


Abuse of Authority in Modern Automotive Workshop Employment Relationships: An Analysis of Embezzlement in Office in Specialized Car Air Conditioning and Suspension Workshops

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Abstract

Introduction: Embezzlement in office constitutes a form of crime arising from the abuse of trust within employment relationships, particularly in the automotive workshop sector, which is characterized by intensive asset management and high-frequency daily transactions. Modern car workshops operate through complex interactions involving cash handling, spare parts circulation, and technical service authority, creating structural vulnerabilities to occupational crime.

Purposes of the Research: This article aims to analyze the practice of embezzlement in office within specialized car air conditioning and suspension workshops, with particular emphasis on the legal construction of employment relationships, the scope of employee authority, and the lawful possession of property that is subsequently abused.

Methods of the Research: The research employs a statutory and conceptual approach, focusing primarily on the provisions of Article 488 of the New Indonesian Criminal Code. Doctrinal analysis is used to examine the elements of the offense, especially in relation to authority, trust, and asset control within the framework of employment.

Findings of the Research: The analysis demonstrates that the operational characteristics of automotive workshops—such as cash management, spare parts administration, administrative record-keeping, and delegated technical service authority—generate heightened susceptibility to embezzlement aggravated by position. The article asserts that the elements of an “employment relationship” and “trust” constitute decisive factors in establishing embezzlement in office, thereby distinguishing it from ordinary embezzlement. This research underscores the necessity of a comprehensive understanding of employment relations and mechanisms of asset possession to ensure the accurate and proportional application of criminal law.

Keywords: Abuse of Trust; Embezzlement in Office; Automotive Workshop.

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INTRODUCTION

In the dynamics of modern economic life, employment relationships constitute one of the legal relations most frequently involving the delegation of trust, particularly in relation to the possession and management of assets owned by another party. Such trust serves as a fundamental foundation across various business sectors, as economic activities cannot function effectively without the delegation of authority. At the same time, however, employment relationships inherently contain the potential for abuse of trust, which may give rise to criminal liability. Indonesian criminal law views the abuse of trust within employment relationships as a form of crime carrying a higher degree of seriousness than ordinary property offenses. This is reflected in the regulation of embezzlement in office as



an aggravated offense, where the perpetrator lawfully obtains control over property by virtue of an employment relationship, position, or occupation, but subsequently abuses such control for personal gain.

In practice, abuse of authority may also generate other legal consequences of a civil and administrative nature. When an employee's abuse of authority results in losses suffered by consumers, business owners may face legal claims from third parties, either in the form of compensation claims or complaints based on consumer protection principles. This situation places business operators in a vulnerable position, even though the losses factually arise from the actions of employees. Moreover, abuse of authority within employment relationships has the potential to trigger internal legal conflicts between business owners and workers. Business owners may pursue criminal proceedings on the basis of embezzlement in office, while at the same time remaining exposed to possible civil disputes arising from the employment relationship. This complexity demonstrates that a single act of abuse of authority may simultaneously give rise to multiple forms of legal liability. Accordingly, abuse of trust within employment relationships does not merely threaten property ownership, but also carries implications for the legal responsibility of business operators toward consumers and third parties. This situation underscores the importance of a comprehensive understanding of the limits of authority within employment relationships, in order to prevent the escalation of internal corporate issues into criminal or civil litigation.

Within this context, business sectors characterized by high transaction intensity and relatively loose supervisory mechanisms are particularly vulnerable to embezzlement in office, one of which is the automotive workshop sector, especially workshops specializing in car air conditioning and suspension systems. The characteristics of this type of business include a high frequency of daily transactions, the management of movable assets with varying economic value, and employment relationships that are heavily reliant on trust between business owners and employees. In practice, employment relationships in specialized car air conditioning and suspension workshops are not merely technical in nature, but also involve the delegation of authority over cash, spare parts, customer communication, and business facilities. Such delegation of authority legally establishes a relationship of trust that forms the operational foundation of the workshop between owners and workers, while simultaneously creating opportunities for deviation if not accompanied by adequate supervisory mechanisms. Lamintang explains that possession of property arising from a relationship of trust constitutes the principal characteristic in the construction of the offense of embezzlement in office.¹

In specialized car air conditioning and suspension workshops, sectoral characteristics indicate a shift in patterns of vulnerability to embezzlement in office. Generally, modern workshops have implemented standardized management systems, operational software, system-based administration and inventory controls, and more formal task allocations. Nevertheless, such modernization does not automatically eliminate the risk of abuse of trust; instead, it transforms the modes of embezzlement in office into more systemic and concealed forms. Employees continue to play a central role in transaction data input, the determination of repair needs, and the management of spare parts through digital systems. This control is lawful by virtue of position and employment relationship, yet it creates

¹ P. A. F. Lamintang, *Delik-Delik Khusus: Kejahatan Terhadap Harta Kekayaan* (Jakarta: Sinar Grafika, 2018)

opportunities for data manipulation, diversion of spare parts through stock engineering, or the creation of fictitious transactions that appear administratively legitimate. Consequently, embezzlement is no longer committed in an overt manner, but through the abuse of authority over system access. Employment relationships within workshops remain grounded in trust, even when framed by standard operating procedures. Trust is no longer attached solely to individuals, but also to the integrity of system usage operated by employees. Where such access authority is abused to unlawfully control or utilize workshop assets, the element of possession arising from an employment relationship as referred to in Article 488 of the Indonesian Criminal Code remains fulfilled, even with a more structured degree of intent.

Accordingly, from a sectoral perspective, specialized car air conditioning and suspension workshops demonstrate that embezzlement in office does not arise solely from weak supervisory systems, but also from the abuse of those systems themselves. Operational modernization does not abolish the offense of embezzlement in office; rather, it demands a more careful evidentiary approach concerning authority, system access, and the intent underlying employees' control over assets. In line with this view, Moeljatno (2019) emphasizes that the core of embezzlement in office lies in the shift of the perpetrator's intent from lawful possession to unlawful appropriation, regardless of the initial legal relationship underlying such possession.

This article focuses its analysis on the abuse of authority within employment relationships in modern automotive workshops by examining the fulfillment of the constituent elements of Article 488 of the Indonesian Criminal Code. The analysis aims to identify forms of conduct that may be legally classified as embezzlement in office. Employing normative and conceptual approaches, this article not only examines positive legal provisions but also connects them to the operational practices of modern automotive workshops. This approach is expected to bridge the gap between legal norms and practical realities. Ultimately, this study seeks to make an academic contribution by clarifying the boundary between breaches of employment relationships and the criminal offense of embezzlement in office, while also serving as a practical reference for workshop business operators and law enforcement authorities in handling similar cases in a proportional and legally grounded manner.

Against this background, the central legal issues addressed in this study concern the doctrinal construction of possession and authority within employment relationships in automotive workshops. First, the research examines how the legal construction of control over property arising from employment relationships in automotive workshops operates as the basis for fulfilling the constituent elements of embezzlement in office under Article 488 of the Indonesian Criminal Code. This issue is particularly relevant given that employees obtain possession of assets lawfully by virtue of their position, yet such lawful possession may subsequently transform into unlawful appropriation.

Second, this study explores the specific forms in which abuses of authority by automotive workshop employees may be legally qualified as embezzlement in office, especially within the context of digital administrative and inventory systems. As modern workshops increasingly rely on system-based transaction recording, inventory management, and service authorization, the research interrogates how manipulation of digital access, data input, and system control may constitute criminal abuse of entrusted authority rather than

mere internal misconduct or civil breaches of employment obligations. By addressing these issues, the article seeks to clarify the legal boundaries between lawful occupational control, breaches of employment duties, and criminal embezzlement in office, particularly in technologically mediated work environments.

METHODS OF THE RESEARCH

This research adopts a normative legal research method, focusing on the analysis of legal norms governing embezzlement in office within employment relationships. The study employs a statutory approach by examining relevant provisions of Indonesian criminal law, particularly Article 488 of the New Indonesian Criminal Code, which regulates embezzlement aggravated by position or employment. This approach is used to identify the constituent elements of the offense and to assess their applicability in the context of modern automotive workshop operations. In addition to the statutory approach, the research applies a conceptual approach by analyzing legal doctrines and scholarly opinions related to abuse of trust, abuse of authority, and the legal construction of employment relationships. Doctrinal perspectives are used to clarify the meaning of key legal concepts such as lawful possession, delegated authority, trust-based relationships, and the transformation of lawful control into unlawful appropriation. Classical and contemporary legal scholarship, including doctrinal views on property crimes and occupational offenses, are utilized to strengthen the theoretical framework of the analysis. The study further incorporates a case-based analytical perspective, not through empirical data collection, but by examining hypothetical and typical patterns of conduct commonly found in specialized car air conditioning and suspension workshops. These patterns are derived from generally recognized operational practices in modern workshops, such as cash handling, spare parts management, digital inventory systems, and delegated customer service authority. This analytical technique is employed to contextualize legal norms within practical business operations, thereby testing the relevance and adequacy of the statutory elements of embezzlement in office. Legal materials used in this research consist of primary legal materials, including statutory regulations and the New Indonesian Criminal Code; secondary legal materials, comprising legal textbooks, journal articles, and scholarly commentaries on criminal law and employment law; and tertiary legal materials, such as legal dictionaries and explanatory materials, which support conceptual clarification. The collected legal materials are analyzed qualitatively using deductive legal reasoning, moving from general legal norms to their application in specific sectoral contexts. Through this methodological framework, the research seeks to systematically examine the relationship between employment-based authority and criminal liability for embezzlement in office. The approach is intended to ensure doctrinal coherence while maintaining practical relevance, enabling a balanced assessment of how criminal law norms should be applied proportionally and accurately in modern automotive workshop employment settings.

RESULTS AND DISCUSSION

A. Legal Construction of Possession Under Article 488 of the Indonesian Criminal Code

Article 488 of the Indonesian Criminal Code (Law Number 1 of 2023) positions embezzlement as a criminal offense rooted in the abuse of possession over property that is lawfully obtained on the basis of a specific legal relationship. Unlike the construction under

the former Criminal Code, which emphasized embezzlement in office primarily as an aggravated form of the offense, the new Criminal Code shifts the focus toward the substantive abuse of trust inherent in lawful possession. In this framework, an employment relationship is no longer understood merely as a formal status, but rather as the normative basis for the emergence of lawful possession, which subsequently becomes the point of departure for assessing the unlawfulness of conduct.

In modern automotive workshops, employees' possession of property arises directly from employment relationships. Employees are lawfully granted authority to control and manage various workshop assets, including transaction revenues, spare parts, work equipment, and customers' vehicles entrusted for repair. Such possession is not absolute in nature; instead, it is functional, limited, and strictly bound to the operational objectives of the workshop. From the outset, therefore, employees' possession of property is not possession without legal basis, but possession legitimized by employment relations and task allocation.

From a dogmatic perspective, possession under Article 488 of the Criminal Code is not synonymous with ownership. Possession is understood as factual control over property that is justified by a particular legal relationship. Consequently, the core element of embezzlement does not lie in the manner in which the property is acquired, but rather in the abuse of possession that was initially lawful and subsequently transformed into unlawful possession. When a workshop employee intentionally uses, transfers, or withholds property under his or her control for personal benefit or for the benefit of another party outside the purposes of the employment relationship, a transformation of the nature of possession occurs, thereby fulfilling the essential element of embezzlement.

B. Abuse of Possession and Trust in Modern Automotive Workshops

In practice, abuse of possession in automotive workshops does not always manifest as overt physical acts. In modern workshops, possession of property may also be exercised through administrative authority and access to workshop management systems. Employees who are authorized to input transaction data, manage spare parts inventories, or digitally regulate repair services essentially hold indirect possession over workshop assets. Manipulation occurring in transaction recording processes, misappropriation of customer payments, or diversion of spare parts through administrative engineering continues to satisfy the elements of embezzlement, provided that abuse of the entrusted authority can be established.

Employment relationships in automotive workshops are fundamentally built upon trust. This trust is not merely moral in nature, but also carries legal consequences. Article 488 of the Criminal Code places the violation of such trust at the core of the offense of embezzlement. Moeljatno (2019) emphasizes that embezzlement occurs when the perpetrator's intent shifts from merely controlling property for the benefit of the rightful party to an intent to own or unlawfully benefit from it. This shift in intent distinguishes embezzlement from mere administrative violations or breaches of contract within employment relationships.

Within automotive workshop employment relations, proof of intent becomes particularly relevant, as employees consciously understand the limits of their authority over property. Abuse of possession cannot be separated from the fact that the perpetrator knows the

property does not belong to him or her, yet nevertheless treats it as if it were his or her own. Accordingly, the employment relationship strengthens the construction of culpability, as the perpetrator abuses authority that was lawfully and consciously granted.

C. Three Pillars of Embezzlement in Office Under Article 488 Criminal Code

The legal construction of possession within automotive workshop employment relationships forms the basis for fulfilling the elements of embezzlement under Article 488 of the Criminal Code, which rests upon three principal pillars: 1) The existence of lawful possession of property arising from an employment relationship; 2) The abuse of such possession beyond the purposes of the employment relationship; 3) The perpetrator's intent to treat the property as his or her own or to use it for purposes not legally justified.

These three pillars demonstrate that in the automotive workshop sector, employment relationships are not merely a factual background, but constitute a primary normative foundation in assessing criminal liability for embezzlement. Moeljatno's view—that embezzlement occurs at the moment when intent shifts from lawful control for the benefit of the rightful party to unlawful ownership or use—remains highly relevant within the framework of Article 488, as the offense centers on the breach of trust within a lawful legal relationship.²

D. Embezzlement Through Digital Administrative and Inventory Systems

In automotive workshops that have adopted digital-based administrative and inventory systems, abuse of authority by employees is no longer primarily conducted through physical control over money or goods, but through the exploitation of system access legally attached to positions or employment status. Such access authority is lawfully granted to support operational efficiency, yet simultaneously establishes legal possession over business assets, which constitutes a key element in the construction of embezzlement in office.

Abuse of authority in this context occurs when employees who lawfully control money, spare parts, or transaction data by virtue of their employment consciously divert such control for personal or third-party benefit by manipulating available administrative mechanisms. The shift of intent from managing to unlawfully possessing constitutes the essence of embezzlement in office, regardless of whether possession is exercised directly over physical objects or indirectly through digital system manipulation that obscures traces of control. In practice, digital systems are often used to conceal embezzlement, making transactions appear administratively legitimate. Employees continue to act within the formal scope of their authority, yet misuse such authority to create fictitious conditions enabling the misappropriation of workshop assets without immediate detection. Consequently, system abuse is not merely a procedural violation, but forms part of a series of acts that substantively fulfill the elements of embezzlement in office.

E. Patterns of Abuse of Authority in Automotive Workshops

Such abuses of authority may manifest in various patterns. One common form involves manipulation of service transaction records, whereby employees record service fees or spare part replacements at amounts higher than those actually performed, subsequently appropriating the payment difference for personal benefit. In other patterns, employees

² Moeljatno, *Asas-Asas Hukum Pidana*, (Jakarta: Rineka Cipta, 2019)

may engineer inventory data by physically removing spare parts while maintaining stock records in the system, thereby concealing the diversion administratively.

Additionally, fictitious transactions are frequently used to extract workshop funds through purchases of non-existent spare parts or services never rendered. Abuse of authority may also occur through direct diversion of customer payments, either by redirecting transfers to personal accounts or by receiving cash payments that are not fully recorded in the system. In certain situations, employees even misuse access to supervisors or finance department system accounts to alter transaction histories, erase payment records, or unlawfully authorize workshop expenditures.

Although technically executed through digital mechanisms, the substantive nature of these acts remains the transformation of lawful possession of workshop assets into unlawful possession. These practices demonstrate that in automotive workshops, embezzlement in office no longer depends on visible physical possession, but on the abuse of access authority granted by employment relationships. As long as initial possession is lawfully obtained through position and subsequently abused with intent to unlawfully appropriate, the conduct fulfills the elements of embezzlement in office, even when carried out through digital administrative and inventory systems.

F. Proof of the Elements of Article 488 Criminal Code in Automotive Workshop Practice

Proof of embezzlement under Article 488 of the Criminal Code in the context of automotive workshops must be grounded in the understanding that this offense does not focus on unlawful taking, but on the abuse of initially lawful possession. Accordingly, evidentiary strategies cannot mirror those used in theft cases, but must instead focus on employment relationships, limits of authority, and the shift in the perpetrator's intent.

1. Proof of Lawful Possession

The first element to be established is that the perpetrator lawfully possessed the property due to an employment relationship. In automotive workshop practice, this can be demonstrated through employment contracts, appointment letters, organizational structures, job descriptions, system access credentials, and witness testimony from workshop owners or coworkers. At this stage, law enforcement must affirm the legality of the initial possession; without it, the construction of Article 488 collapses and the act may fall under a different offense.

2. Proof of Abuse of Possession

The core element of Article 488 lies in abuse of possession rather than mere negligence or administrative error. Abuse may be proven through cash discrepancies, inconsistencies between transaction reports and customer payments, system manipulation evidence (access logs, stock alterations, fictitious transactions), unauthorized use of spare parts, or unlawful retention of money or goods. Proof must demonstrate that the conduct exceeded the purposes of the employment relationship.

3. Proof of Intent and Unlawful Appropriation

Intent (*opzet*) constitutes the principal distinction between embezzlement and non-criminal misconduct. In automotive workshops, intent may be inferred from repeated patterns of conduct, concealment efforts, personal use of misappropriated assets,

admissions, internal communications, or witness testimony. Classical doctrine applies: intent is not proven directly, but inferred from a series of actions. Conscious violation of known authority limits suffices to establish intent.

4. Proof of Causal Link between Position and Conduct

Article 488 requires a nexus between possession and employment. It must be shown that the conduct could not have occurred without positional authority, that access to assets existed solely due to employment status, and that no legal basis other than the employment relationship gave rise to possession. In modern workshops, digital evidence is crucial to demonstrate that only authorized system users could perform the acts in question.

5. Relevance of Evidence in Modern Automotive Workshops

The most relevant forms of evidence in embezzlement cases involving automotive workshops include transaction and inventory documents, CCTV recordings, system logs and digital audits, testimony from employees and customers, and expert opinions in forensic accounting or information systems. The Criminal Code thus accommodates more adaptive evidentiary approaches aligned with modern business realities, including system-based possession and digital data control.

CONCLUSION

The abuse of authority by employees within employment relationships in automotive workshops specializing in car air conditioning and suspension systems juridically satisfies the construction of embezzlement in office as regulated under Article 488 of the Indonesian Criminal Code. This is particularly evident where control over money, spare parts, and workshop assets—initially lawfully obtained by virtue of position—is abused through transaction manipulation and administrative system interference for personal benefit. The digitalization of workshop operations does not eliminate the element of possession arising from employment relationships; rather, it shifts the mode of unlawful control from physical appropriation to the misuse of system access. Employment relationships in automotive workshops cannot be reduced merely to private contractual relations, as the authority inherent therein constitutes the very basis for the aggravation of criminal liability. Informal and trust-based employment practices demonstrably expand the scope for embezzlement in office and cannot be invoked to reclassify criminal conduct as mere breach of contract or administrative misconduct. The distinction between violations of employment relations and embezzlement in office lies in the perpetrator's shift of intent from lawfully managing workshop assets to unlawfully controlling or appropriating them. This shift is manifested through concrete acts such as transaction data manipulation, diversion of customer payments, and inventory manipulation. Accordingly, the application of Article 488 of the Criminal Code in the context of automotive workshops requires careful analysis of the scope of employee authority, operational system mechanisms, and the purpose underlying asset control, in order to ensure that criminal law enforcement does not erroneously classify criminal acts as internal employment disputes.

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