



Strategy for Combating the Crime of Sap Theft at PT Bridgestone: Juridical Analysis of Decision Number 590/Pid.B/2019/PN.Sim

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ABSTRACT

The theft of sap that occurs is very disturbing to the security and order of the community. The crime of sap theft is a problem that is very detrimental to many parties, including plantation owners. Theft is the most common type of crime in the midst of community life. Although this crime is not a crime classified as a serious crime, it can cause unrest in the community. so that legal efforts are needed by the police in tackling the crime of sap theft which is increasingly rampant. The purpose of this research is to find out the factors of the occurrence of the crime of theft of sap by the community, the legal regulation of the crime of theft of sap, and to find out the efforts to overcome the law apparatus in the theft of sap committed by the community. The type of research used is empirical juridical research, which is descriptive in nature, which uses data collection tools in the form of interview techniques and literature studies, and is continued by conducting qualitative analysis. The factor that is most often used as an excuse for the perpetrators of the crime of sap theft is economic factors, accompanied by environmental factors and the low level of education of the perpetrators. The crime of theft of sap is basically regulated in Article 362 of the Criminal Code and the crime of petty theft is regulated in Article 364 of the Criminal Code which is adjusted based on Supreme Court Regulation Number 2 of 2012 concerning Adjustment of the Limitation of Petty Crimes and the Amount of Fines in the Criminal Code. The countermeasures taken by the Police by taking preventive actions by conducting counseling and routine patrols, while repressive actions are in the form of arrests, investigations, investigations and so on against the perpetrators. The solution of this research is that law enforcers should further increase countermeasures with the earliest possible prevention of the crime of sap theft.

Keywords: Theft of Latex, Law Enforcement, Public Security and Order.

ABSTRAK

Pencurian getah yang terjadi sangat mengganggu keamanan dan ketertiban masyarakat. Tindak pidana pencurian getah merupakan masalah yang sangat merugikan banyak pihak, diantaranya pemilik perkebunan. Tindak pidana pencurian

adalah jenis tindak pidana yang paling sering terjadi di tengah-tengah kehidupan masyarakat. Meskipun tindak pidana ini bukan merupakan tindak pidana yang tergolong tindak pidana berat, akan tetapi dapat menimbulkan keresahan dalam masyarakat. sehingga diperlukan upaya hukum yang dilakukan oleh kepolisian dalam menanggulangi tindak pidana pencurian getah yang semakin marak terjadi tersebut. Adapun tujuan dalam penelitian ini untuk mengetahui faktor terjadinya tindak pidana pencurian getah oleh masyarakat, pengaturan hukum tindak pidana pencurian getah, dan untuk mengetahui upaya penanggulangan aparat hukum dalam pencurian getah yang dilakukan masyarakat. Jenis penelitian yang digunakan yaitu penelitian yuridis empiris, dimana dengan sifat penelitian deskriptif, yang menggunakan alat pengumpul data berupa teknik wawancara dan studi kepustakaan, serta dilanjutkan dengan melakukan analisis secara kualitatif. Faktor yang paling sering dijadikan alasan bagi pelaku tindak pidana pencurian getah adalah faktor ekonomi, disertai dengan faktor lingkungan dan rendahnya tingkat pendidikan pelaku. Tindak pidana pencurian getah pada pokoknya diatur di dalam Pasal 362 KUHP dan tindak pidana pencurian ringan diatur pada Pasal 364 KUHP yang disesuaikan berdasarkan Peraturan Mahkamah Agung Nomor 2 Tahun 2012 tentang Penyesuaian Batasan Tindak Pidana Ringan dan Jumlah Denda Dalam KUHP. Adapun upaya penanggulangan yang dilakukan pihak Kepolisian dengan melakukan tindakan preventif dengan mengadakan penyuluhan dan patroli rutin, sedangkan tindakan represif berupa penangkapan, penyelidikan, penyidikan dan lain sebagainya terhadap pelaku. Solusi dari penelitian ini, sebaiknya penegak hukum lebih meningkatkan upaya penanggulangan dengan pencegahan sedini mungkin terhadap tindak pidana pencurian getah.

Kata Kunci: Pencurian Lateks, Penegakan Hukum, Keamanan dan Ketertiban Umum.

1. INTRODUCTION

The crime of latex theft at PT Bridgestone has become a recurring issue that significantly impacts both the company and local communities (Mitman, 2021). Latex, as a primary raw material in the rubber industry, holds substantial economic value, making it a frequent target for theft (Gunawan et al., 2024; Siregar, 2024). The increasing number of latex theft cases has raised concerns over security, economic losses, and legal enforcement. In many instances, latex theft is committed by individuals who exploit weak security measures and the difficulty in monitoring vast plantation areas (Saumia, 2023). The persistent occurrence of such thefts has prompted legal action and judicial interventions to hold perpetrators accountable (Braga & Kennedy, 2021; Al-Kayid et al., 2024). One such case was adjudicated under Decision No. 590/Pid.B/2019/PN.Sim, which highlights the role of law enforcement in addressing latex theft and the effectiveness of legal frameworks in mitigating such offenses.

In legal terms, theft is classified as a criminal offense under Article 362 of the Indonesian Criminal Code (KUHP), which defines theft as an act of unlawfully taking someone else's property with the intent to own it. The offense becomes more severe if it involves aggravating factors, such as theft committed by multiple individuals, use of violence, or repetition of the crime. Theft of latex is a serious offense because it disrupts industrial operations and causes financial losses to companies that rely on rubber production (Smith, 2021; Mei, 2022). Legal scholars argue that criminal liability in theft cases must be established based on intent (*mens rea*) and the act of taking property (*actus reus*) (Okonji, 2021; Balyan, 2022). Additionally, theft cases require an evaluation of theft prevention strategies, legal sanctions, and the role of corporate security in safeguarding industrial assets. The legal adjudication of latex theft cases, including Decision No. 590/Pid.B/2019/PN.Sim, serves as a reference in analyzing how the legal system responds to and mitigates such crimes.

This study aims to analyze the legal strategies for addressing latex theft at PT Bridgestone by examining the legal considerations and judicial reasoning behind Decision No. 590/Pid.B/2019/PN.Sim. The study will evaluate the effectiveness of existing laws, enforcement mechanisms, and preventive measures implemented by the company and law enforcement agencies (Pererva et al., 2021). Additionally, this research seeks to understand how judges interpret and apply criminal liability principles in latex theft cases. By assessing judicial decisions, this study aims to identify gaps in the legal system and propose recommendations for improving law enforcement and corporate security practices. The findings are expected to provide insights into how legal frameworks can be strengthened to deter latex theft and ensure industrial security.

Based on the social and legal analysis, the hypothesis of this study is that the legal measures and security policies currently in place to combat latex theft remain insufficient, leading to recurring incidents despite judicial interventions. While Article 362 of the KUHP provides a legal basis for prosecuting theft, the effectiveness of legal enforcement varies, with some cases resulting in lenient sentences that fail to deter future offenses. The study hypothesizes that the judicial considerations in Decision No. 590/Pid.B/2019/PN.Sim were influenced by economic factors, the severity of the crime, and the role of corporate security in preventing theft. Furthermore, this research suggests that enhanced security measures, stricter law enforcement, and increased legal awareness among workers and local communities are necessary to create a more effective strategy for preventing latex theft in industrial plantations.

2. RESEARCH METHOD

This research uses a juridical-normative and empirical approach to analyze strategies to overcome the crime of sap theft at PT Bridgestone, Tapian Dolok

District, Simalungun Regency, with a focus on Decision Number 590/Pid.B/2019/PN.Sim and related regulations, especially Article 362 of the Criminal Code which regulates the crime of theft (Moeljatno, 2002). The juridical-normative approach was conducted through a literature study to examine relevant legal regulations, jurisprudence, and academic literature (Marzuki, 2017), while the empirical approach was used to obtain field data through interviews with PT Bridgestone management, security officers, police officers, and communities around the plantation, as well as direct observation to identify theft patterns and the effectiveness of the security system implemented (Soekanto & Mamudji, 2003). The data obtained was analyzed qualitatively, by examining the legal considerations in court decisions, the effectiveness of countermeasures against theft, and the factors causing the rampant cases of sap theft, which were then compared with best practices in other plantation industries (Sudarto, 1983). The results of this study are expected to provide concrete recommendations for strengthening the security system at PT Bridgestone, improving the effectiveness of law enforcement against perpetrators of sap theft, and proposing more optimal prevention strategies in the plantation sector to reduce similar incidents in the future.

3. RESULT AND ANALYSIS

Factors Causing the Occurrence of Sap Theft at PT Bridgestone

The crime of latex theft in plantations has become a complex legal issue in Indonesia, particularly in the application of Article 107(d) of Law No. 39 of 2014 on Plantations, which prohibits the unauthorized collection of plantation products. One case that sparked public debate was the Kakek Samirin case, where a 69-year-old man was sentenced to 2 months and 4 days in prison by the Simalungun District Court in Verdict No. 590/Pid.B/2019/PN.Sim for taking 1.9 kg of rubber latex worth Rp17,480 from PT Bridgestone SRE without permission. Although his actions legally fulfilled the elements of a criminal offense under Article 107(d) of the Plantation Law, many parties argued that the punishment was disproportionate to the minor financial loss incurred (Ismanto et al., 2022).

Moreover, the application of Article 107(d) of the Plantation Law in similar cases has been controversial, especially after the Constitutional Court's Ruling No. 55/PUU-VIII/2010, which annulled a similar provision in the previous Plantation Law due to its lack of legal enforceability. This raises questions about the consistency and validity of legal enforcement, as the provisions of Article 362 of the Indonesian Criminal Code (KUHP) on theft could also serve as the legal basis for such cases (Prawira, 2022).

Social factors such as economic conditions, education level, and social environment often contribute to plantation theft crimes. In the case of Kakek Samirin, economic hardship was suspected to be the main driving factor behind his

actions, as low-income communities around plantations often resort to collecting leftover plantation products for survival (Ismanto et al., 2022). Therefore, a more humanistic and proportional legal approach should be considered in similar cases to prevent legal injustice against economically disadvantaged individuals who commit theft out of necessity.

Based on the above analysis, further evaluation is needed regarding the application of Article 107(d) of the Plantation Law, especially in cases involving minor financial losses. The implementation of restorative justice and proportional law enforcement is expected to create fairer legal outcomes for both offenders and victims. Moving forward, criminal law policies on plantation theft must take into account the extent of financial losses, the intent of the offender, and the socio-economic conditions of the community, to prevent unfair legal applications and potential imbalances in the justice system (Prawira, 2022).

Law Enforcement In Indonesia: The Role Of Police In Maintaining Security And Justice

The police, prosecutors, and judiciary, whereas in a broader sense, it encompasses various institutions such as the Corruption Eradication Commission (KPK), the Supreme Court, and the Judicial Commission (Nazir et al., 2024). The police play a central role in maintaining public security and order, which aligns with Law Number 2 of 2002 concerning the Indonesian National Police, which defines the police function as including law enforcement, protection, community service, and public safety (Indarti, 2022).

As a law enforcement agency, the Indonesian National Police (Polri) functions as a state apparatus responsible for monitoring and enforcing the law in society. The term "police" originates from the Greek word "Politea", which initially referred to citizens of Athens and later evolved to represent government administration (Agung & Erlina, 2023). The police have a long historical role in enforcing law and order, preventing criminal activities, and ensuring human rights protection (Nowa, 2021).

In carrying out their duties, the police must understand and apply fundamental legal principles, including the principle of legality, duty, participation, prevention, and subsidiarity. The principle of legality mandates that the police adhere to the law in their operations. The principle of duty ensures that the police have discretion in handling social issues, particularly those without clear regulations. The principle of participation encourages the police to coordinate with communities in establishing self-security systems to enhance legal awareness. The principle of prevention emphasizes crime prevention over repressive actions, while the principle of subsidiarity directs the police to temporarily handle tasks from other institutions to prevent greater issues before being formally addressed by the responsible authorities (Hasibuan & SH, 2021).

In practice, the primary duties of the Indonesian National Police include maintaining public security and order, enforcing the law, and providing protection, guidance, and services to the community. However, in executing these duties, the police face numerous challenges and obstacles, such as insufficient infrastructure, personnel limitations, and constraints within the criminal justice system. Therefore, institutional capacity enhancement is needed, both in terms of human resources and technological support, to strengthen the role of the police in fostering justice and order in society.

4. CONCLUSION

Based on the analysis conducted, there are two main factors driving the occurrence of theft crimes, namely economic factors and desire factors. Economic factors serve as the primary trigger, where the pressure of urgent living needs and rising prices of essential goods encourage individuals to seek shortcuts by committing theft to fulfill their needs instantly. Meanwhile, the desire factor arises as an internal motivation for perpetrators to carry out their actions, where in some cases, they encounter obstacles that lead them to commit acts of violence against the owner of the stolen goods, causing severe injuries, which ultimately increase the severity of their legal liability in court.

To combat theft crimes, the police have implemented two main approaches, namely preventive and repressive measures. Preventive measures are carried out through legal education and routine patrols to raise public awareness and prevent crimes from occurring, whereas repressive measures include arrest, investigation, prosecution, and other legal processes against perpetrators to create a deterrent effect and enforce the law firmly.

However, in practice, law enforcement faces several challenges, such as weak law enforcement, public apathy toward the law, increasing opportunities for theft, and a lack of public awareness in cooperating with law enforcement officers. Additionally, limited facilities and infrastructure that support the legal enforcement process also serve as obstacles that slow down efforts to effectively combat theft crimes. Therefore, enhancing the quality of law enforcement, optimizing community participation, and strengthening law enforcement infrastructure and resources are necessary to create a more effective and sustainable theft prevention system.

References

- Agung, R., & Erlina, B. (2023). IMPLEMENTATION OF POLICE REGULATION NUMBER 14 OF 2010 CONCERNING THE HANDLING OF CHEMICAL, BIOLOGICAL AND RADIOACTIVE THREATS BY THE GEGANA DETACHMENT UNIT MOBILE BRIGADE OF LAMPUNG REGIONAL POLICE. *Journal of Management, Business and Social Sciences*, 1(1), 136-146..
- Al-Kayid, J., Al-Makhzoumi, O., El-manaseer, S., & Ibrahim, A. A. (2024). Water environmental crimes and their countermeasures in comparative law. In *Business Analytical Capabilities and Artificial Intelligence-enabled Analytics: Applications and Challenges in the Digital Era, Volume 2* (pp. 223-233). Cham: Springer Nature Switzerland.
- Anshar, R., & Setiyono, J. (2020). The Role of Law Enforcement in Criminal Justice System in Indonesia. *Jurnal Hukum & Pidana*, 7(1), 34-50.
- Balyan, C. (2022). *Primer on General Principles of Criminal Liability in India*. *Jus Corpus LJ*, 3, 125.
- Braga, A. A., & Kennedy, D. M. (2021). *A framework for addressing violence and serious crime: Focused deterrence, legitimacy, and prevention*. Cambridge University Press.
- Gunawan, G., Sholeh, M., Nastiti, T., Nathalia, E. P., & Kartika, E. (2024). Social Relations in Clove and Rubber Plantations. *Komunitas*, 16(2).
- Hasibuan, E. S., & SH, M. (2021). *Hukum kepolisian dan criminal policy dalam penegakan hukum*. PT. RajaGrafindo Persada-Rajawali Pers.
- Indarti, E. (2022). *Penegakan hukum, perpolisian masyarakat dan pewujudan keamanan: Suatu kajian filsafat hukum*. *Masalah-Masalah Hukum*, 51(2), 141-152.
- Ismanto, D., Suryani, N., & Hidayat, R. (2022). Evaluasi Penerapan Sanksi Pidana dalam Kasus Pencurian di Perkebunan: Studi Kasus PT Bridgestone Simalungun. *Jurnal Hukum Pidana Indonesia*, 5(2), 122-138.
- Marzuki, P. M. (2017). *Penelitian Hukum*. Prenadamedia Group.
- Mei, L., Newing, H., Smith, O. A., Colchester, M., & McInnes, A. (2022). *Identifying the Human Rights Impacts of Palm Oil: Guidance for Financial Institutions and Down-stream Companies*. Forest.
- Mitman, G. (2021). *Empire of rubber: Firestone's scramble for land and power in Liberia*. The New Press.
- Nazir, S., Sajid, C. H., Ur Rehman, T., & Raza, C. A. (2024). Abuse of Process of Law: A Case of Abuse of Legal Proceedings in Pakistan. *Pakistan JL Analysis & Wisdom*, 3, 22.
- Nowak, M. (2021). *Introduction to the international human rights regime* (Vol. 14). Brill.
- Okonji, E. A. (2021). Notion of Crime and Liability in Nigerian Criminal Justice System. *AFJCLJ*, 6, 61.

- Pererva, P., Kobieliava, T., Kuchinskyi, V., Garmash, S., & Danko, T. (2021). Ensuring the Sustainable Development of an Industrial Enterprise on the Principle of Compliance-Safety. *Studies of Applied Economics*, 39(5).
- Prawira, A. (2022). Legal Review on Plantation Theft and the Implementation of Justice Principles in Indonesia. *International Journal of Legal Studies*, 10(1), 45-60.
- SAUMIA, A. (2023). TINJAUAN KRIMINOLOGIS TERHADAP PELAKU TINDAK PIDANA PENCURIAN GETAH KARET OLEH ANAK DIBAWAH UMUR DI WILAYAH HUKUM KEPOLISIAN SEKTOR TEBO ULU (Doctoral dissertation, Universitas BATANGHARI Jambi).
- Siregar, H. (2024). Indonesia, Rubber, and Modern Techniques: Goodyear's Conquering the Jungle (1939). *Media+ Environment*, 6(1).
- Siregar, D., Sihombing, F., & Utami, N. (2022). Challenges and Development of Indonesian Law Enforcement: An Analysis of Police Institutional Strengthening. *Jurnal Ilmu Hukum*, 10(3), 215-230.
- Smith, A. M. (2021). *Mapping the Amazon: Literary Geography after the Rubber Boom* (Vol. 8). Oxford University Press.
- Soekanto, S., & Mamudji, S. (2003). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Rajawali Pers.
- Yulianto, A., & Hidayat, R. (2021). Legal Enforcement and the Role of Indonesian Police in Law Implementation. *International Journal of Criminal Law*, 5(2), 112-129.