

CRIMINOLOGICAL REVIEW OF THE PERPETRATORS OF THE CRIMINAL ACT OF FALSE TESTIMONY (Case Study in Rejang Lebong Resort Police)

Frengki Andika¹, Hendi Sastra Putra², Betra Sarianti³, Riri Tri Mayasari⁴

¹ Student of Universitas Muhammadiyah Bengkulu, Indonesia

^{2,3,4} College of Universitas Muhammadiyah Bengkulu, Indonesia

email: frengki.a02@gmail.com

ARTICLE INFO

Keywords:

Criminological Review,
Crime, Acts of False
Information

DOI. 10.36085/jsi.v2i1.6432

ABSTRACT

The science of law in general and its practice often raises problems relating to the existence of the rule of law and the effectiveness of the rule of law by highlighting the effectiveness of the law to be achieved. This reason prompted the researcher to compile the final project with the title: "Review of Criminology of Perpetrators of False Statements (Case Studies at the Rejang Lebong Resort Police)." at the Rejang Lebong Resort Police). 2) What are the factors causing the perpetrators of the crime of committing false statements (a case study at the Rejang Lebong Resort Police). The approach used in this study is the type of research used by researchers is empirical juridical research that is descriptive in nature. Legal research is descriptive in nature, which is research that describes the characteristics of individuals, circumstances, symptoms or groups. Data obtained directly from the results of field studies by conducting interviews with sources and legal materials that researchers obtain. Based on the results of the research and discussion of the issues discussed, the following conclusions can be drawn: 1) Members of the Padang UlakTanding Police have been examined and questioned in connection with the criminal act that committed, ordered to commit, and participated in the above false statement. oath as referred to in Article 242 Paragraph (1) of the Criminal Code in conjunction with Article 55 Paragraph (1) to 1 of the Criminal Code. 2) Economic factors The suspect received money from the result of a false statement amounting to Rp. 25,000,000 (twenty-five million rupiah). Environmental factors where the environment around a person can cause that person to meet different people, so it is association that will determine whether a human behaves well or badly.

INTRODUCTION

1.1 Background

The Republic of Indonesia is a state of law where there are various regulations that are compelling. The 1945 Constitution explicitly states that the Indonesian State is based on law (*rechtsstaat*), not based on mere power (*machtsstaat*). This means that the Republic of Indonesia strongly upholds human rights and guarantees every citizen to get an equal position in the law and wants every social problem to be resolved according to applicable law. The rule of law requires that the law must always be upheld, respected and obeyed by anyone without exception. This aims to create security, order, and prosperity in the life of society and the state.¹

The Republic of Indonesia is currently in the era of reform, a time that calls for change in all aspects of society. One of the reform agenda is the enforcement of the rule of law, which is carried out by the government, especially law enforcement officials.

Law is believed to be a tool to provide equality and certainty in living relationships. Like a tool, the law will be needed if extraordinary needs or circumstances arise in society. An act is not considered a criminal offense if the act is not expressly listed in the criminal law regulations of the Criminal Code (Kitab Undang-Undang Hukum Pidana) or other criminal provisions. This principle has until now been used as a foothold to ensure legal certainty.²

One crime that occurs quite a lot in society is the crime of forgery. Forgery comes from the word fake which means an act that violates the law and harms others, both yourself and others, fake and so on with the intention of misleading, outsmarting or seeking profit. Forgery is an act that harms others so that it is included in acts that can be subject to criminal penalties.³

The phenomenon that occurs in today's society is that people always want to get things done quickly without thinking about the consequences of their actions, even though their actions are clearly prohibited. Humans are often faced with a need for self-gratification and even the desire to maintain their status. The crime of forgery is a form of crime that is quite widely committed by the community with or without a tool, because in today's modern era, technological advances are increasingly rapid which can support criminals so that it is easier to commit a criminal act of forgery or fraud.⁴

If in providing testimony a witness provides untrue information, it can be subject to criminal sanctions as a criminal act of false testimony as stipulated in Article 242 of the Criminal Code.

The case that has occurred is a criminal act of false information that occurred on

¹ 'A. Mukthie Fadjar, Types of State Law (Malang: Bayumedia Publishing, 2015), p.1' (d.d.).

² 'Adami Chazawi, 2013. Lessons in Criminal Law Part I, Jakarta: King. Grafindo Persada.' (d.d.).

³ 'Amirudin and Zainal Asikin, 2014. Introduction to Legal Research Methods, Raja Grafindo Persada, Jakarta.' (d.d.).

⁴ 'Bambang Waluyo, 2014. Criminal and Punishment, Jakarta: Sinar Grafika.' (d.d.).

Friday, July 01, 2022 at around 09.00 WIB at the PU Tanding Police Station, PU Tanding Sub-District, Kab.Rejang Lebong, there was a criminal act of false report committed by Mr. Siemni and Mr. Gusti Rivaldo, by pretending to have been a victim of a robbery in the Curup area with the loss of a white Suzuki Carry pick-up car BH 8534 BN and reporting the crime of theft with violence at PU Tanding Police Station, but the fact is that the car was not robbed but was sold in Tebo Regency, Jambi Province. Against Sdra Siemni als Siep Bin Sasmuni Born in Kubu Kandang Village, March 02, 1987, 35 years old, religion Islam, ethnicity Jambi, Indonesian citizenship, elementary school education (graduated), private job, address Tebing Tinggi Village, Pelayung Sub-District, Batang Hari Regency, Jambi Province. Jambi No. Hp.0812-7399-2148 together with Br Gusti Rivaldo AlsValdo Bin Samsul Bahri, Age 23 years, Malay Tribe, Private Work, Indonesian Citizenship, Last Education High School (Graduated), Islam, Address Tebing Tinggi Village Kec. Pembanyung Kab. Batang Hari Religion Prov. Jambi. It is strongly suspected that he has violated the crime of committing, ordering to commit, and participating in the act of false statement on oath as referred to in Article 242 Paragraph (1) of the Criminal Code Jo Article 55 Paragraph (1) to 1 of the Criminal Code.

1.2 Research Methods

The type of research used by researchers is empirical juridical research which is descriptive in nature. Primary data is data obtained directly from the results of field studies by conducting source interviews. Secondary data : binding legal materials included in the legal sources of law enforcement against criminal offenses regarding the transfer of funds., secondary legal materials that provide explanations regarding primary legal materials. And tertiary legal materials. Data collection technique: observation, interview dan documentation. Data analysis technique selecting provisions that contain legal rules governing legal regulatory issues related to research, namely on law enforcement of criminal acts of misuse of fund transfers and material in the form of legal sources is analyzed inductively qualitative. In this study, researchers used an interaction analysis model, in which the data reduction and data presentation components were carried out in conjunction with the data collection process. Three stages in analyzing data, namely:

DISCUSSION

2.1 Criminology Review of Perpetrators of Criminal Acts of False Testimony (Case Study in Rejang Lebong Resort Police)

Criminology is a branch of science that originated in medieval times and emerged along with sociology, anthropology and psychology. *Criminology* originated from the Latin "*Crimen*" and Greek "*logia*" which means the science that studies the nature, behavior, causes, and control of criminal behavior in individual, social, cultural, political and economic life. The science of criminology not only deals with events of a criminal nature, but also includes social responses through various forms, causes, and consequences of crime, including responses through legislation

in various areas of government regulation and policy.⁵

Criminology not only describes the events and forms of crime, but also covers the causes and roots of crime, individual circumstances, social, cultural, political, and economic conditions, including various government policies. Criminology is the study of crime prevention and the study of formal and informal responses to crime, as well as governmental and societal responses.⁶

According to W.E. Noach, the definition of criminology is divided into two, namely criminology in a narrow sense and criminology in a broad sense. Criminology in a narrow sense is a science that studies the forms, causes and consequences of criminality (crimes and bad deeds). While criminology in a broad sense is that which includes the notion of criminology in the narrow sense and plus criminalistics. What is meant by criminalistics is a science that studies crime as a technical problem, as a means of conducting pursuit or investigation of crime cases technically using natural sciences chemistry and others such as judicial medicine.⁷

In criminal law, criminology functions as an in-depth study of the applicable criminal law and provides recommendations for criminal law reform in the criminal justice system, while criminology plays an important role in overseeing the process of the course of justice, because if only using positive legal remedies then the process is shortened, besides that criminology also provides benefits, among others:⁸

- 1) The results of criminological research can help the government and law enforcement agencies to uncover crimes.
- 2) Help criminalize criminal law products.
- 3) The results of criminological research can improve the justice system and improve the criminal itself.

In the politics of criminal law, criminology is necessary for policy implementation and its implementation is an element of criminal policy implementation. In politics, people make judgments and choices from different perspectives. The politics of criminal law is carried out in order to realize good legislation in the sense of justice and benefit requirements. Thus, the benefits of criminology can be said as a control over the implementation of criminal law.

According to several definitions of criminology, criminology is a science that discusses, studies, investigates the understanding of crime, forms, causes, consequences and investigations into crime. As follows is the criminology of the crime of false information.

⁵ Dharmawan, A., Nugroho, D. A., & Ramadhan, A. A. (2022). Notary Liability for Deed Minute Made Based on False Information of the Attendants. *Journal of Education And Development*, 10(3), 73-77.' (d.d.).

⁶ Hamdan, 2017. *Criminal Law Politics*, Jakarta: PT Raja Grafindo Persada.' (d.d.).

⁷ 'Ismu Gunadi and friends, 2016. *Quickly and Easily Understand Criminal Law*, Jakarta: Prestasi Pustaka.' (d.d.).

⁸ 'P.A.F. Lamintang, 2017. *Basics of Indonesian Criminal Law*, Citra Aditya Bakti, cet. III.' (d.d.).

On Friday, July 01, 2022 at around 09.00 WIB at the PU Tanding Sub- District Police Office, PU Tanding Kab.Rejang Lebong, a criminal act of false report was committed by Br SIEMNI and Br GUSTI RIVALDO, by pretending to have been a victim of a robbery in the Curup area with the loss of a white suzuki carry pick-up car BH 8534 BN and reporting the crime of theft with violence at PU Tanding Police Station, but the fact is that the car was not robbed / robbed but was sold in Tebo Regency, Jambi Province. Against Sdra SIEMNI als SIEP Bin SASMUNI Born in Kubu Kandang Village, March 02, 1987, 35 years old, religion Islam, ethnicity Jambi, Indonesian citizenship, elementary school education (graduated) private occupation, address Tebing Tinggi Village, Pemayung Sub- District, Batang Hari Regency, Jambi Province. Jambi No. Hp.0812-7399-2148 together with Br. GUSTI RIVALDO Als VALDO Bin SAMSUL BAHRI, Age 23 years, Malay Tribe, Self-employed, Indonesian Citizenship, Latest High School Education (Graduated), Religion Islam, Address Tebing Tinggi Village, Pemayung Sub-District, Batang Hari Kab. Prov. Jambi.

It is strongly suspected that he has violated the crime of committing, ordering to commit, and participating in the act of false statement on oath as referred to in Article 242 Paragraph (1) of the Criminal Code Jo Article 55 Paragraph (1) to 1 of the Criminal Code. There has been theft with violence in Police Report Number: LP / B - 282 / VII / 2022 / Sek.PUT, dated July 01, 2022, reported by Br SIEMNI and Br GUSTI RIVALDO that according to the information of Br SIEMNI and Br GUSTI RIVALDO, on Thursday, June 30, 2022, at 17.00 WIB Br. SIEMNI together with Br. GUSTI RIVALDO went from Jambi to Curup using a white suzuki carry pick up car with license plate BH 8534 BN, on Friday July 01, 2022 at around 02.00 WIB Br. SIEMNI arrived at Air Apo village, Binduriang sub-district, Kab.Rejang Lebong, there were 4 (four) unknown people using 2 (two) motorcycle units of vixion and nmax types saying Br. SIEMNI had hit them, 2 (two) people got off and the other 2 (two) were still on the motorcycle, 2 (two) people who got off pulled Br. SIEMNI and Br. GUSTI RIVALDO to get out of the car, while threatening Br. SIEMNI and Br. GUSTI RIVALDO, 1 (one) person took Br. SIEMNI's backpack containing a Nokia 1100 type cellphone in Black color, KTP a.SIEMNI with NIK 1504050203870002, SIM A a.n SIEMNI, black synthetic leather wallet, cash amounting to Rp.5,000,000 (Five million rupiah).000,000 (Five million rupiah) and STNK Suzuki Carry Pick Up Car White Color Nopol BH 8534 BN, 1 (one) other person took a Light Blue OPPO A54 cellphone belonging to Br GUSTI RIVALDO, after they took our goods, 2 (two) people got into Br SIEMNI's car and asked us to go to the village head's house using their motorbike, but after Br SIEMNI's car was taken, 2 (two) people on the motorbike also left Br SIEMNI and Br GUSTI RIVALDO.

Has been examined and questioned by members of the Padang Ulak Tanding police department in connection with the crime of committing, ordering to commit, and participating in the act of false statement on oath as referred to in Article 242 Paragraph (1) of the Criminal Code Jo Article 55 Paragraph (1) to 1 of the Criminal Code, which occurred on Friday, July 01, 2022 at around 09.00 WIB at PU Tanding Police Station in connection with Police Report Number: LP / A - 284 / VII / 2022 / BENGKULU / RES REJANG LEBONG,

On Thursday, June 30, 2022 at approximately 02.00 WIB, Br DIAN BURLIAN came to the Witness III's house in Tebing Tinggi Kec. Pemayung Kab. Batang Hari using a

white Sigra car with Br TEZA, Br ANAS and Br ABUL, inviting Witness III to Curup to make a report on the loss of a white pick up carry car BH 8534 BN belonging to Witness III which had been sold by Br DIAN BURLIAN, Witness III agreed to the plan then Witness III called Witness III's brother-in-law Br GUSTI RIVALDO to accompany Witness III to Curup. Then Witness III together with Br GUSTI RIVALDO and Br ABUL drove a black suzuki carry pick up car BH 8106 BN belonging to Br DIAN BURLIAN which had been entrusted to Witness III while Br DIAN BURLIAN drove a white Sigra car. At around 07.00 WIB we arrived at Br HAMKA's house in Suka Menang Village, Karang Jaya District, North Musi Rawas. We left the black suzuki carry pick up car BH 8106 BN in the yard of Br. HAMKA's house, then we continued our journey to Lubuklinggau using a white Sigra car, arriving in Lubuklinggau we went to the Lubuklinggau District Court to attend the trial of Br. HAMKA, the trial of the case of Br. HAMKA's car being towed by the lesing party with Br. DIAN BURLIAN as Br. HAMKA's legal advisor.

After the trial was over at around 11.00 WIB we returned to Br HAMKA's house in Suka Menang Village for lunch, after lunch we returned to Lubuklinggau to Br DIAN BURLIAN's bed to rest there. On July 01, 2022 at around 02.00 WIB Witness III was woken up by Br DIAN BURLIAN to invite Witness III to go to the Curup area, then Witness III woke up Br GUSTI RIVALDO, Witness III and Br GUSTI RIVALDO were driven by Br DIAN BURLIAN and Br HAMKA using Br DIAN BURLIAN's sigra car towards Curup.

Not far from the Lubuklinggau - Curup border, Witness III was told by Br. DIAN BURLIAN on the right there was the first police station that we saw after the Lubuklinggau - Curup border, Br. DIAN BURLIAN explained to report the crime of theft with violence later at the police station. Arriving in a dark place with a zinc fence, Witness III did not know the name of the area, which later Witness III was told by the police that the Air Apo Village area, Binduriang Kab.Rejang Lebong, Br DIAN BURLIAN ordered Witness III to get off with Br GUSTI RIVALDO and pretend to be a victim of theft with violence, while asking for help from passing motorists to be delivered to the Polsek that had been directed by Br DIAN BURLIAN before, after that Br DIAN BURLIAN and Br HAMKA turned their car back towards Lubuklinggau. Approximately 2 hours Witness III waited, finally a car stopped to help Witness III together with Br GUSTI RIVALDO to take Witness III to the Polsek to make a report. The act of giving false testimony is not justified in the applicable law in the Republic of Indonesia.

2.2 Factors Causing Perpetrators of Criminal Acts of False Testimony (Case Study at Rejang Lebong Resort Police)

The cause of the crime of forgery, the driving factor for this crime is due to the increasingly suffocating economic pressure so that with this situation the perpetrators easily carry out their intentions. Poor and unemployed people are easily tempted by tempting offers. The perpetrators of this crime aim to enrich themselves through illegal activities.⁹

⁹ 'Parwata, I. P. G., & Dahana, C. D. (2022). Notary Liability for Discrepancies in the Price of Land Lease Transactions Based on False Statements of the Attendants. *Acta Comitatus: Journal of Notarial Law*, 7(01).' (d.d.).

According to the science of criminology, there is a concept of the factors that cause crime to occur and seek and find the reasons why a person commits a crime. However, this concept cannot be applied to the problem of criminal acts that occur in the community. This can only be drawn globally and in outline, while in reality what happens in society is quite diverse and it is difficult to determine what factors are influential. A person with a weak personality is not "certain" to become a criminal. Conversely, someone whose personality is said to be strong, is also not certain to be a good person and comply with applicable norms.¹⁰

In general, there are several factors that cause crime to occur, namely:¹¹

- 1) Factors that originate from within the perpetrator, meaning that a person who commits a crime is based on their own will based on genetic and psychological factors (mental illness).
- 2) Factors that come from outside the perpetrator, meaning that someone who commits a crime is based on household and environmental factors.

In criminal law enforcement, there is a science of criminology to examine the causes of crime. In addition, criminal science with criminology is a single dual that cannot be separated and complement each other. Criminology is aimed at finding *etiology* (causes of crime), but is not limited to that field alone, because the background of the emergence of criminal behavior as an object of criminological research cannot be separated absolutely from the forms and continuation of such behavior.

Based on the results of the researcher's interview with the perpetrator of the crime of false testimony, there are several factors that cause the perpetrator to commit this forgery, namely as follows:¹²

1) Economic factors

The existence of economic factors that influence the main cause of the perpetrator committing the crime of counterfeiting a motor vehicle license plate. In this case what is meant is due to an unstable economic situation. Where the day the economic situation of the perpetrator is getting weaker, so that the perpetrator finds it difficult to get money to meet the needs of daily life with the family.

2) Environmental factors

Environmental factors that influence the cause of the perpetrator to falsify the robbery certificate. This factor is because the perpetrator has difficulty finding a job, so he is tempted by people's orders to make false statements, so that the person does not carry out lengthy procedures.

3) Trust factor

The factor of trust or weak faith so that the perpetrator is easily tempted to

¹⁰ 'Roni, Wiyanto, 2018. Principles of Indonesian Criminal Law, Bandung: CV Mandar Maju.' (d.d.).

¹¹ 'Soejono, 2016. Crime and Law Enforcement in Indonesia, Jakarta: PT Rineka Cipta.' (d.d.).

¹² 'Sujarweni, V. Wiratna. 2014. Research Methods: Complete, Practical, and Easy to Understand. Yogyakarta: New Library Press.' (d.d.).

commit the crime of falsifying information.

Based on the results of the researcher's interview with the perpetrator, the perpetrator carried out his evil actions starting in 2022. On Friday, July 01, 2022 at around 09.00 WIB at the PU Tanding Police Station, PU Tanding Sub-District, Rejang Lebong Regency, there was a criminal act of false reporting committed by Br Siemni and Br Gusti Rivaldo, by pretending to have been a victim of a robbery in the Curup area with the loss of a white Suzuki Carry pick-up car BH 8534 BN and reporting the crime of theft with violence at the PU Tanding Police Station, but in fact the car was not robbed but was sold in Tebo Regency, Jambi Province. Against Sdra Siemni als Siep Bin Sasmuni Born in Kubu Kandang Village, March 02, 1987, 35 years old, religion Islam, ethnicity Jambi, Indonesian citizenship, elementary school education (graduated), private job, address Tebing Tinggi Village, Pelayung Sub-District, Batang Hari Regency, Jambi Province. Jambi No. Hp.0812-7399-2148 together with Br. GUSTI RIVALDO Als VALDO Bin SAMSUL BAHRI, Age 23 years, Malay Tribe, Self-employed, Indonesian Citizenship, Latest High School Education (Graduated), Religion Islam, Address Tebing Tinggi Village, Pelayung Sub-District, Batang Hari Kab. Prov. Jambi.

It is strongly suspected that he has violated the crime of committing, ordering to commit, and participating in the act of false statement on oath as referred to in Article 242 Paragraph (1) of the Criminal Code Jo Article 55 Paragraph (1) to 1 of the Criminal Code.

Based on the results of the researcher's interview with the perpetrator, the perpetrator committed this crime because he felt safe and comfortable making money without having to work hard. The perpetrator realizes the crime that has been committed which causes harm to people and the state. Based on the results of field research and interviews with Rejang Lebong Resort and Investigator Tomy Sahri, the factors causing the criminalization of false testimony in Rejang Lebong Resort are explained:¹³

1) Economic Factors

Economic factors are the main factors that cause the criminalization of false information due to the conflict of life that must be fulfilled. By doing this the suspect can make money by means of this forgery. The suspect earned money from the false statement of money amounting to Rp.25,000,000 (twenty-five million rupiah). So this money tempted the perpetrator to commit the crime of false testimony.

2) Environmental Factors

One of the causes of the crime of false testimony is environmental factors where the environment around a person can cause a person to meet with different people, so it is the association that will determine whether a person is behaving well or badly. However, environmental factors cannot be fully said to have caused this forgery because this case occurred because people knew that the

¹³ 'Thamrin, H., Linanda, A., & Rifai, M. (2021). Juridical Analysis of the Provision of False Information in the Trial by the Police. *Collegium Studiosum Journal*, 4(1), 1-12.' (d.d.).

perpetrator could carry out the forgery, so people told him to carry out the action.

CONCLUSION

The document provides an overview of the criminology of false statements regarding sexual violence against children. It discusses the challenges related to the rule of law and the effectiveness of legal systems in addressing such crimes. The research utilizes an empirical juridical approach, combining primary data from field interviews with sources such as law enforcement agencies and victims, and secondary data from legal sources. The findings indicate that perpetrators of false statements can be held accountable under relevant criminal laws. Economic factors, such as financial gain, and environmental factors, such as social associations, contribute to the commission of these crimes. Effective law enforcement is crucial in preventing and combating sexual violence against children.

BLIBLIOGRAPHY

- A. Mukthie Fadjar, *Types of State Law* (Malang: Bayumedia Publising, 2015), p.1' (d.d.).
- Adami Chazawi, 2013. *Lessons in Criminal Law Part I*, Jakarta: King. Grafindo Persada.' (d.d.).
- Amirudin and Zainal Asikin, 2014. *Introduction to Legal Research Methods*, Raja Grafindo Persada, Jakarta.' (d.d.).
- Bambang Waluyo, 2014. *Criminal and Punishment*, Jakarta: Sinar Grafika.' (d.d.).
- Dharmawan, A., Nugroho, D. A., & Ramadhan, A. A. (2022). Notary Liability for Deed Minute Made Based on False Information of the Attendants. *Journal of Education And Development*, 10(3), 73-77.' (d.d.).
- Hamdan, 2017. *Criminal Law Politics*, Jakarta: PT Raja Grafindo Persada.' (d.d.).
- Ismu Gunadi and friends, 2016. *Quickly and Easily Understand Criminal Law*, Jakarta: Prestasi Pustaka.' (d.d.).
- P.A.F. Lamintang, 2017. *Basics of Indonesian Criminal Law*, Citra Adtya Bakti, cet. III.' (d.d.).
- Parwata, I. P. G., & Dahana, C. D. (2022). Notary Liability for Discrepancies in the Price of Land Lease Transactions Based on False Statements of the Attendants. *Acta Comitas: Journal of Notarial Law*, 7(01).' (d.d.).
- Roni, Wiyanto, 2018. *Principles of Indonesian Criminal Law*, Bandung: CV Mandar Maju.' (d.d.).
- Soejono, 2016. *Crime and Law Enforcement in Indonesia*, Jakarta: PT Rineka Cipta.' (d.d.).
- Sujarweni, V. Wiratna. 2014. *Research Methods: Complete, Practical, and Easy to Understand*. Yogyakarta: New Library Press.' (d.d.).
- Thamrin, H., Linanda, A., & Rifai, M. (2021). Juridical Analysis of the Provision of False Information in the Trial by the Police. *Collegium Studiosum Journal*, 4(1), 1-12.' (d.d.).