

Legal Analysis Of Handling The Criminal Acts Of Circulation And Use Of Counterfeit Rupiah Curriculum (Research Study At The Kepri Regional Police)

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Legal Analysis Of Handling The Criminal Acts Of Circulation And Use Of Counterfeit Rupiah Curriculum (Research Study At The Kepri Regional Police)

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Abstract. *This thesis discusses the handling of criminal acts of using and circulating counterfeit rupiah banknotes, with a focus on law enforcement efforts by the Riau Islands Regional Police. This research is motivated by the increasing cases of counterfeit rupiah banknotes in the Riau Islands which cause significant losses to the community and threaten regional economic stability. The main objective of this study is to analyze the effectiveness of law enforcement carried out by local police, as well as to identify and overcome obstacles faced in the process. The research method used is a qualitative approach, with data collection techniques through in-depth interviews, participatory observations, and documentation studies. The sample of this study consisted of police officers, legal experts, and victims of counterfeiting money. Data analysis was carried out using content analysis techniques to interpret the collected data, based on the framework of the theory of legal certainty from Sudikno Mertokusumo, the theory of legal systems from Lawrence M. Friedman, and the theory of Crime Prevention Through Environmental Design (CPTED). The results show that law enforcement against rupiah counterfeiting in the Riau Islands faces several major obstacles, including limited resources, inter-agency coordination problems, and a lack of adequate training for law enforcement officers. The suggestions resulting from this study include increasing the allocation of resources, both in the form of equipment and training for officers, as well as strengthening cooperation between institutions involved in law enforcement, to increase effectiveness in identifying, preventing, and cracking down on the crime of using and circulating counterfeit money.*

Keywords: Money Counterfeiting, Law Enforcement, Police.

1. INTRODUCTION

Handling of criminal acts of circulation and use of counterfeit rupiah in the jurisdiction of the Riau Islands regional police is still ineffective, especially in terms of eradicating criminal acts involving organized and sophisticated crime networks, so it has not touched on intellectual actors. The circulation and use of counterfeit rupiah not only harms individuals or institutions that are direct victims, but also has the potential to damage national economic stability if not handled properly.

Several cases of counterfeiting of rupiah currency handled by the Riau Islands Police (Kepri), especially in the jurisdiction of the Tanjung Pinang District Court, namely Case Number: 136/Pid.Sus/2020/PN Tpg with the defendant IRFAN YUSA alias IPAN Bin M. YUSUF, who had "distributed and/or spent Rupiah which he knew was counterfeit". Based on the results of the examination by the Medan Branch of the Indonesian Police Criminalistics Laboratory, Lab Number: 10755/DUF/2019 dated October 7, 2019, it was stated that 4 (four) sheets of rupiah currency in denominations of Rp. 50,000.- (fifty thousand rupiah) brought by the defendant were declared counterfeit.

Furthermore, there is also a tendency that information obtained from arrested perpetrators is not utilized optimally to further dismantle counterfeiting operations. Perpetrators who are willing to cooperate with law enforcement, or who have the potential to become whistleblowers, are often not given adequate incentives or protections to encourage them to reveal important information about their networks. This lack of protection poses a significant risk to perpetrators who want to cooperate, and ultimately hinders efforts to uncover larger networks.

The role of the police in enforcing the law against the crime of circulation and use of counterfeit rupiah is very crucial and multifaceted. As the main law enforcement agency, the police are tasked with detecting, investigating, and prosecuting perpetrators of counterfeiting, which not only harms the economy but also disrupts public trust in the financial system. In carrying out their duties, the police conduct intelligence operations to identify counterfeiting networks, work with financial institutions and Bank Indonesia to identify and analyze counterfeit money in circulation, and educate the public on how to recognize the characteristics of counterfeit money.

According to Article 4 paragraph (1) of Law Number 6 of 2009 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2008 concerning the Second Amendment to Law Number 23 of 1999 concerning Bank Indonesia to Become Law, the so-called Central Bank is a state institution that has the authority to issue legal tender from a country, formulate and implement monetary policy, regulate and maintain the smooth running of the payment system, regulate and supervise banking, and carry out the function as lender of the last resort. The Central Bank in question has the objective of achieving and maintaining the stability of the rupiah and does not carry out intermediation activities as is generally done by banks.

Business actors in the trade sector are required to implement the use of rupiah in every payment transaction which is their main activity. Activities in the economic sector that are carried out continuously are activities as a livelihood, not incidental, and not part-time work. For domestic trade business actors, this obligation does not become an obstacle to their business activities, even providing certainty of purchase price and selling price for traded goods without any difference in value of loss against profit from the capital being worked on.

Therefore, a legal analysis of the handling of criminal acts of circulation and use of counterfeit rupiah is very important. The Riau Islands Police, as one of the law enforcement institutions, has a very important role in handling this crime. Given the strategic geographical position of the Riau Islands and the special challenges that may be faced, this study aims to analyze how the Riau Islands Police handles the crime of counterfeiting Rupiah.

Based on the background description above, the author raises several problems that will be discussed further. The problems are as follows:

- a) How is the legal regulation of the crime of circulation and use of counterfeit rupiah currency?
- b) How is the implementation of law enforcement of the crime of circulation and use of counterfeit rupiah currency in the Riau Islands?
- c) What are the obstacles and efforts to implement law enforcement of the crime of circulation and use of counterfeit rupiah currency in the Riau Islands?

Based on the formulation of the problem stated above, it can be seen that the objectives of this research are:

- a) To find out and analyze the legal regulations on the crime of circulation and use of counterfeit rupiah.
- b) To find out and analyze the implementation of law enforcement on the crime of circulation and use of counterfeit rupiah in the Riau Islands.
- c) To find out and analyze the obstacles and efforts to implement law enforcement on the crime of circulation and use of counterfeit rupiah in the Riau Islands.

2. LITERATURE REVIEW

The police have an important role in realizing security and comfort in community life, the police are an institution that protects the community in all kinds of social conditions. The role of the police can be said to be an aspect of the position related to its position as a protector of the community. According to Law Number 2 of 2002 concerning the Indonesian Police, the definition of the Police is all matters relating to the functions and institutions of the police in accordance with laws and regulations. The police have the meaning as an organ and function, namely as a government organ with the task of supervising, if necessary using coercion so that those who are ordered to carry out the agency do not carry out the prohibitions of the order.

According to Sitorus as quoted by Satjipto Rahardjo, roles can be divided into 4 types:

- a) Achieved role, namely a role that can only be obtained through certain efforts. This role is born from a person's individual abilities
- b) Innate role (acriber role), namely a role that is obtained automatically not because of effort. For example, a prince will one day become a king because of hereditary factors from his parents who are kings.
- c) Expected role, namely a role that is carried out in accordance with provisions that have been jointly determined. This type of role is usually carried out by law enforcement officers and government officials.
- d) Adapted role (actual role), namely a role that is adjusted according to the situation or conditions that are occurring.

Based on the views of several experts, the definition of the police seems to have similarities with each other, although the variations in language words in expressing the meaning or understanding of the police are different, these differences do not affect the true meaning of the main police, namely: as protectors, guardians of society by devoting all efforts to creating a safe country and free from all disturbances of criminal acts that can harm society.

According to Sadjipto Rahardjo, the division of the main tasks of the police based on the substance of the main tasks and the sources underlying the main tasks are as follows: The substance of the main task of maintaining public security and order is derived from the general obligation of the police to guarantee public security. While the substance of the main task of enforcing the law is derived from the provisions of certain other laws and regulations. Furthermore, the substance of the main task of the Republic of Indonesia Police to provide protection, shelter, and service to the community is derived from the position and function of the police as part of the function of state government which is essentially a public service that is included in the general obligations of the police.

This means that all state police officers without exception have been involved in investigative tasks, which in essence are one of the many areas of duty specified in Law Number 8 of 1981 concerning Criminal Procedure Law, which is closely related to other duties, namely as a whole effort by law enforcers to make a perpetrator of a crime accountable for his behavior according to criminal law before a judge. Article 55 of the Criminal Code states that all of these parties, whether they commit direct acts or those who

assist, order, or become intellectual actors, can be considered responsible for the criminal acts that occur. This law ensures that anyone involved in designing, encouraging, supporting, or physically committing a crime can be punished, reflecting the understanding that criminal acts often involve more than one person and various levels of involvement.

3. RESEARCH METHOD

The approach method in this study is a combination of the normative approach "legal research" with the empirical approach method "Juridical Sociologies". The research mechanism with this combined approach method is carried out by describing the explanation of the inductive research method leading to the deductive method and vice versa. This is done by the author to help explain the relationship between research variables and research objects so that it can produce an understanding that is very helpful for readers, especially researchers and academics.

The location of this research is carried out in the Riau Islands Province, precisely at the Riau Islands Regional Police. This location is determined based on the data that is the object of this thesis research. The population is all elements related to the research object. The sample used by the researcher is a random technique to find out for sure related to the research to be studied. As for the sample used by the author is a purposive sampling technique in determining respondents and informants who will be interviewed to meet the primary data needed to complete the research.

This type of research is included in the combined research category between normative legal research (library research) and observational research, while in terms of its nature it is analytical, where the author makes efforts to explore verbal data sourced from literature obtained by the author in the library and data obtained in the field, then analyzed to obtain conclusions deductively. As data and data sources used in this study are primary data and secondary data.

In this study, data analysis is carried out qualitatively by describing the research, then conducting a comparison between the data and legal theories, legal experts and laws and regulations, where the analysis begins with data collection, data processing and finally data presentation. While the conclusion drawing will use the deductive method, namely the author takes data, statements, opinions, which are general in nature and then draws specific conclusions.

4. RESULTS AND DISCUSSION

A. Legal Regulations on Criminal Offenses in the Circulation and Use of Counterfeit Rupiah Currency

The Republic of Indonesia is a state based on law (rechstaats) not a state based on power or arbitrariness. Therefore, everything related to state activities in terms of economy, politics, social, culture will be regulated by law. As written in the objectives of the state in the opening of the 1945 Constitution that the state aims to protect all Indonesian people, advance public welfare, educate the nation's life and participate in implementing world order. In terms of advancing public welfare (people) of course the state has regulations so that these objectives can be achieved properly. In everyday life, humans cannot be separated from economic activities. This economic activity is an activity that involves more than one individual or one organ. Therefore, the formation of the running of economic activities is an organ (individuals and or corporations in more than one number) that need each other and complement each other in the process of economic activities, economic actors who interact with each other cause economic transactions.

Law Number 7 of 2011 concerning Currency establishes important regulations related to counterfeiting of rupiah in Indonesia, including the regulation of criminal acts and the role of related institutions in handling them. Article 36 of Law Number 7 of 2011 concerning Currency regulates in detail the crime of counterfeiting currency. Perpetrators who counterfeit rupiah or use counterfeit rupiah can be punished with a maximum imprisonment of ten years and/or a maximum fine of ten billion rupiah. This article also includes penalties for those who import, export, store, or distribute counterfeit rupiah, with increasingly severe sanctions depending on the aspect of the action.

Once the police have gathered sufficient evidence and named a suspect, the responsibility then shifts to the prosecutor's office. The prosecutor's office plays a role in prosecuting the perpetrator in court. The prosecutor's office reviews the evidence presented by the police and prepares an indictment against the perpetrator, with the aim of bringing them to trial. The prosecutor's office is also tasked with presenting the case to the judge, explaining the details of the crime committed, and proposing an appropriate sentence based on the losses caused by the crime.

B. Implementation of Law Enforcement of Criminal Acts of Circulation and Use of Counterfeit Rupiah in the Riau Islands

implementation of law enforcement against the crime of circulation and use of counterfeit rupiah in the Riau Islands faces a number of challenges that make it less than optimal. The following is a discussion of aspects that contribute to obstacles in law enforcement in this region, based on the existing legal structure and local socio-economic conditions. First, the geography of the Riau Islands, which consists of many islands, makes it difficult to coordinate and effectively supervise the circulation of counterfeit money. This large and fragmented area provides many opportunities for perpetrators to distribute counterfeit money without being detected. Limited access to some areas also hinders a quick response by law enforcement officers when there are reports of counterfeit money activities. In addition, limited resources, such as the lack of modern equipment to detect counterfeit money and trained personnel, worsen the situation, making criminals feel freer to operate.

Lack of knowledge or in-depth understanding of Law Number 7 of 2011 on Currency among local law enforcement officers often leads to ineffective handling of counterfeiting cases. This problem arises because many officers have not received specific training or regular updates on changes in applicable regulations or enforcement techniques. As a result, they may not fully understand how to identify or respond appropriately to violations of this law. For example, officers may not know the type of evidence needed to secure a trial or the procedures to follow when arresting a perpetrator.

Poor communication between law enforcement agencies and overlapping authorities are often major obstacles to efficient and effective operational management, particularly in the context of law enforcement against complex crimes such as currency counterfeiting. Lack of clear and structured communication can lead to confusion about the responsibilities and duties of each agency. Without proper communication coordination, critical information may not be distributed properly, resulting in duplication of efforts and difficulty in taking appropriate and timely action.

C. Obstacles and Efforts to Implement Law Enforcement on Criminal Acts of Circulation and Use of Counterfeit Rupiah in the Riau Islands

Addressing these barriers requires a comprehensive approach, including increased investment in technology and training, as well as strengthening inter-agency cooperation. Developing better surveillance infrastructure and information exchange

systems between agencies could improve the effectiveness of law enforcement in the Riau Islands. In addition, a multi-disciplinary and multi-sectoral approach, involving local communities in crime prevention efforts, could also help reduce counterfeiting incidents in the region.

One important step is to improve the human resources and technology available to law enforcement. This includes providing modern equipment to detect counterfeit money, such as sophisticated scanners and analysis software. In addition, it is important to provide regular training for law enforcement officers on the latest techniques in financial investigations and handling counterfeit money. This training should also include legal and forensic aspects to ensure that investigations and prosecutions of cases are carried out to a high standard and in accordance with applicable legal procedures.

Implementation of these strategies requires commitment and cooperation from all stakeholders involved. Increasing public awareness and understanding of the dangers and consequences of counterfeiting also needs to be improved, so that all elements of society can contribute to preventing and handling this crime. With a holistic and integrated approach, it is hoped that obstacles to law enforcement can be overcome, thus creating a safer environment from counterfeiting crimes in the Riau Islands.

5. CONCLUSION AND SUGGESTION

A. Conclusion

Based on the discussion in the previous chapter, the following conclusions can be drawn:

- a) The legal regulation of the crime of circulation and use of counterfeit rupiah in Indonesia is regulated in Law Number 7 of 2011 concerning Currency, which regulates various aspects ranging from printing, circulation, to withdrawal of money from circulation, by setting severe penalties for perpetrators who counterfeit currency or are involved in its circulation. The penalties include fines of billions of rupiah and imprisonment of up to life, depending on the gravity of the violation and the role of the individual in the criminal network.
- b) The implementation of law enforcement against the crime of circulation and use of counterfeit rupiah in the Riau Islands has not been optimal because the operational effectiveness in identifying, arresting, and prosecuting perpetrators of crimes only focuses on the perpetrators but does not touch the intellectual actors who act behind the crime of counterfeiting rupiah, for this reason significant investment is needed in

technology and human resources, increased coordination and communication between law enforcement agencies, and the development of strategies that involve the community in prevention efforts.

- c) Obstacles to the implementation of law enforcement on the circulation and use of counterfeit rupiah in the Riau Islands are the geographical challenges of the archipelago which complicate supervision, limited resources such as the lack of sophisticated detection equipment and trained personnel, and the problem of inefficient coordination between various law enforcement agencies. To overcome these obstacles, it is necessary to increase investment in monitoring technology and education for officers, strengthen cooperation and communication between institutions through more structured mechanisms, and implement prevention strategies such as CPTED to reduce criminal activities.

B. Suggestion

From this conclusion, the author can provide several suggestions, namely:

- a) It is recommended that related institutions improve cooperation and coordination in the exchange of information and resources. It is recommended that a joint command center be established that facilitates joint operations and real-time data exchange. This center can enable a faster and more efficient response to criminal activities, as well as minimize duplication of efforts in investigations and prosecutions.
- b) It is recommended that the public be given more in-depth education on how to identify counterfeit rupiah and the importance of reporting suspicious activities to the relevant authorities. Community programs or cooperation with educational institutions for outreach can increase public awareness and help prevent the circulation of counterfeit money. These initiatives will help build a strong community surveillance network that can support law enforcement efforts.
- c) It is recommended that the Government allocate sufficient funds for the renewal of law enforcement equipment and the development of technological infrastructure that supports the detection and prevention of financial crimes. In addition, the government also needs to focus on ongoing training programs for law enforcement officers that cover the legal, technical, and forensic aspects related to counterfeiting. Increasing these resources is essential to address the limitations that currently hamper the effectiveness of law enforcement in the Riau Islands.

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