

JURIDICAL ANALYSIS OF AGGRAVATED THEFT BASED ON (DECISION NUMBER 1150/PID.B/2024/PN MDN)

Zeno Eronu Zalukhu¹, Suci Ramadani², Ismaidar³

Universitas Pembangunan Panca budi, Medan¹

Universitas Pembangunan Panca budi, Medan²

Universitas Pembangunan Panca budi, Medan³

Email : zenoeronuz@gmail.com¹, suciramadani@dosen.pancabudi.ac.id², ismaidarisma@gmail.com³

Received : 20 November 2025

Published : 17 January 2026

Revised : 01 December 2025

DOI : <https://doi.org/10.54443/morfai.v6i2.4991>

Accepted : 30 December 2025

Publish Link : <https://radjapublika.com/index.php/MORFAI/article/view/4991>

Abstract

This study aims to conduct a juridical analysis of the application of criminal law in cases of aggravated theft as adjudicated in Decision Number 1150/PID.B/2024/PN MDN (Medan District Court). The primary focus is to identify and examine the conformity between the legal facts revealed during the trial and the elements of theft as stipulated in Article 363 of the Indonesian Criminal Code (KUHP), as well as the legal considerations of the judge in rendering the verdict. The research method employed is normative-empirical with a case study approach. The main data source is Decision Number 1150/PID.B/2024/PN MDN, supported by literature studies related to criminal law theory, aggravated theft, and court decisions. The analysis indicates that the panel of judges carefully considered the fulfillment of the elements of aggravated theft, particularly the existence of at least one aggravating factor (for instance, the act was committed at night or involved two or more individuals). The juridical considerations of the judges in this decision are deemed consistent with the provisions of Article 363 KUHP and the applicable principles of criminal law. This study concludes that the decision reflects a balanced law enforcement approach between legitimate proof and the imposition of fair sanctions. The implication of this research highlights the importance of careful verification of aggravating elements to ensure legal certainty and justice.

Keywords: *Theft, Aggravating Circumstances, Juridical Analysis, Court Decision, Article 363 KUHP.*

INTRODUCTION

The criminal act of theft (diefstal) is one of the most fundamental forms of property crimes and one of the most frequently adjudicated, comprehensively regulated in the Indonesian Criminal Code (KUHP), particularly in Chapter XXII, Article 362 and subsequent articles. Fundamentally, theft is defined as the act of taking another person's property, either wholly or partially, with the intent to unlawfully possess it. However, the increasingly complex reality of crime necessitates legal categorization that distinguishes the severity of such acts. A significant distinction arises when theft is committed under certain circumstances that aggravate or worsen the offense (gekwalificeerde diefstal). These conditions are specifically regulated in Article 363 of the KUHP. Aggravating elements include various situations that inherently increase social danger (sociale gevaarlijkheid) and the resulting harm, such as: committing the act at night within a closed house or enclosed yard, committing it jointly by two or more persons, or involving destruction, climbing, the use of false keys, or false orders. The presence of these aggravating elements is philosophically grounded in the principle of increased criminal liability (verhoogde aansprakelijkheid), as they indicate a more deliberate mens rea and actus reus that are planned and threatening. The application of Article 363 KUHP serves as an indicator of serious law enforcement against offenders who not only harm property but also threaten public order and citizens' sense of security.

This study focuses on two main aspects: the proof of the elements of the offense and the legal considerations (ratio decidendi) of the judge. Proof must be conducted convincingly and lawfully, in accordance with the rules of evidence under the Criminal Procedure Code (KUHAP), to establish that at least one of the aggravating elements in Article 363 KUHP has been fulfilled. Furthermore, the ratio decidendi will be analyzed to examine how the panel of judges balances juridical aspects (fulfillment of the offense elements) with non-juridical aspects (aggravating and mitigating factors for the defendant) to achieve fair and proportional sentencing. This analysis is crucial to ensure that judicial decisions not only uphold legal certainty (rechtszekerheid) but also maintain substantive justice (substantive justice), which is a core pillar of modern criminal law.

In Indonesia's criminal justice system, court decisions are a concrete manifestation of the application of substantive and procedural criminal law. The Medan District Court Decision Number 1150/PID.B/2024/PN MDN represents an actual case of theft prosecuted and adjudicated under the provisions on aggravated theft. Analyzing this decision is highly important as it reflects how abstract norms (Article 363 KUHP) are interpreted and realized in real cases. Therefore, this study aims to fill the gap in deep understanding regarding legal interpretation and proof in the context of this specific case. The findings are expected to make a significant academic contribution, both as a jurisprudential reference and as a critical evaluation of judicial practice within the Medan District Court.

LITERATURE REVIEW

Criminal law theory explains the norms that regulate criminal acts and the sanctions imposed. In this study, the theory is employed to understand the provisions of Article 362 of the Indonesian Criminal Code (KUHP) concerning theft and Article 363 KUHP regarding aggravated theft. Article 363 imposes an increased penalty when theft is committed under certain conditions, thus serving as the basis for analyzing the form and application of aggravated theft within the Indonesian criminal law system. The theory of criminal liability emphasizes the conditions that must be met for an individual to be held accountable for a criminal act. This includes proving the criminal act, the presence of aggravating elements, and the intent (*mens rea*) of the offender. This theory is used to assess whether the defendant in Decision Number 1150/Pid.B/2024/PN Mdn fulfills the legal elements necessary to be convicted of aggravated theft, thereby helping to evaluate the validity and legitimacy of the imposed sentence.

The theory of legal interpretation is applied to understand the methods judges use to interpret and apply legal norms to concrete cases. Interpretation can be conducted grammatically, systematically, historically, teleologically, or sociologically, depending on the context of the norm and the purpose of the law. Applying this theory allows for an analysis of how the judges in Decision Number 1150/Pid.B/2024/PN Mdn assessed the fulfillment of aggravating elements and applied the relevant KUHP provisions appropriately. Sentencing theory relates to the objectives, basis, and forms of penalties imposed on perpetrators of criminal acts. The purposes of sentencing include retributive, preventive, rehabilitative, and restorative aspects. In this study, sentencing theory is used to evaluate the judges' considerations in imposing criminal sanctions, specifically whether the emphasis was on retribution, prevention, behavior correction, or restoration of victims' losses.

METHOD

This study employs a Normative-Empirical Legal Research (Socio-Legal Research) approach with a Descriptive-Analytical nature, focusing on the analysis of legal norms within the context of their implementation in the judiciary, particularly the application of Article 363 of the Indonesian Criminal Code (KUHP) and judges' legal considerations. The research approaches used include the Case Approach through an in-depth analysis of the Medan District Court Decision Number 1150/PID.B/2024/PN MDN as a single case study, and the Statute Approach by examining Article 363 KUHP and related provisions of the Criminal Procedure Code (KUHAP) concerning evidence. The data sources consist of Primary Legal Materials, namely official copies of court decisions, KUHP, and KUHAP, and Secondary Legal Materials, including criminal law doctrines, textbooks, scientific journals, and previous studies relevant to aggravated theft and court decision analysis. Data were collected through a Documentary Study method, with systematic recording of the content of court decisions and related legislation, and subsequently analyzed descriptively and analytically.

RESULTS AND DISCUSSION

The analysis of aggravated theft is conducted by referring to positive law regulations, the juridical construction of the aggravating elements under Article 363 of the Indonesian Criminal Code (KUHP), the factors causing the act, and the judge's considerations in rendering the decision, as explained below :

Regulation of Aggravated Theft under Positive Law in Indonesia

Positive law in Indonesia, particularly in the context of criminal acts, explicitly regulates the gradation of crimes. Article 363 of the Criminal Code (KUHP) provides the legal framework for aggravated theft (*gekwalficeerde diefstal*), categorized as a more serious offense compared to ordinary theft as stipulated in Article 362 KUHP. The maximum penalty of seven years of imprisonment under Article 363 reflects factors that increase the victim's loss and the potential danger to society. The provisions of Article 363 KUHP are based on fulfilling the basic elements of theft in addition to at least one alternative aggravating element. Legislators established this qualification based on the method, time, place, and number of perpetrators, which intrinsically increase the degree of fault (*schuld*). Theft

committed at night in a house or enclosed yard is recognized as an aggravating factor, as it potentially violates privacy and increases the risk of dangerous confrontations with incapacitated victims. Acts involving breaking, cutting, climbing, or using false keys or fake uniforms indicate premeditation (*voorbbedachte rade*) and demonstrate a strong intent to bypass the security measures put in place by the property owner, moving the act away from spontaneity. Theft committed by two or more individuals in collusion reflects cooperation that increases the perpetrators' ability to face resistance, divide security responsibilities, and transport stolen goods, thereby increasing fear and harm to the victims. Additionally, theft of livestock in pastures or enclosures, as well as theft occurring during disasters, demonstrates exploitation of emergency situations or economically critical assets for agrarian communities.

In adjudicating Decision Number 1150/PID.B/2024/PN MDN, positive law requires the Public Prosecutor (JPU) to prove not only the elements of ordinary theft but also the aggravating elements under Article 363 KUHP. These elements must be supported by valid evidence, such as witness testimony, documents, and other indications, in accordance with Article 184 KUHAP. Failure to prove an aggravating element may result in the defendant being charged only under Article 362 KUHP or even acquitted if the basic elements of theft are not proven. The success of the Medan District Court decision in qualifying the defendant's act under Article 363 KUHP demonstrates that the panel of judges was convinced juridically of the fulfillment of certain aggravating elements, such as theft committed by two or more individuals. This conviction forms the basis for imposing a heavier penalty while upholding the principle of legal certainty. Although Decision Number 1150/PID.B/2024/PN MDN is still based on the old KUHP, it is important to note that Indonesian criminal law is undergoing changes. Law Number 1 of 2023 on the new KUHP shifts the regulation of aggravated theft to Article 471, with adjusted qualifications and an increased penalty of up to nine years. This change reflects legislative response to increasingly organized crime. However, until the new KUHP comes into effect, the old KUHP remains binding, so the analysis of the decision must refer to the applicable *lex temporalis* provisions.

Factors Causing Aggravated Theft as Reflected in Decision Number 1150/Pid.B/2024/PN MDN

The factors underlying aggravated theft (Article 363 KUHP), as reflected in Decision Number 1150/Pid.B/2024/PN MDN, are a convergence of socio-economic pressures, individual disposition, and situational opportunities, ultimately fulfilling the juridical qualifications for aggravation. This analysis uses criminology and legal sociology frameworks. The main roots of property crime, including aggravated theft, often lie in the perpetrator's economic and social conditions, creating strong motivation to deviate. The anomie or strain theory (Robert K. Merton) is relevant here. The defendant faced relative poverty or unemployment in an urban environment emphasizing material success, experiencing strain that prompted innovative methods to achieve economic goals. In aggravated theft, the defendant opted for higher-risk, premeditated methods, such as property destruction or collusion, due to urgent financial needs and inability to meet needs through legal channels. The Medan District Court decision implicitly shows that stolen goods were typically easily converted into cash to meet daily living needs.

Crimes involving aggravating elements, particularly committed by two or more individuals, demonstrate the relevance of differential association theory (Edwin H. Sutherland), which emphasizes that criminal behavior is learned through interaction with intimate groups. The defendant's social environment provided norms supporting law violations, taught operational techniques, and rationalized the criminal act. Additionally, social control theory (Travis Hirschi) asserts that the defendant had weak societal bonds, thus not fearing violations of social and legal norms. Internal factors related to the defendant's moral disposition, including education level, morality, and criminal history, also influence *mens rea*. The decision to commit theft in an aggravating manner demonstrates organized intent, and if the defendant is a recidivist, this constitutes a significant non-juridical aggravating factor, reflecting institutional failure in rehabilitation and high resistance to deterrence.

Situational and juridical factors must also be analyzed, particularly opportunities enabling acts that fulfill the aggravating elements of Article 363 KUHP. Routine activities theory (Lawrence Cohen and Marcus Felson) explains that crime occurs due to the convergence of three elements: motivated offender, suitable target, and lack of capable guardianship. Aggravated theft often occurs at night and in enclosed spaces, demonstrating the defendant's exploitation of weak supervision, target selection with valuable assets, and timing with high success probability and low risk of arrest. Juridical factors are reflected in the method of committing the act, explicitly qualifying it as aggravated, such as breaking or using additional tools to increase efficiency and speed. The involvement of multiple perpetrators generates greater threat potential compared to a single offender, automatically fulfilling Article 363 KUHP qualifications and directly causing higher penalties.

Juridical Analysis of Judges' Considerations (Ratio Decidendi) in Decision Number 1150/Pid.B/ 2024/PN MDN

The juridical analysis shows how the panel of judges bridged substantive and procedural criminal law to reach a legally binding decision. Judges' considerations are divided into two complementary domains, juridical proof of the offense and non-juridical sentencing determination. In the juridical domain, judges ensure that the trial process complies with the Criminal Procedure Code (KUHP) and that the defendant's actions meet the elements of the Criminal Code (KUHP). The Public Prosecutor's charges are carefully tested against trial facts. Judges must be convinced that the defendant has been proven legally and convincingly to fulfill the basic elements of theft taking another's property with unlawful intent based on at least two valid pieces of evidence. Aggravating elements, which distinguish ordinary theft from aggravated theft, must be explicitly proven. For example, if the defendant committed theft with two or more accomplices, the judge must refer to witness or defendant testimony confirming the conspiracy and joint execution of the theft. Failure to prove such aggravating elements nullifies the Article 363 KUHP charge.

Judges also ensure procedural compliance, including the validity of the charges, admissibility of evidence, and absence of justifications, such as self-defense or mental disorder, so that the defendant can be held criminally accountable. Once juridical considerations are complete, judges move to the non-juridical domain, determining sanctions that reflect the principles of individualized and proportional punishment. The decision must consider the defendant's culpability (retributive aspect) while addressing preventive and educational objectives for society. Aggravating and mitigating factors must be detailed as part of judicial discretion, remaining consistent with legal certainty (*rechtszekerheid*) and jurisprudence. The juridical analysis of Decision Number 1150/Pid.B/2024/PN MDN demonstrates that the judges successfully carried out their juridical duties by confirming the offense under Article 363 KUHP, while also fulfilling their philosophical role in formulating a just sentence based on careful consideration of the interests of the victims, the defendant, and society.

CONCLUSION

The analysis of aggravated theft indicates that the applicable positive law refers to Article 363 of the Indonesian Criminal Code (KUHP), which elevates ordinary theft to aggravated theft when committed under specific circumstances, such as by two or more individuals, at night, or through destructive means, thereby increasing social danger and allowing for a maximum penalty of seven years of imprisonment. The factors underlying the criminal act in Decision Number 1150/Pid.B/2024/PN MDN represent a convergence of criminological factors including economic pressure, relative poverty, weak social control, and group influence and juridical factors, such as the exploitation of the victim's vulnerability and invasive *modus operandi* that fulfill the aggravating clauses of Article 363 KUHP. The juridical analysis of this decision demonstrates that the panel of judges lawfully established the fulfillment of all basic elements of theft and at least one aggravating element based on valid evidence, upholding legal certainty while applying the principles of individualized and proportional punishment, taking into account both aggravating and mitigating circumstances. Accordingly, the decision seeks to achieve substantive justice in addition to procedural justice.

REFERENCES

- Atmasasmita, R. (2011). *Teori dan kapita selekta kriminologi*. Bandung: Refika Aditama.
- Cohen, L. E., & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, 44(4), 588–608.
- Harahap, M. Y. (2009). *Pembahasan permasalahan dan penerapan KUHP: Pemeriksaan sidang pengadilan, banding, kasasi, dan peninjauan kembali*. Jakarta: Sinar Grafika.
- Hiariej, E. O. S. (2014). *Prinsip-prinsip hukum pidana*. Yogyakarta: Cahaya Atma Pustaka.
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Indonesia. (1946). *Undang-Undang Nomor 1 Tahun 1946 tentang Peraturan Hukum Pidana*.
- Indonesia. (1981). *Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana*.
- Indonesia. (2023). *Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana*.
- Ismaidar. (2023). *Prinsip-prinsip penegakan hukum terhadap pelaku dalam kategori tindak pidana umum*. Medan: CV. Tungga Esti.
- Marpaung, L. (2008). *Kejahatan terhadap harta kekayaan dalam KUHP*. Jakarta: Sinar Grafika.
- Merton, R. K. (1968). *Social theory and social structure*. New York: Free Press.

- Moeljatno. (2008). *Asas-asas hukum pidana* (Edisi Revisi). Jakarta: Rineka Cipta.
- Pengadilan Negeri Medan. (2024). *Putusan Nomor 1150/PID.B/2024/PN MDN*.
- Rahardjo, S. (2000). *Ilmu hukum*. Bandung: Citra Aditya Bakti.
- Rahmayanti, R. (2023). Kajian kriminologi terhadap anak (pelaku) tindak pidana pencurian sepeda motor dengan kekerasan. *Jurnal Hukum, Politik dan Ilmu Sosial*, 2(3), 290–299.
- Ramadani, S. (2023). *Kebijakan hukum pidana dalam penanggulangan tindak pidana narkoba di Indonesia* (Tesis S2, Universitas Andalas).
- Reksodiputro, F. P. C. T. S. E. D. (2000). *Kriminologi dan sistem peradilan pidana*. Jakarta: Pusat Penerbitan Fakultas Hukum Universitas Indonesia.
- Sahlepi, M. A. (2022). *Memahami dasar-dasar ilmu hukum pidana secara sistematis dan praktis*. Medan: Perpustakaan Nasional.
- Soesilo, R. (1995). *Kitab Undang-Undang Hukum Pidana (KUHP) serta komentar-komentarnya lengkap pasal demi pasal*. Bogor: Politeia.
- Sutherland, E. H., & Cressey, D. R. (1978). *Principles of criminology*. New York: J. B. Lippincott Company.
- Zarzani, T. R. (2022, November). An application of restoratives to children of criminal offenders (Study at Polda North Sumatra). *Proceeding International Conference of Science Technology and Social Humanities*, 1, 300–309.