



## LEGAL ACCOUNTABILITY FOR THE PERSONNEL OF THE CRIME OF THEFT WITH AGRAM IN THE MEDAN STATE COURT

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### ABSTRACT

Judge's Consideration in Imposing Imprisonment Against Perpetrators of the Crime of Theft in Medan District Court In Decision Number: 1039/Pid.B/2022/PN Mdn The defendant was charged with theft in aggravating circumstances, carried out by means of juridical and non-juridical considerations proving the defendant guilty imposed on Article 363 paragraph (1) 4rd, 5th of the Criminal Code and Law Number 8 of 1981 concerning the Criminal Procedure Code and other relevant laws and regulations, so that the defendant is sentenced to imprisonment for 3 (three) ) year and 6 (six) months was deducted while the defendant was in temporary detention. Evidence in the perpetrators of the crime of theft in Medan District Court In Decision Number: 1039/Pid.B/2022/PN Mdn, considering the elements, a) whoever,

**Keyword:** *Judge's Consideration, Imprisonment.*

### A. INTRODUCTION

The Criminal Justice System occupies a central position. This is because decisions in sentencing will have far-reaching consequences, whether directly related to the perpetrators of criminal acts or society at large. Moreover, if the criminal decision is considered inappropriate, it will cause a controversial reaction because the truth in this matter depends on where one looks at it. One of the phenomena of public life that often occurs in society is the perpetrator of the crime of theft with weighting. News about theft not only attracts the attention of law enforcers but also disturbs the public's sense of security. Criminal decisions in the crime of theft accompanied by weighting in the system of administering criminal law occupy a central position. This is because decisions in sentencing will have far-reaching consequences, both those involving directly the perpetrators of criminal acts and society at large. The problems faced by Indonesia, one of which is the economic impact that has recently impacted a lot and almost every time we find it every day in electronic media and mass media are behavioral deviations committed by youths which can be said to be a crime, namely theft by weighting. The crime of theft by weighting is an act that is very detrimental and contrary to the values of religious norms, moral values of decency and endangers the community so that special efforts and attention are needed to eradicate this crime.

Based on the author's research at the Medan District Court regarding weighted theft in Decision Number 1039/Pid.B/2022/PN Mdn. The perpetrator named Jimmi Tan, 38 years old, was born on April 18, 1984, having his address at Jalan Punak Gang Bangkok Number 15, Sei Putih Timur Village, Medan Petisah District. Jimmi Tan on Saturday 8 January 2022 at around 17.00 WIB, located on Jalan Karya Rakyat Sei Agul, Sei Agul Village, West Medan District or at least in a place that is still included in the jurisdiction of the Medan District Court, ""Taking something which is wholly or partly owned by another person, with the intent to be unlawfully owned, which is carried out by two or more people with an alliance, who is to enter the place of committing a crime or to arrive at the goods taken.

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Starting on Saturday 8 January 2022 at around 13.00 WIT the defendant Jimmy Tan met his friend Roni (included on the West Medan Police's livelihood list) at the Brayan City Tax Office, West Medan District. The defendant and Roni were using a red BK 2820 AEK Honda Beat motorbike and also carrying a T key which was kept by the defendant on the dashboard of the motorbike going around to find the target of the item to be taken or to be stolen, then crossed Jalan Karya Rakyat Sei Agul Kelurahan Sei Agul, West Medan District, to be precise in front of the witness' house, Wijaya Halim, saw 1 (one) unit of black Yamaha Jupiter MX motorcycle No. Plate BK 6991 AAD Type 157 belonging to the victim-witness was parked on the terrace of the victim-witness's house in a locked state. Then using the T key that had been prepared, he took the victim's witness' motorcycle. then the stolen motorbikes were rushed to UKA Tax to be sold to a person named Toni (included in the livelihood list of the West Medan Police) for Rp. 1.500.000,- (one million five hundred thousand rupiah). The money from the sale of the motorbike was given by the defendant to his friend Roni in the amount of Rp. 700,000, - (seven hundred thousand rupiah) while the rest is for the defendant.

After learning that the defendant and his friend had taken a black Yamaha Jupiter MX motorbike No. Plate BK 6991 AAD Type 157 based on CCTV footage from the house, finally the witness-victim reported the defendant and his friend to the West Medan Police for further investigation. then the stolen motorbikes were rushed to UKA Tax to be sold to a person named Toni (included in the livelihood list of the West Medan Police) for Rp. 1.500.000,- (one million five hundred thousand rupiah). The money from the sale of the motorbike was given by the defendant to his friend Roni in the amount of Rp. 700,000, - (seven hundred thousand rupiah) while the rest is for the defendant. After learning that the defendant and his friend had taken a black Yamaha Jupiter MX motorbike No. Plate BK 6991 AAD Type 157 based on CCTV footage from the house, finally the witness-victim reported the defendant and his friend to the West Medan Police for further investigation. then the stolen motorbikes were rushed to UKA Tax to be sold to a person named Toni (included in the livelihood list of the West Medan Police) for Rp. 1.500.000,- (one million five hundred thousand rupiah).

The money from the sale of the motorbike was given by the defendant to his friend Roni in the amount of Rp. 700,000, - (seven hundred thousand rupiah) while the rest is for the defendant. After learning that the defendant and his friend had taken a black Yamaha Jupiter MX motorbike No. Plate BK 6991 AAD Type 157 based on CCTV footage from the house, finally the witness-victim reported the defendant and his friend to the West Medan Police for further investigation. - (one million five hundred thousand dollars). The money from the sale of the motorbike was given by the defendant to his friend Roni in the amount of Rp. 700,000, - (seven hundred thousand rupiah) while the rest is for the defendant. After learning that the defendant and his friend had taken a black Yamaha Jupiter MX motorbike No. Plate BK 6991 AAD Type 157 based on CCTV footage from the house, finally the witness-victim reported the defendant and his friend to the West Medan Police for further investigation. - (one million five hundred thousand dollars). The money from the sale of the motorbike was given by the defendant to his friend Roni in the amount of Rp. 700,000, - (seven hundred thousand rupiah) while the rest is for the defendant. After learning that the defendant and his friend had taken a black Yamaha Jupiter MX motorbike No. Plate BK 6991 AAD Type 157 based on CCTV footage from the house, finally the witness-victim reported the defendant and his friend to the West Medan Police for further investigation.

Following up on the complaint report from the victim-witness, police officers succeeded in arresting the defendant on Saturday 19 February 2022 at around 11.00 WIB on Jalan Punak Gang Bengkok, Sei Putih Timur Village, Medan Petisah District, while Roni is still on the livelihood list for the West Medan Police. Then the defendant admitted that 1 (one) unit of black Yamaha Jupiter MX motorcycle No. Plate BK 6991 AAD Type 157 belonging to the victim-witness has been sold to another person and the money from the sale of the motorcycle has been used up for the defendant's personal needs and to pay school fees for the defendant's children. Whereas as a result of the actions of the defendant and his friend the witness-victim suffered a loss of approximately



Rp. 4,000,000.- (four million rupiah) and the actions of the defendant are as stipulated and subject to criminal penalties in Article 363 paragraph (1) 4th and 5th of the Criminal Code.

The defendant's act constitutes aggravated theft, as stipulated in Article 363 explains the term weighted theft "usually doctrinally referred to as theft which is carried out in certain ways or under certain circumstances, so that it is more serious in nature and therefore punishable by a heavier penalty than theft. Because the theft that is qualified is theft that is committed in certain ways and under certain circumstances that are aggravating, the proof of the elements of the act of theft by weighting must begin by proving the theft in its main form. Article 363 of the Criminal Code regulates theft by weighting, with a maximum prison sentence of 7 (seven) years

## **B.FORMULATION OF THE PROBLEM**

**Based on the description of the background, the formulation of the problem is:**

1. What are the legal considerations in the decision on the crime of theft with weighting at the Medan District Court in Decision Number: 1039/Pid.B/2022/PN Mdn?
2. How is the proof of the application of criminal law in cases of theft crime with weighting at the Medan District Court in Decision Number: 1039/Pid.B/2022/PN Mdn?

## **C.OBJECTIVES AND USE OF THE RESEARCH**

The purpose of the research that the authors conducted were:

- 1.To analyze the judge's legal considerations in the decision on the crime of theft by weighting in a criminal case at the Medan District Court in Decision Number 1039/Pid.B/2022/PN Mdn.
- 2.To find out the proof of the application of criminal law to the crime of theft by weighting in the criminal case Decision Number 1039/Pid.B/2022/PN Mdn.

The uses of research in this writing are:

- a. Academically, it is hoped that this writing can provide ideas for thinking in building law enforcement in Indonesia, especially issues related to the crime of theft by weighting committed in the city of Medan.
- b. Practically can provide input for the government in law enforcement in Indonesia and in efforts to resolve the problem of criminal acts of theft in Indonesia.

## **D.THEORETICAL FRAMEWORK**

- a. Definition of Crime.

The term crime means punishment, grief or sorrow, in Dutch, straf. To be punished means to be punished, to be punished means to be punished. So criminal law as a translation from Dutch strafrecht is all rules that have orders and prohibitions that have sanctions (threats) of punishment for those who violate them.<sup>4</sup>

Strafbaarfeit has been translated into Indonesian as follows:

1. Actions that can or by law;
2. Criminal events;
3. Criminal acts and;
4. Offense.

The occurrence of a criminal act is distinguished between a criminal act and criminal responsibility. Crime itself always contains the following elements and characteristics:

- a. Crime is essentially an imposition of suffering or other unpleasant consequences.
- b. The punishment was given intentionally by a person or body that has power and authority.
- c. The punishment is imposed on someone who has committed a crime according to law.

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<sup>4</sup>Hilman Hadikusuma, 1992, Indonesian Legal Language. Bandung Alumni Publisher, p.144

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According to P.Simon in his book Bambang Purnomo<sup>5</sup>The notion of crime can be seen from two streams, namely the monistic flow which does not separate the notions of crime from accountability, and the dualistic flow which separates criminal acts and can be accounted for by the maker and has the impression that every act that violates the law is always followed by a crime, but in the element there is an impression regarding the subjective requirements attached to a person to be subject to a criminal sentence.

Punishment itself is a punishment that can be in the form of criminal penalties and civil penalties.

b. Criminal Liability

Roeslan Saleh argues that criminal responsibility is an act that is disgraceful to society and is accountable to the person who made the crime for the actions he committed.<sup>6</sup>

According to Moelyatno that criminal responsibility or guilt according to criminal law consists of 3 (three) conditions, namely:

1. The ability to be responsible or accountable for the maker.
2. The existence of an unlawful act, namely a psychic attitude of the perpetrator related to his behavior, namely intentional and inadvertent or negligent attitude.
3. There is no reason to justify or eliminate criminal liability for the maker.

In order to determine whether there is accountability, a person who commits a crime must have the unlawful nature of the crime which is the most important characteristic of the crime. Most crimes are intentional. According to Moelyatno, there are 2 (two) intents in Indonesian criminal law, namely:

- a. The theory of will, namely the essence of intentionality is the will to realize the elements of the offense in the formulation of the law.
- b. The theory of knowledge/imagining that is intentional means imagining the consequences of one's actions will arise, people cannot want the consequences, but only imagine them.

The element of a criminal act contains a juridical meaning to be used to determine an act. Whoever takes it means that a person or legal subject commits a criminal act. 4 The elements are:

1. Objective elements

a. The act of taking

The first element of the crime of theft is the act of taking goods. The word take in a narrow sense is limited to moving the hands and fingers holding things, and diverting them to other places.

b. What is taken must be an item or object

The nature of the crime of theft is that someone is harmed and there must be a victim in the incident. So the goods taken must be valuable so that no one is harmed, this price is not economical. The goods taken must belong to other people.

2. Subjective Elements

a. Actions must be against the law

The act of taking as a major component of the wrong is the need to take merchandise. The word takes from a limited perspective limited to moving the hands and fingers holding something, and directing it to a different place.

b. mean to have

The intention to own consists of two elements, namely the first element is intentional as an intention or in the form of an element of error in theft and the second element is possession. The two elements cannot be separated from one another.

<sup>5</sup>Bambang Purnomo, 1985. Principles of criminal law. Ghalia Indonesia, p.91

<sup>6</sup>Roeslan Saleh, 2002. Criminal Acts and Accountability in Criminal Law. New Script, Jakarta, p.81



## E. RESEARCH METHODOLOGY

1. Research methods : Approach to the Act (statute approach)
2. Research Type : Normative juridical
3. Data source : Secondary Data
4. Analysis Method : Qualitative Descriptive

## F. DISCUSSION

1. Legal considerations in imposing a sentence on the perpetrator of the crime of theft by weighting it at the Medan District Court in Decision Number: 1039/Pid.B/2022/PN Mdn.
2. The judge's considerations in imposing prison sentences on the perpetrators of the crime of theft by weighting at the Medan District Court in Decision Number 1039/Pid.B/2022/PN Mdn are carried out in the following way:
3. Juridical Considerations Juridical considerations are judges' considerations based on juridical facts revealed in court and by law stipulating what must be contained in a decision, for example the indictment of the public prosecutor, the testimony of the accused, witness statements, evidence, and articles in the criminal law regulations.

### The public prosecutor's indictment

After hearing the reading of the criminal charges filed by the Public Prosecutor, in essence, the defendant Jimmy Tan had been legally and convincingly proven to have committed the crime of "theft with weighting" violating Article 363 paragraph (1) 4, 5 of the Criminal Code by imposing a prison sentence of 4 (four) years deducted while the accused is in detention with an order that the accused remain in detention. Based on the indictment made by the public prosecutor is a step taken in analyzing the case committed by the defendant, so with the analysis carried out can be given a decision correctly and correctly in implementing the decision on the defendant so that the basis carried out by the public prosecutor has legal certainty that is right on the accused.

### Defendant's statement

The defendant in court has provided information which in essence is on Saturday 8 January 2022 at approximately 13.00 WIB The defendant met his friend Roni (included in the Livelihood List of the West Medan Police) at the Brayan City Tax, West Medan District, then the Defendant invited Roni by saying "let's go" and Roni who already understood the Defendant's words said "let's go". The Defendant and Roni then left on a red BK 2820 AEK Honda Beat motorbike driven by the Defendant where the Defendant had already brought the T key that the Defendant kept on the dashboard of the motorcycle, then the Defendant and Roni went around looking for the target item to be taken. Then at around 17.00 WIT, the defendant and Roni crossed Jalan Karya Rakyat Sei Agul Village, Sei Agul District, West Medan, to be precise in front of the house of the witness Weijaya Halim where the Defendant saw 1 (one) unit of black Yamaha Jupiter MX Motorcycle No. Plate BK 6991 AAD Type 157 belonging to the witness Wijaya Halim was parked on the terrace of his house with the motorbike parked in a locked condition,

Roni managed to take the witness victim Wijaya Halim's motorcycle using the T key, then the defendant left the witness victim Wijaya Halim's house riding the Defendant's motorcycle followed by Roni riding the witness Wijaya Halim's motorcycle and headed to UKA Tax. After arriving at UKA Tax, the Defendant contacted Toni (included in the Livelihood List of the West Medan Police) with the intention of selling 1 (one) unit of black Yamaha Jupiter MX motorcycle No. Plate BK 6991 AAD Type 157 belongs to the Wijaya Halim victim. The defendant sold a motorbike belonging to the witness Wijaya Halim to Toni for Rp. 1,500,000.00 (one million five hundred thousand rupiah) then the money from the sale of the motorbike was given by the Defendant to Roni in the amount of Rp. 700,000.00 (seven hundred thousand rupiah) while the rest belongs to the Defendant.

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Police officers finally succeeded in arresting the Defendant on Saturday 19 February 2022 at around 11.00 WIB on Jalan Punak Gang Bengkok, Sei Putih Timur Village, Medan Petisah District, while Roni was still on the livelihood list for the West Medan Police. The defendant admitted that 1 (one) unit of black Yamaha Jupiter MX motorcycle No. Plate BK 6991 AAD Type 157 belonging to the witness, the victim Wijaya Halim, has been sold to another person and the money from the sale of the motorbike has been used up for the personal needs of the Defendant and paying school fees for the Defendant's children; The facts at trial show that the Defendant has been convicted and is serving a sentence at the Tanjung Gusta Detention Center for 3 (three) years;

### **Witness statement**

**To prove the charges, the public prosecutor has submitted witnesses, namely:**

1. Witness Wijaya Halim basically explained as follows:

That on Saturday, January 8 2022, at around 17.00 WIT on Jalan Karya Rakyat Number 56 C, Sei Agul Village, West Medan District, 1 (one) unit of black Yamaha Jupiter MX motorcycle No. Plate BK 6991 AAD Type 157 belonging to the Witness parked in front of the Witness' house. The witness knew that the Defendant and his friend had taken a black Yamaha Jupiter MX motorcycle No. His BK 6991 AAD Type 157 plate was based on the CCTV footage of the victim's witness' house and then reported the Defendant and his friend to the West Medan Police for further investigation. As a result of the actions of the Defendant and his friend, the victim-witness suffered a loss of approximately Rp. 4,000,000.00 (four million rupiah);

2. The witness Ahmad Sayadi basically explained as follows:

That on Saturday, January 8 2022, at around 17.00 WIT on Jalan Karya Rakyat Number 56 C, Sei Agul Village, West Medan District, 1 (one) unit of black Yamaha Jupiter MX motorcycle No. Plate BK 6991 AAD Type 157 belonging to the witness Wijaya Halim who was parked in front of the house of the witness victim Wijaya Halim. That the witness Wijaya Halim who knew that the Defendant and his friend had taken a black Yamaha Jupiter MX motorcycle No. His BK 6991 AAD Type 157 plate was based on the CCTV footage of the witness Wijaya Halim's house and then reported the Defendant and his friend to the West Medan Police for further investigation. That as a result of the actions of the Defendant and his friend, the witness Wijaya Halim suffered a loss of approximately Rp. 4,000,000.- (four million rupiah).

Based on the complaint report from the witness the victim Wijaya Halim, on Saturday 19 February 2022 at around 11.00 WIB, the Defendant was successfully arrested on Jalan Punak Gang Bengkok, Sei Putih Timur Village, Medan Petisah District, to be exact in front of the Defendant's house and the Defendant admitted that the motorcycle belonged to the witness. Wijaya Halim was taken by the Defendant together with his friend Roni and was sold to another person for Rp. 1,500,000.00 (one million five hundred thousand rupiah) and the Defendant received a share of Rp. 700,000.00 (seven hundred thousand rupiah) and Roni gets a share of Rp. 700,000.00 (seven hundred thousand rupiah) where the remaining Rp. 100,000, 00 (one hundred thousand rupiah) was used for food and drink and the money from the sale of the motorbike was used up by the Defendant and used it for the needs of the Defendant and paying school fees for the Defendant's children. As a result of the actions of the Defendant and his friend, the witness Wijaya Halim suffered a loss of approximately Rp. 4,000,000.00 (four million rupiah).

Based on the witnesses presented by the victim, this is the basis of evidence for the judge in proving the actions committed by the defendant. Witnesses are a key requirement in resolving principal non-criminal cases, so that these witnesses can corroborate the criminal actions



committed by the defendant. so that it can be stated legally that the defendant has committed the crime of theft.

### **Evidence**

That the Public Prosecutor has submitted evidence, namely:

- 1 (one) CD containing CCTV footage;
- 1 (one) white jacket;
- 1 (one) pair of Carvil sandals;

Evidence is the most appropriate step in uncovering acts of theft contained in case Number 1039/Pid.B/2022/PN Mdn, where without evidence the judge is unable to sentence the defendant. So with the various pieces of evidence contained in the case the judge has declared that the defendant's actions were valid as an act of aggravating theft.

### **Non-juridical considerations**

The non-juridical consideration given to the defendant Jimmy Tan is to first consider the aggravating and mitigating circumstances of the Defendant.

### **Aggravating circumstances:**

1. The defendant's actions disturbed the community.

The actions committed by the defendant in case Number 1039/Pid.B/2022/PN Mdn are actions that can unsettle the community and are not commendable because these actions are actions that can be detrimental to the witness-victim, therefore the actions of the defendant are which is contrary to criminal law.

2. The accused has already been convicted.

The defendant found in decision Number 1039/Pid.B/2022/PN Mdn is an act that is familiar to the community because the defendant has previously been in contact with the law so that this action is an act that incriminates the defendant.

### **Mitigating circumstances:**

1. The defendant admitted his actions.

Circumstances that can relieve the defendant in decision Number 1039/Pid.B/2022/PN Mdn, because the defendant at trial admitted his actions.

2. The defendant was honest about his actions.

The defendant's honest confession of his actions in decision Number 1039/Pid.B/2022/PN Mdn can make it easier to settle cases, so that the judge can decide on the punishment to be given to the defendant for the theft committed by the defendant.

The judge's considerations in imposing a sentence on the accused perpetrator of theft with weighting in Decision Number 1039/Pid.B/2022/PN Mdn are carried out with juridical and non-juridical considerations which prove the defendant is guilty and imposed on Article 363 paragraph (1) 4th and 3rd 5 The Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Code and all other applicable laws and regulations, so that the Panel of Judges determined that the Defendant was sentenced to imprisonment for 3 (three) years and 6 (six) months deduction as long as the defendants are in the period of arrest and detention and stipulate that the Defendant remains in detention.

**Evidence in the case of the crime of theft by weighting at the Medan District Court in Decision Number: 1039/Pid.B/2022/PN Mdn.**

Based on the legal facts obtained during the trial, the evidence in the Theft Crime case at the Medan District Court in Decision Number: 1039/Pid.B/2022/PN Mdn is by considering the following elements:

1. Elements of anyone

Whereas what is meant by the element of whoever is that which concerns a person or anyone as a legal subject who can be accounted for for his actions and as the right person to be presented as a defendant, namely Jimmy Tan who, when examined at trial, confirmed his identity and what was legally charged against him was true. as a defendant.

2. The element of taking something that is wholly or partly owned by another person with the intention to unlawfully own it based on the facts at trial obtained from witness testimony, the defendant's confession and corroborated by evidence in the form of a motorbike taken by the defendant is included in the elements of this article and bicycles the motorbike did not belong to the defendant so that the element was unlawfully fulfilled.

3. Elements are carried out by two or more people in alliance.

Considering that based on the facts at trial obtained from the testimony of witnesses and evidence, the Defendant together with his friend Roni who is included in the Livelihood List of the West Medan Police have committed theft of 1 (one) motorcycle unit in a locked condition belonging to the witness victim which was parked in front of the house where it was clear that there was a role and collaboration between the Defendants and Roni so that in this way the element of being carried out by two or more people in alliance was fulfilled.

4. Elements to enter the place of committing a crime, or to arrive at the goods taken, are carried out by damaging, cutting or climbing, or by using fake keys, fake orders or fake official clothes.

Considering that based on the testimony of the witness and the facts during the trial, the defendant had prepared equipment to destroy the ignition of the motorcycle and after the motorcycle was started he took it and sold it to a person named Toni who is also on the livelihood list of the West Medan Police, so the elements to arrive to goods taken by means of damage have been fulfilled.

## CLOSING

**Conclusion based on the discussion that has been stated above it can be concluded that:**

1. The considerations of the Panel of Judges in imposing prison sentences against the perpetrators of the crime of theft at the Medan District Court in Decision Number: 1039/Pid.B/20220/PN Mdn were carried out based on juridical considerations of legal facts from the statements of witnesses and evidence as well as non-juridical which proves that the defendant in the trial was honest and admitted his actions imposed on Article 363 paragraph (1) 4th and 5th of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Code and statutory provisions other invitations concerned, so that the defendant is sentenced to imprisonment for 3 (three) years and 6 (six) months reduced while the defendant is in the period of arrest and detention by stipulating that the defendant remains in detention.
2. The application of the law in the case of the crime of theft at the Medan District Court in the Decision Number 1039/Pid.B/2022/PN Mdn is by considering a) the element of whosoever, b) The element of taking something that is wholly or partly owned by another person with the intention of being privately owned against the law c) Elements committed by two or more people with an alliance, d) Elements to enter





- the place of committing a crime, or to arrive at the goods taken, carried out by damaging, cutting or climbing, or by using fake keys, fake orders or clothes fake post.
3. Non-judicial considerations in the trials of the Panel of Judges did not find things that could erase criminal responsibility, either as justification reasons or excuses, so the defendant must be held accountable for his actions.
  4. Whereas the Panel of Judges used the limited theory of proof according to law, namely the obligation of the judge to decide on a case based not only on the evidence revealed at trial but also that there must be a judge's conviction in deciding a case as stated in Article 183 of the Criminal Procedure Code.

### Suggestion:

1. It is necessary to strictly implement the regulation of the crime of theft with weighting in the Criminal Code regarding the sanctions given to the perpetrators, so that the criminal punishment for the accused must be balanced with what has been done which can create a deterrent effect on the accused and the community.
2. Judges must provide a sense of justice for all parties seeking justice, especially criminal penalties for defendants so that people's behavior does not deviate from existing rules.

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