

# Authority of Police Investigators in Criminal Acts by Cooperative Management

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**Keywords:** Authority of Investigators, Police, Criminal Acts, Cooperative Management.

**Abstract:** Article 1 Number (1) of Law Number 17 Year 2012 concerning Cooperatives, cooperatives are legal entities established by individuals or cooperative legal entities, with the separation of the members' assets as capital to run a business, which fulfills aspirations and joint needs in the field of economic, social and cultural according to the values and principles of cooperatives. This type of research is analytic descriptive legal research. Data sources were secondary data consisting of primary, secondary and tertiary legal materials. Normative legal methods refer to legal norms in various laws and regulations. Data collection was carried out through a research literature study, which is collecting data on documents, literature and a study of relevant statutory provisions. Qualitative data analysis was then used through a comparative legal approach which was oriented towards the legal theory approach as a basis for thinking. In this study shows that the investigation carried out by the police is regulated in Article 1 Paragraph (13) of Law Number 2 of 2002 concerning the Indonesian National Police, the investigation was a series of investigative actions in terms of and according to the way stipulated in the law to search for and gather evidence to find the suspect. Acts that result in a criminal offense by the management of a cooperative, can be investigated to find out the possibility of the actions of the cooperative's management in violation of the articles contained in the Criminal Code and other regulations.

## 1 INTRODUCTION

Article 1 Number (1) of Law Number 17 Year 2012 concerning Cooperatives, cooperatives are legal entities established by individuals or cooperative legal entities, with the separation of the members' assets as capital to run a business, which fulfills aspirations and joint needs in the field of economic, social, and cultural according to the values and principles of cooperatives [1].

From this definition, can be found elements of cooperatives such as the following (R. T. Sutantya Rahardja Hadhikusuma, 2001): Cooperatives are not an organization of capital associations (capital accumulation), but associations of people who are socially based, work together and responsible; The membership of the cooperative does not recognize any coercion and by anyone, is voluntary, neutral towards religion, ism and religion; The cooperative aims to improve the welfare of members by working together as a family.

The purpose of establishing cooperatives is to advance the welfare of members in particular and

society in general and to participate in building the national economic order in order to realize a developed, just, and prosperous society based on Pancasila and the 1945 Constitution. Basically cooperative activities are businesses that are oriented to increasing business and the welfare of its members and if there is an excess of cooperative services, it can be allocated to meet the needs of the community who are not registered as cooperative members. The cooperative business sector covers various fields of people's economic life. In addition, in business activities cooperatives can raise funds and channel them through savings and loan business activities, both for internal members and other cooperatives. Savings and loan business activities can be carried out as one or the only Cooperative business activities. If cooperatives are not able to carry out various business activities, cooperatives can only hold one business sector, namely savings and loan business activities (Ahmad Sulaiman, 2011).

In daily practice there are several parties who can put forward ideas to establish cooperatives, namely

those who are primarily interested in the existence of cooperatives. These include: first and foremost are members of the cooperative. Among the prospective members of the cooperative there are two possibilities, that among them there are relatively easily identified such as farmers, ranchers and others. Conversely there are also those that are difficult to identify as members of the Village Unit Cooperative. Among its members it might be a farmer, but maybe a farm laborer, even a handyman and so on (Sudarsono, Edilius, 2019).

In addition, the government has put an interest in cooperatives and has taken the initiative to establish cooperatives (hereinafter referred to as cooperative initiators). This is certainly not too difficult to understand, because the government is carrying out a mission to advance cooperatives, in accordance with the desires of the State Policy on the basis of the 1945 Constitution (building cooperatives so that they have the ability to be used as a means of democratizing the national economy) (Sudarsono, 2019).

Often government officials encourage the community to cooperate. In addition, cooperative organizations and employees can also take an active role as pioneers in the formation of new cooperatives. In addition, religious organizations and other social institutions, such as schools and colleges as well as private companies and State-Owned Enterprises (SOEs) can even start and advance cooperatives in their respective environments (Sudarsono, 2019).

Basically, cooperatives can be initiated by anyone as long as they have the ability to take the initiative in establishing cooperatives. An important issue is that cooperatives established must be based on needs and can provide services to members and the surrounding community. In practice, if the formation of cooperatives does not go through consideration, it can be guessed that the survival of cooperatives will not last (Sudarsono, 2019).

If the initiative to establish a cooperative is somewhere, then in the initial stages it will be difficult to determine the type of cooperative that will be established based on the character of the community in the environment. Well-planned action steps so that in the future the success of a cooperative really provides great benefits for its members is needed. Thus automatically the survival of the cooperative concerned will be guaranteed (Sudarsono, 2019).

If the cooperative that first grew was a spontaneous movement, then people began to ask, what is a cooperative? And people began to give

contents and definitions to the cooperative. Various definitions have been given to cooperatives and if we examine further, it appears that the definitions are developing, in line with the times. Early definitions generally emphasize that cooperatives are a forum for economically weak groups. The definition given by Dr. Fay (1908), states that cooperatives are an association with the aim of joint efforts consisting of those who are weak and strived always in the spirit of not thinking of themselves in such a way (so that each is able to carry out their obligations as members and receive compensation in proportion to their use of organization) (Hendrojogi, 2015).

Indeed, the purpose of cooperatives is to provide services to members and not to make a profit, but it needs to be considered and watched out for in its implementation. Selling goods on a cost basis (at cost basis) will encourage members to buy a lot of goods from cooperatives at a "cooperative price" and then sell them outside the cooperative at market prices, besides that the cooperative itself needs to get a surplus from its business that can be used for capital fertilization (Hendrojogi, 2015).

Cooperative business is a business that is directly related to the interests of members to improve the business and welfare of members. The excess ability of Cooperative services can be used to meet the needs of people who are not members of the cooperative. The field of cooperative business is everything related to the economic life of the people (Ahmad Sulaiman, 2011).

One type of cooperative according to its business activities is a Savings and Loan Cooperative, a cooperative that runs a savings and loan business as the only business. The activities of Savings and Loans Cooperatives according to Article 89 of Law Number 17 Year 2012 concerning Cooperatives include activities [1]: raising funds from Members, providing Loans to Members; and placing funds in its secondary savings and loan cooperative

One of the serial crimes that appear in a cooperative is a criminal offense that is contained in Article 378 of the Criminal Code (KUHP), which is anyone with the intention to benefit oneself or another person unlawfully, using a false name or false dignity, by deception, or a series of lies, persuading others to hand over things to him, or to give debts or write off receivables, are threatened with fraud with a maximum jail sentence of four years.

In connection with the existence of such a criminal offense the Police carried out a series of procedures in revealing cases through investigations

as carrying out the duties, functions and authority of the police as law enforcement officers (regulated in Law Number 2 of 2002 concerning the Indonesian National Police) [3]. The role of information technology (Min-Seok Pang, Paul A. Pavlou, 2019) can assist in the police investigation process and assist evidence evidence (Petter Gottschalk, Geoff Dean, 2010). Various studies have been carried out relating to the Authority of Police Investigators [11-15] and Criminal Acts Conducted by Cooperative Administrators [16-18]. With the existence of the criminal acts in cooperatives, they can carry out policies such as reporting to the police (Masaki Iwasaki, 2020).

## 2 METHOD

This research is part of a descriptive analytic law based on secondary data consisting of primary, secondary, and tertiary legal materials conducted in the North Sumatra region in criminal acts committed by cooperative management. Normative legal methods refer to legal norms in various laws and regulations (S. Soekanto and S. Mamuji, 2005). Data collection is carried out through research library research, namely document data, literature and related statutory study studies. Qualitative data analysis will then be used through a comparative legal approach oriented to the legal theory approach as a basis for thinking. Comparative approaches are used by comparing legal systems with each other, which have more or less similarities, so that similarities and differences between system laws are found. The statutory data used in this study is given in Table 1. Tables 2-5 are cooperative data reports in the past five years. Data is dynamic / at any time changes according to an update from the Provincial / Regency / City Office in charge of Cooperatives and SMEs NIK: Cooperative Master Number. NIK Certificate: Cooperative is institutionally and business active (at least it has implemented RAT in the last 3 years). The Database of the Ministry of Cooperatives and SMEs is processed from the Cooperative Online Data System (ODS) as of December 31, 2019 at 23:59 WIB.

Table 1: shows the norms / laws / regulations related to cooperatives.

NO.	norms / laws / regulations	Informations
1.	UU NO. 17 TAHUN 2012	ABOUT COOPERATION

2.	UU NO. 10 TAHUN 1998 JO. UU NO. 7 TAHUN 1992	ABOUT BANKING
3.	Criminal Procedure Code and Criminal Procedure Code	-

Table 2: Cooperative Data Report as of December 31, 2019 throughout Indonesia [19].

No.	Province	Cooperative	
		Aktive (Unit)	Certificate NIK (Unit)
1.	Aceh	4.115	447
2.	Sumatera Utara	4.199	1.150
3.	Sumatera Barat	1.919	1.380
4.	Riau	2.946	700
5.	Jambi	2.540	414
6.	Sumatera Selatan	3.888	583
7.	Bengkulu	1.883	521
8.	Lampung	2.075	621
9.	Kepulauan Bangka Belitung	651	317
10.	Kepulauan Riau	884	249
11.	DKI Jakarta	3.447	657
12.	Jawa Barat	13.247	3.328
13.	Jawa Tengah	13.164	3.403
14.	D.I. Yogyakarta	1.751	1.253
15.	Jawa Timur	21.757	12.089
16.	Banten	3.881	811
17.	Bali	4.244	2.284
18.	Nusa Tenggara Barat	2.396	807
19.	Nusa Tenggara Timur	2.697	493
20.	Kalimantan Barat	2.935	493
21.	Kalimantan Tengah	2.510	320
22.	Kalimantan Selatan	1.721	463
23.	Kalimantan Timur	2.906	544
24.	Kalimantan Utara	476	96
25.	Sulawesi Utara	3.620	308
26.	Sulawesi Tengah	1.429	336
27.	Sulawesi Selatan	4.966	791
28.	Sulawesi Tenggara	3.051	298
29.	Gorontalo	884	202
30.	Sulawesi Barat	837	48
31.	Maluku	2.373	114
32.	Maluku Utara	917	147
33.	Papua	2.131	58
34.	Papua Barat	608	36
	<b>TOTAL</b>	<b>123.048</b>	<b>35.761</b>

Table 3: Report on Cooperative Data as of December 31, 2018 throughout Indonesia [20].

No	Provinsi	Koperasi	
		Aktif (Unit)	RAT (Unit)
1	Aceh	3.950	552
2	Sumatera Utara	4.667	1.317
3	Sumatera Barat	2.276	1.550
4	Riau	2.718	1.271
5	Jambi	2.492	377
6	Sumatera Selatan	3.738	554
7	Bengkulu	1.786	526
8	Lampung	2.510	938
9	Kepulauan Bangka Belitung	677	388
10	Kepulauan Riau	1.035	235
11	DKI Jakarta	2.873	611
12	Jawa Barat	11.127	3.352
13	Jawa Tengah	13.460	3.869
14	D.I. Yogyakarta	1.715	1.212
15	Jawa Timur	24.024	11.776
16	Banten	4.557	860
17	Bali	4.400	2.316
18	Nusa Tenggara Barat	2.923	996
19	Nusa Tenggara Timur	2.364	508
20	Kalimantan Barat	2.851	780
21	Kalimantan Tengah	2.451	248
22	Kalimantan Selatan	1.705	711
23	Kalimantan Timur	3.478	931
24	Kalimantan Utara	460	74
25	Sulawesi Utara	3.665	347
26	Sulawesi Tengah	1.507	334
27	Sulawesi Selatan	5.892	980
28	Sulawesi Tenggara	3.307	372
29	Gorontalo	845	254
30	Sulawesi Barat	822	80
31	Maluku	2.626	171
32	Maluku Utara	786	115
33	Papua	1.864	368

Table 4: Report on Cooperative Data as of December 31, 2017 throughout Indonesia [21].

No	Provinsi	Koperasi	
		Aktif (Unit)	RAT (Unit)
1	Aceh	4.026	484
2	Sumatera Utara	6.073	1.091
3	Sumatera Barat	2.905	1.195
4	Riau	2.967	1.228
5	Jambi	2.550	267
6	Sumatera Selatan	3.851	485
7	Bengkulu	1.880	342
8	Lampung	3.106	876
9	Kepulauan Bangka Belitung	744	292
10	Kepulauan Riau	1.213	269
11	DKI Jakarta	5.773	476
12	Jawa Barat	16.203	3.061
13	Jawa Tengah	21.667	3.515
14	D.I. Yogyakarta	1.841	1.017
15	Jawa Timur	27.683	8.234
16	Banten	5.508	705
17	Bali	4.477	2.108
18	Nusa Tenggara Barat	3.149	983
19	Nusa Tenggara Timur	2.241	457
20	Kalimantan Barat	2.952	431
21	Kalimantan Tengah	2.682	209
22	Kalimantan Selatan	1.744	708
23	Kalimantan Timur	3.686	704
24	Kalimantan Utara	441	64
25	Sulawesi Utara	3.589	316
26	Sulawesi Tengah	1.419	217
27	Sulawesi Selatan	6.202	734
28	Sulawesi Tenggara	3.367	318
29	Gorontalo	944	172
30	Sulawesi Barat	819	69
31	Maluku	2.753	98
32	Maluku Utara	787	143
33	Papua	2.158	57
34	Papua Barat	774	35
	<b>TOTAL</b>	<b>152.174</b>	<b>31.360</b>

Table 5: 2016 Cooperative Data Reports Throughout Indonesia [23].

No.	Province	Cooperative (Unit)		
		Number	Aktive	Not Active
1	Aceh	7,323	3,973	3,350
2	Sumatera Utara	11,280	5,977	5,303
3	Sumatera Barat	3,557	2,891	666
4	Riau	4,988	2,675	2,313
5	Jambi	3,459	2,484	975
6	Sumatera Selatan	5,853	3,820	2,033
7	Bengkulu	2,482	1,871	611
8	Lampung	5,305	3,008	2,297
9	Bangka Belitung	963	726	237
10	Kepulauan Riau	2,177	1,196	981
11	DKI Jakarta	7,599	5,047	2,552
12	Jawa Barat	25,549	16,963	8,586
13	Jawa Tengah	26,409	21,667	4,742
14	DI Yogyakarta	2,479	1,826	653
15	Jawa Timur	31,980	27,683	4,297
16	Banten	6,963	5,436	1,527
17	Bali	4,939	4,463	476
18	Nusa Tenggara Barat	3,825	3,131	694
19	Nusa Tenggara Timur	2,627	2,241	386
20	Kalimantan Barat	5,224	3,012	2,212
21	Kalimantan Tengah	3,188	2,660	528
22	Kalimantan Selatan	2,548	1,729	819
23	Kalimantan Timur	5,239	3,632	1,607
24	Kalimantan Utara	698	431	267
25	Sulawesi Utara	6,086	3,576	2,510
26	Sulawesi Tengah	2,064	1,402	662
27	Sulawesi Selatan	8,672	6,181	2,491
28	Sulawesi Tenggara	3,701	3,340	361
29	Gorontalo	1,245	932	313
30	Sulawesi Barat	940	808	132
31	Maluku	3,411	2,690	721
32	Papua	1,062	777	285
33	Maluku Utara	3,142	2,152	990
34	Papua Barat	1,218	770	448
	<b>Jumlah Nasional</b>	<b>208,195</b>	<b>151,170</b>	<b>57,025</b>

### 3 RESULTS AND DISCUSSIONS

#### 3.1 Authority of Police Investigators in Criminal Acts by the Cooperative Management

Civil code presents laws in clear, concise and easily understood language aimed at all French citizens in general. It is a new work in the field of substantive law that combines *droit écrit* and *coutumes*, and creates a legal unit for the entire territory of the country. Its designers state that the KUH is a collection of civil law regulations derived from French law practiced in France - an *ius commune* - a law that has been modernized from Roman law. However, he did not simply imitate Roman law and a number of clear differences between the approach contained in this KUH with certain legal concepts, as well as with various interpretations of previous Roman law (Peter de Cruz, 1999).

In 1811, four additional types of Law were enacted: the Code of Civil Procedure (KUHAPer), the Code of Commerce (Trade Law), the Code of Criminal Procedure (KUHAP), and the Penal Code (Criminal Law). All of these laws were gradually amended or replaced by more modern provisions and, at present, only the Civil Code is still largely in the same condition as when it was first enacted (Peter de Cruz, 1999).

The main duties of the police according to Article 13 of Law Number 2 of 2002 are to maintain public security and order; enforce the law; and provide protection, protection and service to the community. The function of the police according to Article 2 of Law Number 2 of 2002 is to carry out the functions of the government in the field of maintaining security and order, law enforcement, protection, protection, and service to the public. The authority of the police as regulated in Article 5 of Law Number 2 of 2002 concerning the Indonesian National Police is to maintain public security and order, enforce the law, and provide protection, protection and services to the community in the context of maintaining domestic security [3].

The legal basis for investigations by the police is regulated in Article 1 Paragraph (13) of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, an investigation is a series of investigative actions in terms of and in the manner stipulated in the law to search for and collect evidence with evidence it makes clear about the crime that occurred and in order to find the suspect. This is also regulated in Article 1 point (2) of the Criminal Procedure Code that an investigation is a

series of investigative actions in terms of and in the manner stipulated in the law to search for and collect evidence which, with the evidence, makes clear the criminal act that occurred and found the suspect [6].

Investigations conducted by the police to collect evidence in the first stage, although it is still temporary, to the public prosecutor about what actually happened or about the crime that has been done. Based on this belief, the public prosecutor believes that there is sufficient reason to submit a suspect before a court hearing immediately. In this case it can be seen that the investigation is a work carried out to make light of a case, which can then be used by the public prosecutor as the basis for bringing the suspect along with the evidence that is before the trial. Investigations are carried out in the interests of the judiciary, specifically in the interests of prosecution, which is to determine whether an action or an act is prosecuted in a court of law.

Pursuant to Article 6 Paragraph (1) of the Criminal Procedure Code that the investigator is an official of the Republic of Indonesia police and certain civil servant officials are given special authority by law. According to Article 1 point (2) of the Criminal Procedure Code that: "an investigation is a series of actions of the investigator in terms of and according to the manner stipulated in this law to search for and collect evidence which with the evidence makes clear about the criminal acts that occurred and in order to find the suspect" [ 6]

The purpose of a concrete investigation can be specified as an investigator's act to obtain information about: Criminal acts committed, time of committing a crime, committing a crime, manner, reason, perpetrators of a criminal offense (Abdussalam, H. R., 2009).

Investigations are carried out to find and gather evidence which in the first stage must provide confidence, although it is still temporary, to the public prosecutor about what actually happened or about the crime that has been committed and who the suspect is. If based on this belief, the public prosecutor believes that there is sufficient reason to immediately file a suspect before the court hearing. In this case it can be seen that the investigation is the work carried out to make light of a case, which can then be used by the public prosecutor as the basis for bringing the suspect along with the available evidence before the trial. Investigations are carried out in the interests of the judiciary, specifically in the interests of prosecution, which is to determine whether an action or an act is prosecuted (Abdussalam, 2009).

Suspicion or knowledge of the existence of a crime can be obtained from four possibilities, namely: Caught in the hands, based on reports, complaints, and known to the investigator (Sutarto, 2002).

The investigation according to Moeljatno was carried out after the investigation, so that the investigation had a basis or basis for doing so. In other words the investigation was not carried out on the presumption of someone according to the investigator that he was guilty. Investigations carried out are not just based on mere suspicion, but based on a principle that is used that the investigation aims to make a case clear by gathering evidence about the occurrence of a criminal case. Investigations are carried out if there are enough clues that a person or suspects have committed an event that can be punished (Moeljatno, 1985).

Acts that result in criminal acts committed by the management of cooperatives, in this case investigators in the police can conduct an investigation to find out whether the actions carried out by cooperative management violate the articles in the Criminal Code and other regulations.

## 4 CONCLUSIONS AND RECOMMENDATIONS

### 4.1 Conclusions and Recommendations

The authority of police investigators in conducting investigations is regulated in Article 1 Paragraph (13) of Law Number 2 of 2002 concerning the Indonesian National Police. Investigation is a series of investigative actions in terms of and according to the way stipulated in the law to find and collect evidence. Based on this evidence, the criminal act that occurred was made clear in order to find the suspect. It is also regulated in Article 1 point (2) of the Criminal Procedure Code that an investigation is a series of investigative actions in terms of and in the manner stipulated in this law to search for and collect evidence.

### 4.2 Recommendations

With so many problems of crime in cooperatives, it is necessary to add competent investigators in the field of cooperatives or the like in order to be able to further investigate investigations.

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