugino has been proven legally and convincingly guilty of committing a criminal act and committing a crime of embezzlement. Imposing the criminal to the defendant because of that with imprisonment for 10 (ten) months. Determine the period of arrest and detention that has been carried out by

the accused to be deducted entirely from the sentence handed down. Determine the defendant to be detained. As well as charging the defendant to pay a court fee of Rp. 2,000 (two thousand rupiah). Considering, that the evidences are: 455 (four hundred fifty five) with the form of Luwak sachet ground coffee (1 series = 10 packs), because in the Proceedings proved to belong to PD. Sumber Buana Abadi, then the said evidence shall be returned to PD. Sumber Buana Abadi through witness Dedi Hendri Bin Katimun); Considering, that in order to impose a criminal sentence on the Defendant, it is necessary to consider the aggravating condition and the one that alleviates the Defendant; Incriminating circumstances: The defendant's actions troubled the community and the mitigating situation, the defendant had never been convicted and the defendant regretted and promised not to repeat his actions.

### **III. CONCLUSION**

Based on the results of research and discussion, it can be concluded as follows:

1. Factors causing the perpetrators to commit criminal acts of embezzlement of civet coffee in PD. Sumber Buana Abadi, based on Decision Number 307/ Pid.B/2018/PN.Kla, is a mentality of workers, a fulfillment of life necessities, an intention and opportunity and a greedy attitude from humans. The most dominant factor is the urgent need for money from the perpetrators.
2. Criminal liability for perpetrators of criminal acts of embezzlement of civet coffee in PD. Sumber Buana Abadi based on Decision Number 307 / Pid.B /2018 / PN.Kla is where the defendant Selamat Riyadi Bin Tugino has been proven legally and convincingly guilty of committing a criminal offense "Also Participating in Crime of Emblem". Sentenced to Defendant because of that with imprisonment for 10 (ten) months. Determine the period of arrest and detention that has been carried out by the Defendant to be deducted entirely from the sentence handed down. Determine the Defendant to remain detained. As well as charging the Defendant to pay a court fee of Rp. 2,000 (two thousand rupiah);

Based on the conclusions above, suggestions can be given as follows::

1. It is expected that the Judges in carrying out considerations prioritize a sense of justice for victims, defendants and the public. In addition, judges should carefully pay attention to matters that can alleviate or incriminate defendants other than judges who have also been given the freedom to make decisions to enforce law and justice so that the Judge does not have to depend on the prosecutor's demands in determining the criminal for the defendant. In addition, the maximum criminal sanction is carried out so that it can cause a jerk effect so that the defendant does not repeat his actions
2. It is expected that the Public Prosecutor in applying the criminal or in making a claim to the defendant must be in accordance with the actions of the defendant because this is the judge's reference in making his decision. In addition, the Public Prosecutor should also have material legal knowledge so that there are no more errors or nonconformities in applying the crime against the accused.

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