

LEGAL ANALYSIS OF THE JUDGE'S CONSIDERATIONS IN DECISION NUMBER 98/PID.B/2025/PN TML CONCERNING THE CRIMINAL ACT OF DESTRUCTION OF GOODS

Marisa Hawini¹, Aristoteles², Rizki Setyobowo Sangalang³, Putri Fransiska Purnama Pratiwi⁴

^{1,2,3,4} Faculty of Law, Universitas Palangka Raya, Kalimantan Tengah, Indonesia

Email: marisahawini@gmail.com¹, aristoteles@law.upr.ac.id², rizkisetjowowo@law.upr.ac.id³,
putrifransiskapurnamapратиwi@law.upr.ac.id⁴

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Abstract

This study examines judicial reasoning in the decision of the Tamiang Layang District Court Number 98/PID.B/2025/PN Tml concerning the criminal offense of property damage. The focus centers on two issues: first, whether judicial considerations comply with Article 406(1) of the old Penal Code and Article 521 of the new Penal Code (Law No. 1 of 2023); and second, whether the sentence reflects the principle of *ultimum remedium* as well as restorative justice. Adopting a normative juridical approach, the research reveals that while the elements of the offense were completely satisfied, there are weaknesses in the court's treatment of the statute of limitations and proportionality. Under the new Penal Code, Article 521 broadens criminal sanctions while opening wider space for restorative resolution. The conditional sentence imposed reflects a moderate application of *ultimum remedium* and restorative values, although the more appropriate civil law remedy was never pursued.

Keywords : *Judicial Consideration, Property Damage, Article 406 of the Criminal Code, Article 521 New Penal Code, Ultimum Remedium, Restorative Justice.*

A. INTRODUCTION

Criminal law has unique characteristics, particularly in its sanctions, which are repressive and fundamentally different from civil law. It contains provisions that outline prohibitions and their consequences. As previously mentioned, the distinction between criminal law and civil law lies not only in the type of sanctions imposed, but also in the enforcement mechanisms, the competent authorities, and the standards of proof. Therefore, criminal law functions not merely as a means of punishment but also as a means of social control, the impact of which directly affects the fundamental rights of individuals. Criminal law essentially functions as a means of protecting the legal interests of society, including interests in property from any unlawful act, including the crime of destruction. One form of this protection is regulated in the Criminal Code (KUHP) Article 406 paragraph (1) which regulates the crime of destruction of property. This article states that "anyone who intentionally and unlawfully destroys, damages, renders unusable, or removes property that is wholly or partially owned by another person, shall be subject to a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiah." ¹This provision is intended to ensnare anyone who intentionally and unlawfully destroys, damages, renders unusable, or removes property that is wholly or partially owned by another person. ²In its development, the regulation of the crime of destruction of property is also included in the new Criminal Code (Law No. 1 of 2023) through Article 521, which broadens the scope and updates the criminal threat so that it is more relevant to current legal and social conditions. ³ In judicial practice, the application of provisions regarding damage to property often raises legal issues, particularly when the act is related to a pre-existing civil legal relationship. The line between civil disputes and criminal acts becomes blurred, potentially leading to the criminalization of acts that are inherently

¹ Tio Shanjaya and Risti Dwi Ramasari, "Implementation of Criminal Law Against Someone Who Damages Another Person's Property So That It Can No Longer Be Used," *Journal of Student Scientific Research & Studies (JPPIM)* 2, no. 4 (2021): 1–13.

² Renata Christa Auli, "Contents of Article 406 of the Criminal Code Concerning Destruction of Goods," *Hukum Online.com*, 2024, <https://www.hukumonline.com/klinik/a/pasal-406-kuhp-tentang-perusakan-barang-lt65f17a254f5ba/>.

³ Indonesia Central Government, "Law Number 1 of 2023," *Regulation Database*, 2023, <https://peraturan.bpk.go.id/Details/234935/uu-no-1-tahun-2023>

private .⁴This situation demands a high degree of precision from judges in distinguishing between the criminal and civil spheres. This problem is reflected in Decision Number 98/Pid.B/2025/PN Tml decided by the Tamiang Layang District Court. In this case, the defendant was found legally and convincingly proven to have destroyed the barracks building belonging to witness Isak Kilay, causing the building to be unusable in 2014, but the case was only reported and tried in 2025 or approximately eleven years after the incident occurred. Between the incident and the report, there was a previous legal relationship in the form of a land and building sale and purchase transaction, so the civil context surrounding this case is very thick. The judge imposed a one-month conditional sentence with a three-month probationary period on the defendant, based on Article 14a of the Criminal Code (KUHP) , reflecting humanitarian considerations and the educational purpose of sentencing. However, the decision leaves much room for academic discussion, particularly regarding the statute of limitations for prosecution, proportionality of judgments, and the appropriateness of the use of criminal channels. Based on the description, this research is formulated with the title "Juridical Analysis of Judge's Considerations in Decision Number 98/Pid.B/2025/PN Tml concerning the Criminal Act of Destruction of Property". Therefore, the problems to be studied in this research can be formulated as follows:

1. Are the judge's considerations in the decision in accordance with the provisions of Article 406 paragraph (1) of the old Criminal Code and Article 521 of the new Criminal Code as well as the principles of criminal law?
2. Is the sentencing in the decision in line with the principle of *ultimum remedium* and the principle of restorative justice in criminal law?

B. RESEARCH METHODS

This research uses a normative juridical approach, focusing on the Tamiang Layang District Court Decision Number 98/PID.B/2025/PN TML. This approach aims to examine written legal norms, legal principles, applicable legal rules and their application in court decisions. The approach methods used include statutory, conceptual, and case approaches. Legal sources consist of the old Criminal Code (KUHP) , the new Criminal Code (KUHP) (Law No. 1 of 2023), the Criminal Procedure Code, copies of court decisions, criminal law doctrine, and scientific literature. The collection of legal materials is carried out through literature studies and data is analyzed qualitatively by interpreting applicable legal norms and relating them to legal facts in decisions.

C. RESULTS AND DISCUSSION

Judges cannot rely solely on a single perspective when deciding criminal cases. In addition to the legal aspects, judges must also consider philosophical and sociological dimensions to ensure that their decisions truly reflect substantive justice, not merely procedural justice.⁵ From a legal perspective, the judge's considerations are based on the application of applicable laws and regulations, in this case the Criminal Code (KUHP). The judge must ensure that the elements of the offense charged against the defendant are fulfilled as defined in the law. Furthermore, there is an equally important philosophical aspect: the judge's decision should not only be based on the application of positive law but also reflect the values of justice. This includes respect for human rights and the application of the principle of proportionality in sentencing, so that the sentence imposed is neither excessive nor too light. Meanwhile, the sociological aspect relates to how the decision impacts society. The decision is expected to provide a deterrent effect on the perpetrator, while also providing legal protection for the victim and society at large. This research utilizes Gustav Radbruch's theory of the purposes of law, which encompasses three basic values: utility, certainty, and justice. Implementing these three purposes of law requires the use of the principle of priority.⁶This theory is relevant because criminal decisions essentially represent the intersection of written norms and social reality. In the context of property damage cases, judges not only assess whether the elements of the offense have been fulfilled but also determine how the law operates fairly and effectively. As a grand theory, this

⁴ Bryan Kevin, "Criminal Act of Destruction of Goods in Article 406 Paragraph (1) of the Criminal Code (Study of Supreme Court Decision Number 619 K/Pid/2017)," *Lex Crimen* 8, no. 5 (2019): 63–70.

⁵ Ahmad Riyadi Saputra, Baso Madijong, and Yulia A Hasan, "The Strength of Evidence for Premeditated Murder in Polewali District Court Decision Number 139/PID.B/2023/PNPOL," *Indonesian Journal of Legality of Law* 7, no. 2 (2025): 134–40, <https://doi.org/10.35965/ijlf.v7i2.6236>.

⁶ Utami Puspaningsih, "Three Conventional Schools on the Purpose of Law," Sidakalang Religious Court, 2022, <https://pa-sidakalang.go.id/index.php/publikasi/arsip-artikel/723-tiga-aliran-konvensional-tentang-tujuan-hukum>.

research uses the combined theory of the purpose of punishment, which views punishment not only as retribution, but also as prevention and improvement.⁷

1. Analysis of the Judge's Considerations Regarding Article 406 paragraph (1) of the Old Criminal Code, Article 521 of the New Criminal Code, and the Principles of Criminal Law.

a. Perspective of the Old Criminal Code (Article 406 paragraph (1))

The Panel of Judges in deciding case Number 98/PID.B/2025/PN Tml, based its considerations on the fulfillment of the elements in Article 406 paragraph (1) of the Criminal Code which states that "Anyone who intentionally and unlawfully destroys, damages, makes unusable or removes something which belongs in whole or in part to another person, shall be subject to a maximum prison sentence of two years and eight months or a maximum fine of four thousand five hundred rupiah." Textually, the judge has outlined the elements of "whoever", "intentionally and unlawfully", and the act of "destroying or damaging another person's property". Based on the facts at trial, the defendant was proven to have ordered the demolition of the barracks belonging to witness Isak Kilay in 2014 and used the materials to build a private house. This action objectively fulfills the elements of "damaging" or "rendering unusable". Subjectively, the existence of an order for demolition indicates will and knowledge (*willens en wetens*), so that the element of intent is fulfilled. This fact is supported by the testimony of witness Hidayatullah who stated that the demolition was carried out on the orders of the defendant.

The judge's choice to use Article 406 paragraph (1) of the Criminal Code instead of Article 362 of the Criminal Code (theft) is also correct from a criminal construction perspective. The defendant's actions were not merely taking goods for his own use, but rather dismantling and eliminating the function of the building as a whole. Thus, from a formal legal perspective, the judge's considerations were in accordance with the provisions of Article 406 paragraph (1) of the Criminal Code. However, there is a crucial point that needs to be criticized, namely the issue of the statute of limitations for prosecution. Article 78 paragraph (1) number (2) of the Criminal Code stipulates that criminal acts with a prison sentence of no more than three years have a statute of limitations of six years. Considering that Article 406 paragraph (1) of the Criminal Code stipulates a maximum sentence of two years and eight months, the authority to prosecute should be removed six years after the incident, which means that the right to prosecute should have been legally terminated since 2020, long before prosecution was carried out in 2025. The Public Prosecutor did include the clause "or at least in 2022", as an effort to ensure that the case does not expire. However, the Panel of Judges in its considerations still believes that the act occurred in 2014.

The forced extension of the prosecution until 2025 reflects a disregard for the principle of legal certainty. This principle should protect citizens from an unending threat of prosecution. Therefore, theoretically, the judge should issue a ruling declaring the prosecution inadmissible (*niet ontvankelijk verklaard*). The judge's decision to proceed with the main case reflects prioritizing justice for the victim over the principle of legal certainty. However, this step is a risky choice because it ignores the statutory limitations established by law regarding statute of limitations.

b. Perspective New Criminal Code (Article 521 of Law No. 1 of 2023)

The new Criminal Code, which was ratified through Law Number 1 of 2023 and came into effect on January 2, 2026, regulates the crime of destroying goods in Article 521. This article states: "Any person who unlawfully destroys, damages, renders unusable, or removes goods that are partially or wholly owned by another person, shall be punished with imprisonment for a maximum of 2 (two) years and 8 (eight) months or a maximum fine of category IV."⁸ Compared to Article 406 of the old Criminal Code, there are several fundamental differences that need to be noted.

First, the formulation of the subjective element. The old Criminal Code explicitly requires "intentionally," while Article 521 of the new Criminal Code uses the phrase "unlawfully" as a single element without explicitly mentioning intent. However, in modern criminal law doctrine, unlawful acts in the context of this type of offense still require malicious intent (*mens rea*). Second, the threat of a fine. Article 406 of the old Criminal Code stipulated a maximum fine of IDR 4,500.00, a figure that is no longer relevant. Meanwhile, Article 521 of the new Criminal Code replaces it with a category IV fine (maximum IDR 200,000,000.00), which is far more proportional to the actual value of the losses that can be incurred. Third, the spirit of punishment. The new Criminal Code as a whole is more oriented towards restoring social relations between the perpetrator, the victim, and the community, in

⁷ Syarif Saddam Rivanie et al., "The Development of Theories of the Purpose of Punishment," *Halu Oleo Law Review* 6, no. 2 (2022): pp. 176-188.

⁸ Central Government, "Law Number 1 of 2023."

line with the principle of restorative justice accommodated in Articles 51 to 62 of the new Criminal Code.⁹ When this decision is assessed through the lens of Article 521 of the new Criminal Code, several important points emerge. From a probative standpoint, the elements of the act and the object (property belonging to another person) remain fulfilled, based on the same facts. However, from a sanction standpoint, a category IV fine opens the possibility for the judge to impose a significant fine as an alternative to imprisonment, an option that was unrealistic under Article 406 of the old Criminal Code due to its very small fine. Furthermore, the new Criminal Code framework encourages judges to consider compensation mechanisms for victims simultaneously with sentencing, so that victims receive not only "recognition" of their losses but also tangible redress.¹⁰ Thus, compared to the old Criminal Code, the new Criminal Code provides judges with more diverse and proportional instruments in handling cases of property damage while emphasizing that criminal sanctions are not the only available state response.

c. Consideration of Aggravating and Mitigating Factors

In terms of justice and expediency, the judge's consideration of aggravating factors was minimal, only including one point, that the defendant's actions caused harm to others. Aggravating circumstances should reflect the seriousness of the crime or the level of danger of the perpetrator, which is found outside the elements of the crime itself.¹¹ In fact, there are still a number of things that are worthy of being aggravating circumstances but are not made explicit by the judge, for example, that the demolition was carried out secretly without the owner's knowledge, the victim's building materials were used for the defendant's personal interests, and that the defendant never attempted to compensate for the losses even though the victim had submitted a claim for recovery since 2014.

Regarding mitigating circumstances, the judge cited three points: polite behavior in court, prior convictions, and advanced age (58 years). Polite behavior in court is a norm of behavior expected of everyone attending a trial, not an indicator of moral character that significantly reduces the level of culpability. Mitigating circumstances should reflect a circumstance or situation truly related to the crime, not merely procedural behavior in court.¹² Conversely, the defendant's first-time offender status and advanced age are more legally defensible considerations, particularly from the perspective of rehabilitative sentencing emphasized by the new Criminal Code. In this regard, the judge's consideration of emphasizing the defendant's advanced age as a mitigating factor is quite consistent with the goals of modern sentencing, which are not solely retributive but also emphasize prevention and behavioral improvement. The imbalance in weight between one aggravating circumstance and three mitigating circumstances creates the impression that the interests of victims who suffered actual losses of up to Rp100,000,000.00 are not given equal attention in the decision's deliberations. According to Radbruch, ideal law must simultaneously fulfill the values of justice, certainty, and utility. When one overpowers the other, the ideal balance is shaken.¹³

2. Application of the Ultimum Remedium Principle and the Principle of Restorative Justice in Decision Number 98/PID.B/2025/PN Tml

a. Ultimum Remedium: Definition and relevance in this case

Ultimum remedium is a term derived from Latin, literally meaning "last resort." This means that criminal law is not immediately used as the primary means of resolving a problem. Instead, it is positioned as a last resort, used only when other efforts are inadequate. In the Dutch dictionary, this term is associated with "*het uiterste middel, remedie die toegepast wordt als geen andere remedie meer mogelijk is gevonden*," meaning a means used when no other means can be found.¹⁴ This principle emphasizes that criminal sanctions may only be applied if other sanctions, such as administrative, civil, or correctional, are inadequate or have failed. In Indonesian criminal law literature, this principle is closely related to the principles of subsidiarity and proportionality. This means that before imposing a sentence, a judge should consider whether the conflict can actually be resolved through other,

⁹ Muhammad Ainul Syamsu, *Criminal Sentencing and Two Basic Principles of Criminal Law* (Jakarta: Kencana Prenadamedia, 2022).

¹⁰ Chazawi Adami, *Criminal Law Lessons Part 1* (Jakarta: PT RajaGrafindo Persada, Jakarta, 2021).

¹¹ Dwi Hananta, "Consideration of Mitigating and Aggravating Circumstances in Sentencing," *Journal of Law and Justice* 7, no. 1 (2018): 87–108.

¹² Rahmiati Rahmiati and Nurhafifah Nurhafifah, "Judges' Considerations in Sentencing Regarding Aggravating and Mitigating Factors," *Kanun Jurnal Ilmu Hukum* 17, no. 66 (2015): 341–62.

¹³ Muhammad Bintang Firdaus, "Dialectics of Justice, Certainty, and Legal Utilization in Gustav Radbruch's Perspective on Indonesian Law," *Journal of Law and Public Policy Studies* 3, no. 1 (2025): 357–67.

¹⁴ Yoserwan Yoserwan, *The Doctrine of Ultimum Remedium in Indonesian Criminal Law (Implementation in Economic Criminal Law)*, Andalas University Press, 2019.

more restorative mechanisms.¹⁵The new Criminal Code further strengthens this principle by providing diversion mechanisms and out-of-court settlements as part of the sentencing system. Before analyzing the decision from an *ultimu remedium* perspective, it's important to examine whether any non-litigation efforts were made before the case became a criminal matter. The chronology of the trial facts reveals a complex picture. The demolition incident occurred in 2014. Immediately upon learning of the incident, victim Isak Kilay protested to the defendant and requested that the barracks be repaired. However, this was unsuccessful. The victim had intended to file a report with the Dusun Tengah Police, but decided against it due to a feeling of compassion for the defendant, who was elderly, single, and childless. The village head (Jaro Lelond Tuah Bin Matius) explicitly stated that amicable resolution was a wiser option, but this village-level deliberation mechanism was never formalized. In 2024, the victim received information that the defendant had remarried and allegedly obtained a new certificate for the land he had previously purchased. This development prompted the report on April 28, 2025, approximately eleven years after the incident.

From this chronology, it is clear that the civil legal route is the most relevant considering that the root of the problem is a land and building sale dispute and the claim for compensation was never pursued at all. *Ultimum remedium* requires that criminal law not be used as a shortcut for disputes that are essentially civil in nature, the use of criminal law can only be justified if other efforts have been seriously pursued but have not resulted in an adequate resolution.¹⁶Losses amounting to Rp100,000,000.00 are actually more appropriately recovered through a civil compensation lawsuit rather than through criminal prosecution which only results in a conditional sentence without the obligation to restore to the victim.

In its verdict, the Panel of Judges sentenced the defendant to one month's imprisonment with a conditional sentence based on Article 14a of the Criminal Code, meaning that the sentence need not be served unless the defendant commits another crime during the three-month probationary period. The use of Article 14a of the old Criminal Code demonstrates that the judge considered several factors, namely that the defendant had no prior convictions, was cooperative, and had not been detained since the investigation. From a modern criminal theory perspective, this approach represents an application of the principle of minimizing punishment and an attempt to limit the repressive use of imprisonment.¹⁷However, the conditional sentence in the old Criminal Code has limitations, namely the lack of a mandatory mechanism to ensure restitution of the victim's losses. The victim only "won" morally through the defendant's admission of guilt, but did not receive any material compensation. From the perspective of *ultimum remedium*, this option can be seen as a moderate compromise: criminal law is still used as a response, but its repressive impact is minimized.¹⁸A partial implementation is appropriate at the sentencing stage, but not yet at the stage of selecting a legal path.

b. Restorative Justice: A New Dimension in the 2023 Criminal Code

Restorative justice *is* a sentencing paradigm that emphasizes restoring relationships between the perpetrator, victim, and community, rather than simply punishing the perpetrator.¹⁹The new Criminal Code explicitly accommodates this principle in Articles 51 to 62, allowing judges to consider restorative-based solutions, including the obligation to compensate victims as part of the sentencing. This represents a significant paradigm shift from the old Criminal Code, which was almost entirely retributive.²⁰ In the context of this case, restorative justice requires that efforts to restore the victim's losses be prioritized before and even after criminal action is taken. The victim (witness Isak Kilay) suffered a real loss of Rp100,000,000.00 due to the demolition of the barracks. However, the judge's decision, which only imposed a one-month conditional sentence without the obligation to compensate, did not result in any restitution for the victim. This is the verdict's weakness when measured by restorative justice standards. Under the new Criminal Code, the handling of cases like this should be significantly

¹⁵ Bina Yumanto and Paruhum Aurora Sotarduga Hutauruk, "Ultimum Remedium in Criminal Tax Law: Theory and Practice," *Journal of Indonesian Taxation Studies* 4, no. 1 (2022): 107–49.

¹⁶ Yoserwan, *The Doctrine of Ultimum Remedium in Indonesian Criminal Law (Implementation in Economic Criminal Law)*.

¹⁷ Putri Maria Bernadette Wuisan, Lendy Siar, and Grace Yurico Bawole, "Application of the Ultimum Remedium Principle in Eradicating Criminal Acts of Forest Destruction," *Lex Administratum* 12, no. 4 (2024).

¹⁸ Mas Putra Zenno Januarsyah, "Application of the Ultimum Remedium Principle in Corruption Crimes," *Judicial Journal* 10, no. 3 (2017): 257–76.

¹⁹ Marlina Marlina, *Juvenile Criminal Justice in Indonesia: Development of the Concept of Diversion and Restorative Justice* (Bandung: Refika Aditama, 2012).

²⁰ N Indrajaya, Yasmirah Mandasari Saragih, and Biner Sihotang, "Restorative Justice as a Paradigm Shift in the Indonesian Criminal Justice System Under the New Criminal Law" 7, no. 1 (2026): 42–51.

different. First, judges have a stronger legal basis to order compensation to victims as part of sentencing, not merely as a moral option. Second, investigators and prosecutors should be more active in promoting restorative justice-based resolutions from the investigation stage, especially for cases rooted in civil disputes. Third, the category IV fine (maximum Rp 200,000,000.00) in Article 521 of the new Criminal Code opens the possibility for judges to impose a fine that covers or approximates the value of the victim's losses as a form of restitution.²¹ Furthermore, the new Criminal Code emphasizes the importance of out-of-court settlement as part of a more humane criminal law policy. If this case were handled under the new Criminal Code, penal mediation or other restorative mechanisms would likely become legally mandatory before the case is referred to court.²² This represents a fundamental shift from the paradigm of the old Criminal Code, which almost entirely positioned criminal law as the sole instrument of state response. Therefore, when measured by the standards of the new Criminal Code, the verdict in this case, while demonstrating the judge's good faith through the provisional sentence, is still far from ideal. Ideally, the legal process should begin with structured restorative efforts, and the verdict should contain concrete components of reparation for the victim's losses. In the context of social conflicts involving land ownership disputes, several studies have shown that many criminal cases in Indonesia stem from conflicts that could have been resolved through non-criminal mechanisms such as mediation or *restorative justice*.²³ This further strengthens the argument that civil litigation and community consultation should be prioritized before criminal law is used as a last resort.

D. CONCLUSION AND SUGGESTIONS

Conclusion.

First, from a formal legal perspective, the Panel of Judges' considerations in Decision Number 98/Pid.B/2025/PN Tml have fulfilled the requirements for applying Article 406 paragraph (1) of the old Criminal Code. All elements of the crime were proven, and the choice of article was more appropriate than Article 362 of the Criminal Code. However, there is a significant weakness, namely that the judge did not explicitly address the issue of the expiration of the prosecution which normatively should have been abolished since 2020. In addition, the imbalance between one aggravating circumstance and three mitigating circumstances makes the decision less proportional from a substantive justice perspective. If analyzed through the perspective of Article 521 of the new Criminal Code, this case should receive a different treatment, namely a much more proportional category IV fine can be an instrument of recovery, and the restorative justice framework of the new Criminal Code should encourage the obligation to compensate victims as part of the punishment.

Second, from the perspective of *ultimum remedium* and the principle of restorative justice, the use of criminal law in this case remains problematic. The civil legal route, most relevant to the root of the problem, namely the sale and purchase dispute and the claim for compensation, was never pursued. The village-level deliberation mechanism suggested by the village head was also not formalized. Nevertheless, the judge's application of a conditional sentence deserves appreciation as a partial implementation of the *ultimum remedium* principle at the sentencing stage. Under the new Criminal Code, the spirit of restorative justice should encourage a more holistic approach to ensuring that victims receive real reparations, not merely the symbolic satisfaction of imposing criminal sanctions on the perpetrator.

Suggestion

Based on the conclusions above, there are several suggestions that can be put forward.

First, to judges: consideration of aggravating factors needs to be deepened beyond generic factors, must be critical of the issue of statute of limitations, and in the era of the new Criminal Code must actively explore instruments for recovering victims' losses as part of sentencing. Second, investigators and prosecutors need to be more sensitive in assessing whether a case deserves to be brought to criminal proceedings or whether it can still be resolved through mediation, civil litigation, or *restorative justice*. The new Criminal Code provides a stronger mandate to make restorative mechanisms the first option, not the last. Third, to the community and justice seekers: especially in conflicts rooted in civil or land disputes, consider non-criminal avenues first. Settlement through civil

²¹ Syahdeini Syahdeini and Sutan Remy, *Corporate Criminal Liability* (Jakarta: Grafiti Pers, 2007).

²² Raehul Janah, Syamsul Hidayat, and Idi Amin, "Social Conflict Resolution Through a Restorative Justice Approach," *Jurnal Parhesia* 1, no. 2 (2023): 121–28, <https://doi.org/10.29303/parhesia.v1i2.3645>.

²³ Zaqi Aulia Dwinando, Marlinah Marlinah, and Andri Zulpan, "Mediation Efforts in Resolving Land Grabbing Disputes in Bengkulu City," *Al-Zayn: Journal of Social Sciences & Law* 3, no. 4 (2025): 3761–75.

lawsuits or deliberation has a greater potential to produce real redress than criminal penalties, which are ultimately symbolic.

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