

Implementation of Guidance for Prisoners of Motorcycle Theft in Class I Medaeng Surabaya Correctional Facility

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Abstract

Introduction to the Problem: It can be seen that Crime Clearance (CC) or the number of criminal offenses resolved is smaller than Crime Total (CT) or the total number of criminal offenses that occurred, so it can be concluded that the level of crime has increased quite drastically from 2021 to 2022.

Purpose/Study Objectives: This research was conducted to find out how coaching is carried out for convicts of motorcycle theft at the Medaeng Surabaya Class I Detention Center.

Design/Methodology/Approach: This research is an empirical research where the analysis is carried out based on data and facts obtained from interviews and field observations regarding a legal event, in this case coaching as well as obstacles and efforts made at the Medaeng Surabaya Class I Detention Center.

Findings: The coaching carried out at the Medaeng Surabaya Class I Correctional Institution is less than optimal, but the handling is in accordance with Law No. 12 of 1995 concerning Corrections, the implementation of which is regulated by Government Regulation No. 31 of 1999 concerning the Guidance and Guidance of Prisoners. Class I Medaeng Surabaya Correctional Institution officers have made repressive and preventive efforts including the application of disciplinary sanctions, improving the quality of officers, improving the quality of facilities and infrastructure and improving the quality of cooperation with other agencies.

Paper Type: Research Article

Keywords: Coaching; Theft; Motorcycle



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Introduction

The 1945 Constitution confirms that the Republic of Indonesia is a state based on law (*rechtstaat*). As a state of law, Indonesia always upholds human rights and guarantees all citizens equal status in the law and government with no exceptions.

Ideally as a state of law, Indonesia adheres to a system of legal sovereignty over the rule of law, namely the law has the highest power in the state. As a state of law, Indonesia adheres to one important principle, namely the principle of presumption of innocence. In addition to being found in Law No. 8 of 1981 (KUHP), this principle can also be found in Law No. 48 of 2009 on Judicial Power. (Samosir,2016)

It states that every person who is suspected, arrested, detained, prosecuted and or brought before a court session, shall be presumed innocent until there is a court decision stating his guilt and obtaining permanent legal force. Court decisions will have a human dimension if they are based on the principles of equality before the law and presumption of innocence, because these two principles contain human rights values that must also be protected and considered by law enforcers, especially for judges who have the authority to decide cases. Court decisions are an important milestone for the reflection of justice, including court decisions in the form of criminal convictions and punishments. (Syamsuddin,2014)

One form of deviation that occurs in the life of the nation and state or in the life of society is the existence of a form of criminal offense committed by the community. To determine whether or not there is a disturbance to social order is how many violations occur of laws and regulations. For example, in criminal law, the level of social order is measured by how many criminal cases are recorded and brought before the court or how many criminal cases are recorded in the penitentiary. (Harsono,1995)

Crime itself means a criminal act committed by a person, where the act can harm oneself and others. A crime is behavior that at a certain time in the context of a culture is considered intolerable and must be corrected by utilizing the means provided by criminal law. Such behavior or actions can be in the form of interference or cause harm to certain interests or legal objects. A form of criminal deviation committed by the community is an act that can disturb comfort, peace and order in the life of the community. (Ali,2012)

Efforts that can be made by the government in dealing with various forms of criminal deviations are to form a legal product that can uphold justice and become a means of protection for the community based on criminal law. The perpetrators of criminal acts or crimes will receive criminal sanctions in the form of deprivation of liberty so that it is expected to have a deterrent effect on the perpetrators of criminal acts or crimes. Criminal sanctions in the form of deprivation of liberty can be divided into several types, namely imprisonment and confinement. The convicts or prisoners who enter the Correctional Institution will receive guidance and to sensitize the perpetrators of the crime itself is done through the role of the Correctional Institution.

Guidance is an activity to improve the quality of devotion to God Almighty, intellectual, attitude and behavior, professional, physical and spiritual health of prisoners. In Law Number 12 of 1995 concerning Corrections consists of 8 Chapters and 54 Articles, including regarding coaching contained in Article 5 through Article 9 contains, among others:

- A. Based on the principles of protection, fostering treatment and services, investigation, guidance, respect for human dignity, loss of freedom is the only suffering and the right to maintain contact with family and certain people is guaranteed.
- B. Guidance is provided by LAPAS, while guidance is provided by BAPAS. Guidance in LAPAS is carried out for prisoners and correctional students. Guidance by BAPAS is carried out on conditionally convicted prisoners, juvenile offenders and state children who receive parole or leave before release, state children who based on court decisions, their guidance is passed on to foster parents or social agencies, state children who based on the decision of the minister or officials within the Directorate General of Corrections designated guidance is handed over to foster parents or social agencies. based on a ministerial decision or an official within the Directorate General of Corrections whose guidance is assigned to foster parents or social agencies and state children whose guidance is returned to their parents or guardians based on the determination of justice.

Basically, the scope of coaching can be divided into two areas, namely. (Chazawi,2016)

- A. Personality Development

- a. Personality development must be followed by all prisoners with a period of 1/3 (one-third) to 1/2 (half) of the criminal period;
- b. Especially for spiritual development must be followed by prisoners until the completion of the criminal period, while family visits can be temporarily stopped if the prisoner commits an offense);
- c. Support group is a support group for prisoners who have tested positive for HIV infection. For prisoners who have tested positive for HIV through VCT, they are offered to join this support group, this activity is in collaboration with PKBI (Indonesian Family Planning Association) and YPI (Pelita Ilmu Foundation).
- d. For prisoners who want to channel their talents in the field of art and sports can be done in the afternoon with the supervision and escort of officers.

B. Self-reliance Development

- a. Self-reliance coaching carried out includes sewing, screen printing, fiberglass sculpture making, carpentry, animal husbandry, fisheries, garden creation and maintenance, barbershop, workshop;
- b. Prisoners can also take part in computer and English skills courses. English courses and basic computer courses are held 4 (four) times a week. The teachers involved, apart from officers, are also taken from potential inmates, both Indonesian and foreign nationals who have the ability in that field.
- c. Prisoners who will participate in the independence development program have carried out 1/3 (one-third) of the criminal period;
- d. Inmates who will work or participate in the self-reliance coaching program must attend the TPP Session to determine the eligibility and ability and readiness of the inmate;
- e. The independence program followed by the inmates is adjusted to their talents and abilities as well as the available facilities;
- f. Convicts who work or follow the self-reliance coaching program that can produce a product, either a service or a product.

or certain goods are given premiums or incentives as follows:

- A. 50% as incentives for prisoners' work;
- B. 35% as a supporting fund for inmate development

C. 15% deposited to the state treasury office.

All these offenses and crimes are regulated in the form of policies and affixed to one law called the Criminal Code. Criminal law is the law that is responsible for offenses involving the public interest or actions that have met certain conditions, where these actions are punishable by criminal penalties. (Ilyas,2012)

Criminal punishment serves as a means to provide retribution against the perpetrators of crime through suffering in order to achieve the purpose of punishment. A judge in imposing punishment is based on the applicable laws and procedural laws, where in general, imprisonment is the sanction that is most often imposed because it is considered effective in deterring the perpetrators of criminal acts. (Bagaskara,2019)

In addition to these considerations, there are also other things that become recommendations for judges when deciding on the severity of the punishment imposed, namely things that are considered classical, better known as “things that alleviate the punishment” and “things that aggravate the punishment”. (Dwi,2018)

Criminalization does not only affect the person sentenced (convict), but also affects the wider community. Through a long history, in order to enforce the law in Indonesia today, imprisonment is often given as a last resort considering that criminal law is known as the last remedy in law enforcement (*ultimum remedium*). However, today the concept of imprisonment is considered not in accordance with the times so that this concept is replaced by the concept of correctional which leads to respect for human rights. (Dwi,2018)

Although prisoners are often negatively stigmatized as criminals, they are still human beings who have a social life in society. Thus, punishment is used as a forum for the guidance and education of prisoners so that it can be meaningful and useful when returned to society, as well as being able to break the negative stigma of the community who think that a former prisoner will still behave badly. (Sri,2016)

The implementation of coaching for prisoners also needs to be criticized where there is an assumption that the coaching carried out tends to just fill the free time of the prisoners, and some even term the detention house as a “Criminal

School” where “small class” prisoners will become smarter after studying with more senior prisoners.

Prisoners are not only objects but also subjects that are no different from other human beings who at any time can make mistakes or mistakes that can be subject to punishment, so they do not have to be eradicated. What must be eradicated are factors that can cause prisoners to do things that are against the law, decency, religion, or other social obligations that can be subject to punishment. The Correctional System states that the purpose of coaching is to improve the quality of prisoners in order to realize mistakes, improve themselves, and not repeat criminal acts so that after completing their punishment period they can be accepted back by the community, can actively participate in development, and can live reasonably as good and responsible citizens. (Kartono,1992)

In the research conducted by the author on previous research which tends to discuss similar cases, it is more likely to discuss how the regulation regarding the imposition of punishment for motorcycle theft and the number of motorcycle thefts, but the novelty in this research is that the research is conducted to find out how the implementation of guidance for convicts of motorcycle theft crimes in Class I Medaeng Surabaya Correctional Facility. (Mulyanto,1982)

Methodology

This type of research is empirical legal research, which is based on existing data and facts as well as laws and regulations by examining how the law works, which in this case relates to the implementation of punishment of convicted motorcycle theft offenders by Class I Medaeng Surabaya Correctional Facility. This research took place at the Medaeng Surabaya Class I Correctional Facility based on the consideration that the case regarding the guidance of motorcycle theft convicts in the Surabaya area is the authority of the Medaeng Surabaya Class I Correctional Facility. The data obtained is compiled then reviewed and conclusions are drawn regarding the relationship with the problem under study. The approach used is Socio-Legal Research, namely looking at the process of coaching prisoners at the Medaeng Surabaya Class I Correctional Institution. In principle, sociolegal studies are legal studies, which use a social science methodological approach in a broad sense. sociolegal studies are an alternative approach that tests doctrinal studies of law. (Banakar, 2005) In this type of empirical legal research, legal materials are obtained from two types,

namely primary data and secondary data. To obtain the legal materials needed in writing this thesis, the techniques used are interviews and observations.

Results and Discussion

Forms of Guidance and Mechanisms of Guidance for Prisoners Applicable in Indonesia

Coaching in correctional institutions is expected to be able to shape the personality and mentality of prisoners who are considered bad in the eyes of society to change towards a whole and in accordance with the norms and laws that apply. (Priyatno, 2006) The implementation process carried out in the Penitentiary or called LAPAS through a coaching and guidance is considered to reflect that the Indonesian State is a country that respects and upholds human rights.

Correctional Institution as the spearhead of protection paves the way for the treatment of prisoners by way of correctional system as the purpose of imprisonment and also a way to guide and foster. In the treatment of prisoners, it is to provide guidance so that prisoners become good human beings in the future and there is no possibility to become recidivist prisoners.

Correctional Institution is the last institution in the criminal justice system. The Correctional Institution serves as a place for the implementation of inmate guidance with the hope that prisoners can improve themselves and not repeat mistakes again (recidivists) so that they can be accepted back in society.

Guidance is the core of the correctional system because it aims to develop its social function with a sense of responsibility in order to adjust to society.

The principles of the correctional institution: (Ningtyas, 2012)

- 1 People who go astray must be nurtured by providing provisions for life as good and useful citizens in society;
- 2 The imposition of punishment is not an act of revenge from the State;
- 3 Repentance cannot be achieved by torture but by guidance;
- 4 The State has no right to make a convicted person worse or more evil than before he entered the institution;
- 5 During the loss of freedom of movement the prisoner should be introduced to society and should not be isolated from it;

- 6 The work given to convicts must not be of a leisure nature or only for the benefit of the institution or the state, the work given must be aimed at development;
- 7 Guidance and education must be based on Pancasila;
- 8 Every person is a human being and must be treated as a human being even though he has strayed, it should not be addressed to the prisoner that it is a criminal;
- 9 Prisoners are only sentenced to loss of freedom;
- 10 The physical facilities of the institution building are one of the obstacles to the implementation of the correctional system. (Chazawi, 2007)

Correctional as the purpose of imprisonment is a process where the method is the correctional system. In this case, the correctional system is used as a guideline and direction of guidance that must be guided by officers and prisoners when serving a sentence.

The community becomes one of the influential elements in the process of restoring social relations, here the community or family who are harmed can at least trust the process of guidance and education undertaken by the convict. Article 5 of Law Number 12 of 1995 concerning Corrections states that the Correctional Institution runs the Correctional system based on the principle:

- 1 Stewardship;
- 2 Equality of treatment and service;
- 3 Education;
- 4 Guidance;
- 5 Respect for human dignity;
- 6 Loss of liberty is the only suffering;
- 7 Guarantee of the right to maintain contact with family and certain people.

Implementation of Guidance for Prisoners of Motorcycle Theft in Class I Medaeng Surabaya Correctional Facility

Coaching is divided into several stages:

- 1 The initial stage of coaching, namely coaching given to prisoners who have just been admitted to the Surabaya Medaeng Class I Correctional Institution. This coaching aims to instill discipline and discipline of the Medaeng Surabaya Class I Correctional Institution, as well as prepare inmates to take part in further coaching.

- 2 Advanced stage coaching, namely coaching given to prisoners who have undergone the initial stage of coaching. This coaching aims to shape the personality of inmates, improve skills, and prepare inmates for social reintegration.
- 3 The final stage of coaching, which is given to prisoners who are nearing the end of their sentence. This coaching aims to prepare prisoners to live in the community independently. Implementation is a policy that is basically a change or transformation that is multi-organizational in nature, namely changes implemented through this policy implementation strategy relating to various layers of society.

Prisoner development is part of the process of rehabilitating the character and behavior of prisoners while serving a period of loss of independence in the correctional institution. And related to the coaching of prisoners at the Surabaya Medaeng Class I Correctional Institution for prisoners sentenced to minor crimes, in general, there are no differences in the coaching mechanism either for prisoners sentenced to minor crimes or other prisoners at the Surabaya Medaeng Class I Correctional Institution.

In the coaching process carried out at Class I Medaeng Surabaya Correctional Institution is divided into 2 fields, namely:

- 1 Personality Development which focuses on changing the character and mentality of prisoners, which includes several activities including:
 - a. Development of Religious Awareness, namely, Prisoners are carried out praying with all people (Hindus to the temple, Christians to the prayer room, Muslims to the mosque) in collaboration with the Ministry of Religion of Surabaya City.
 - b. Intellectual Development, namely the prison provides provision in the form of education to prisoners through courses, skills training and public lectures.
 - c. Development of Nation and State Awareness, this coaching aims to shape the character of WBP towards a better direction through Scouting activities.
 - d. Development of Legal Awareness
 - e. Development of Integrating with the Community, this activity is carried out through mutual cooperation activities outside the Penitentiary while still being supervised by correctional officers.
 - f. Physical Development, namely activities carried out are related to sports activities, arts, and community service in the prison environment.

2 Development of Independence which includes several activities including:

Independence coaching is a coaching program that aims to prepare prisoners to live independently in the community after release. This program includes skills training, education, and entrepreneurship development. For example, providing skills such as culinary training, wood training, laundry training.

In addition to internal coaching at the Medaeng Surabaya Class I Correctional Institution, there is also coaching outside the correctional institution or external coaching. Coaching outside the correctional institution aims to bring inmates closer to the community and is the realization of one of the correctional principles, namely during the loss of freedom of movement inmates must be introduced to the community and must not be isolated, this form of coaching is a social education held for prisoners. External coaching carried out in correctional institutions is called assimilation.

In terms of coaching, the Correctional Institution (Lapas) Class 1 Medaeng Surabaya stated that inmates of motorcycle theft cases are treated the same as other case inmates, except for inmates of terrorism cases who receive special treatment.

Obstacles Experienced by the Medaeng Surabaya Class I Correctional Facility in Conducting Guidance for Prisoners who Commit Motorcycle Theft.

In carrying out a coaching, it is inseparable from the existing obstacles. However, in reality, the guidance carried out has not been fully implemented, due to several obstacles, namely the overcapacity of prisons which has a major effect on the guidance of prisoners, especially prisoners sentenced to minor crimes, because the full content of prisons causes the guidance provided to be not optimal, because each coaching session must be followed by many prisoners and it clearly makes it difficult for coaching to provide direction and teaching. Furthermore, related to the lack of facilities and infrastructure to support coaching that cannot be said to be ideal, for example, for skills coaching, adequate equipment is needed, so that it can be practiced directly so that it will be seen that the coaching provided is successful or not.

Another problem is the number of guidance officers who are not proportional to the number of prisoners due to the prison experiencing overcapacity, in line with the lack of human resources, it has an impact on the implementation of

the guidance provided because officers have difficulty controlling and supervising when coaching takes place. The lack of correctional officers can lead to suboptimal implementation of inmate guidance. Correctional officers who are limited in number must handle a large number of inmates, so they do not have enough time to do their job.

Lack of competence of correctional officers. The lack of competence of correctional officers can cause the implementation of inmate guidance to be ineffective. Correctional officers who do not have sufficient competence cannot provide guidance in accordance with the needs of the prisoners.

In addition to these obstacles, especially for convicts who are sentenced to minor criminal punishment, the problem of short coaching time also causes the coaching provided to be said to be chasing and seems less than optimal. In the implementation of coaching from year to year, the number of inmates at the Medaeng Surabaya Class I Correctional Institution is always increasing, especially inmates sentenced to minor crimes and including the number of recidivists which causes overcapacity that occurs in the institution.

This is an indication that the success of coaching for prisoners sentenced to minor crimes has not been achieved at the Medaeng Surabaya Class I Penitentiary, so it requires serious attention from all parties, especially officers at the Medaeng Surabaya Class I Penitentiary.

Based on the results of interviews with Class I Medaeng Surabaya Prison Officers, it is found that there are several factors that cause motorcycle theft, including:

1. Economic factors

Economic factors are the main cause of the high rate of motorcycle theft in Surabaya. This is because motorcycles are one of the most affordable means of transportation for the people of Surabaya. With a relatively cheap price, motorcycles are the main choice for people to do their daily activities.

2. Lifestyle

Lifestyle is also a factor in the high rate of motorcycle theft in Surabaya. This is because motorcycles are a symbol of social status for some people. By owning a motorcycle, a person is considered more modern and follows the trend.

3. Internal factors no deterrent effect

Children are also a factor in the high rate of motorcycle theft in Surabaya. This is because children tend to have no deterrent effect. They tend to repeat their actions after being caught and punished.

4. Environmental factors

Children are also more easily influenced by their surroundings. If they live in a crime-prone neighborhood, they are more likely to get involved in crimes, including motorcycle theft.

Efforts Made by Class I Medaeng Surabaya Correctional Facility in Conducting Guidance for Prisoners who Commit Motorcycle Theft

Some of the efforts made by Class I Medaeng Surabaya Correctional Institution Officers, including:

1. Repressive efforts

Repressive efforts made are by applying disciplinary sanctions. Prisoners who violate the rules that apply in prison will be subject to disciplinary sanctions. Disciplinary sanctions can be in the form of:

- a. Oral reprimand
- b. Written reprimand
- c. Placement in solitary confinement

Disciplinary sanctions aim to provide a deterrent effect to prisoners so as not to repeat their actions. In addition, disciplinary sanctions also aim to maintain security and order in prisons.

2. Preventive efforts

a. Improving the quality of development officers

Guidance officers are the spearhead of the implementation of inmate guidance. Therefore, improving the quality of coaching officers is one of the important preventive efforts. Improving the quality of coaching officers can be done through various means, such as training, seminars, and workshops.

b. Improving facilities and infrastructure

Adequate facilities and infrastructure are important factors in the implementation of prisoner development. Therefore, Class 1 prisons need to improve existing facilities and infrastructure. The improvement of facilities and infrastructure can be done through the procurement of coaching equipment and supplies, as well as the repair and maintenance of existing facilities and infrastructure.

c. Increased cooperation with other agencies

Class 1 prisons need to increase cooperation with other agencies, such as government agencies, non-governmental organizations, and the business world. Cooperation with other agencies can be carried out in various fields, such as training, guidance, and distribution of prisoners after completing their sentence.

Conclusion

The coaching carried out at the Medaeng Surabaya Class I Correctional Institution is not optimal, but the handling is in accordance with Law No. 12 of 1995 concerning Corrections, the implementation of which is regulated by Government Regulation No. 31 of 1999 concerning the Guidance and Guidance of Prisoners.

In the process of implementing prisoner coaching, there are several obstacles, among others:

- 1) Inadequate facilities and infrastructure;
- 2) Insufficient number of correctional officers;
- 3) Lack of competence of correctional officers.

Class I Medaeng Surabaya Correctional Institution officers have made repressive and preventive efforts including the application of disciplinary sanctions, improving the quality of officers, improving the quality of facilities and infrastructure and improving the quality of cooperation with other agencies.

Lack of competence of correctional officers. The lack of competence of correctional officers can lead to ineffective implementation of prisoner development. Correctional officers who do not have sufficient competence cannot provide guidance in accordance with the needs of prisoners.

Maximizing the facilities and infrastructure in the Surabaya Medaeng Class I Correctional Institution, increasing the number of officers, increasing the participation of prisoners in terms of guidance. Class I Medaeng Surabaya Correctional Institution can conduct legal awareness counseling in areas with a high risk of motorcycle theft.

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Yana Indawati: revised the research ideas, literature review, data presentation and analysis, and the final draft.
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