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CRIMINAL LIABILITY FOR PERPETRATORS OF AGGRAVATED THEFT: AN ANALYSIS OF DECISION NUMBER 157/PID.B/2025/PN BTA

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Abstract

Aggravated theft remains a persistent conventional crime that harms individuals and disrupts public order. This study examines the factors contributing to aggravated theft and evaluates the criminal liability of the perpetrator in Decision Number 157/Pid.B/2025/PN Bta. The research applies normative and empirical legal approaches. Primary data were obtained through interviews with an investigator of the East OKU Police, a public prosecutor at the East OKU District Prosecutor's Office, and a judge of the Baturaja District Court, while secondary data were collected from legislation, judicial decisions, legal scholarship, and relevant journal articles. The data were processed through editing, classification, and systematization and were then analyzed qualitatively. The findings show that the offense was influenced by the social environment, social interaction and communication, the learning of criminal techniques, economic motives accompanied by rationalization, and the dominance of definitions favorable to lawbreaking. These factors are consistent with Sutherland's differential association theory. The defendant was criminally liable because the elements of the offense, fault, capacity for responsibility, and absence of excuses were established. The court imposed two years' imprisonment.

Keywords: Aggravated Theft; Court Decision; Criminal Liability; Differential Association; Penal Law.

INTRODUCTION

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia declares Indonesia to be a state governed by law. Consequently, law must serve as the principal guide for social, national, and governmental life while guaranteeing the protection of citizens' rights. In practice, however, the implementation of the rule-of-law principle continues to face challenges, as demonstrated by the persistence of various legal violations in society (Anugra & Susanti, 2024; Prasetyawati et al., 2024).

Violations of legal norms and prevailing social values may cause conduct to be classified as crime. Such acts not only disturb public order and security but may also cause harm to individuals and the wider community. Any person proven guilty must be held accountable. The Indonesian Criminal Code regulates various offenses and attaches sanctions according to their nature and seriousness in order to provide legal certainty (Hamdiyah, 2024; Alam et al., 2021).

From the perspective of criminal law, every offense is formulated in legislation as part of objective criminal law, which contains prohibitions and penal consequences. Subjective criminal law concerns the authority of law-enforcement institutions to apply those provisions through procedures established by law (Seregig et al., 2023). The occurrence of crime generally cannot be separated from the factors that underlie it. Internal conditions, including personal character and motivation, interact with the surrounding social environment and opportunities, thereby shaping an individual's decision to violate the law (Seregig & Siwi, 2025).

Crime opportunity theory explains that crime is determined not only by an offender's characteristics but also by opportunities that facilitate offending. An offense becomes more likely when the expected benefit is perceived to exceed the risk, particularly where the target is accessible and guardianship is weak (Farrell & Tilley, 2026). Culture and social environment also shape how individuals understand law, social values, and acceptable behavior; differences in these contexts may influence the choice to comply with or violate the law (Bui, 2024).

Law functions as a behavioral guide, but effective compliance requires binding sanctions. Sanctions preserve order, create security, and support legal certainty. They perform retributive, preventive, and educational functions by responding to offenders, encouraging public compliance, and discouraging repetition (Pratiwi et al., 2025; Djaya et al., 2025). Criminal sentencing is therefore connected not only with proof of the statutory elements but also with prosecutorial policy, evidence presented at trial, and judicial evaluation of the facts (Schleimer et al., 2024).

Theft is among the most common offenses reported in both print and online media. Economic hardship, low income, inadequate education, and difficulty satisfying daily needs are frequently associated with theft. The Criminal Code regulates theft in Book II, Articles 362-367, covering ordinary theft, aggravated theft, petty theft, robbery, and theft within the family. Article 363 provides for aggravated theft, which carries a heavier punishment when committed under specified circumstances, including the use of false keys or other instruments to gain access (Soesilo, 1996; Ramdan & Waldini, 2023).

Aggravated theft raises two interconnected questions: what factors cause the offense, and on what basis may the perpetrator be held criminally liable? Criminal liability requires more than the occurrence of a prohibited act. It also requires fault, capacity for responsibility, and the absence of grounds excluding liability. Criminalization must rest on clear normative justification, and punishment must be proportional to the proven offense and degree of blameworthiness (Tadros, 2020; Cornford, 2022).

Decision Number 157/Pid.B/2025/PN Bta concerns an attempted theft of a Honda Scoopy motorcycle in the courtyard of the Jami' Mujahidin Mosque, Tulus Ayu Village, Belitang Madang Raya District, East OKU Regency, at approximately 05:00 WIB on 28 January 2025. The defendant, Candra alias Ican Bin Herman, came from his boarding house carrying a T-shaped key, two interchangeable key tips, and a knife that had been prepared beforehand. He attempted to damage the motorcycle's locking system but was discovered by Dedi Purnomo, who had arrived for the dawn prayer. The defendant attempted to escape and was eventually apprehended by residents. He admitted that he intended to sell the motorcycle to finance his daily needs. The public prosecutor demanded one year and six months' imprisonment, while the court imposed two years' imprisonment.

This case is significant because it illustrates both the fulfillment of the statutory elements of attempted aggravated theft and the manner in which the court assessed the defendant's background, fault, and capacity for criminal responsibility. Accordingly, this study analyzes the causal factors behind the offense and the application of criminal liability under Article 363 paragraph (1) point 5 in conjunction with Article 53 of the Criminal Code.

LITERATURE REVIEW

Criminal Liability

Criminal liability is the legal consequence imposed on a person who commits a criminal act with fault and possesses the capacity to be held responsible. Under the approach associated with Moeljatno, four cumulative requirements must be examined: the existence of a criminal act, fault (schuld), the offender's capacity for responsibility, and the absence of excuses or justifications. This structure prevents punishment from being imposed solely because a harmful event has occurred.

Modern criminal-law decision making also requires objective evaluation of factual circumstances. Although legal reasoning is central, psychological and emotional considerations may affect judgment, creating a need for careful evidentiary assessment so that a decision reflects both justice and legal certainty (Coppelmans et al., 2024). Offense differentiation likewise serves to reflect differences in seriousness and blameworthiness, rather than merely labeling conduct (Cornford, 2022).

Aggravated Theft and Attempt

Article 363 of the Indonesian Criminal Code regulates theft committed under aggravating circumstances. The aggravation relevant to this case concerns entry or access facilitated through a false key or a specially prepared instrument. Article 53 governs attempt, requiring an intention to commit an offense, a commencement of execution, and non-completion caused by circumstances independent of the offender's will.

In motor-vehicle theft, preparation of specialized tools, selection of a valuable and transferable target, and efforts to defeat a locking mechanism may demonstrate planning and a direct commencement of execution. Target selection is frequently rational: offenders prefer property with high value, easy availability, and ready disposability (Quinn et al., 2022).

Differential Association Theory

Sutherland's differential association theory explains criminal behavior as learned through interaction and communication with others. Individuals learn techniques of offending as well as motives, rationalizations, and attitudes that support lawbreaking. The greater the exposure to definitions favorable to violating the law, the more likely criminal conduct becomes.

Social learning does not mean that every offense results from direct instruction. It may also develop through observation, repeated communication, and normalization of unlawful conduct within the offender's environment. Maloku (2020) emphasizes the relationship between social learning and criminal behavior, while Djakovic and Rowlands (2026) show how social association may interact with personal traits in predicting antisocial behavior. Moral values and social environment may also filter the effect of low self-control (Hirtenlehner & Leitgöb, 2021).

METHOD

This study employed normative and empirical legal approaches. The normative approach examined statutory provisions, legal theories, judicial decisions, and relevant literature. The empirical approach was conducted through field research involving open interviews with purposively selected law-enforcement officials: an investigator from the East OKU Police, a public prosecutor from the East OKU District Prosecutor's Office, and a judge of the Class IB Baturaja District Court. Primary data were derived from the interviews, while secondary data consisted of primary, secondary, and tertiary legal materials. Data collection was conducted through literature review, observation, and interviews. The collected materials were processed through editing, classification, and systematization and then analyzed qualitatively using a descriptive method. Conclusions were drawn by applying general legal rules and theoretical concepts to the specific facts disclosed in Decision Number 157/Pid.B/2025/PN Bta.

RESULTS AND DISCUSSION

Factors Causing Aggravated Theft in Decision Number 157/Pid.B/2025/PN Bta

The case originated from an attempted theft of a motorcycle in the courtyard of the Jami' Mujahidin Mosque in East OKU Regency. Before arriving at the location, the defendant had prepared a T-shaped key, two key tips, and a knife. Residents discovered the act and secured the defendant together with the instruments. Interviews with the investigator, prosecutor, and judge revealed several interconnected causal factors.

1. Findings from the East OKU Police Investigator

The investigator identified the social environment as a central factor. Social surroundings influence the formation of character and behavior. Repeated association with persons or groups that tolerate unlawful conduct may expose an individual to attitudes, methods, justifications, and values favorable to crime. In this case, the advance preparation of specialized tools indicated that the conduct was not purely spontaneous. Weak social control and the attraction of immediate gain may have enabled the defendant to develop both intention and confidence to offend.

The investigator also emphasized social interaction and communication. The defendant intended to sell the stolen motorcycle if the attempt succeeded, suggesting the existence of communication, expectations, or social connections relevant to the planned disposal of the property. Such interaction may strengthen an offender's belief that the crime is feasible and profitable, particularly where others provide practical information or normalize the conduct.

2. Findings from the Public Prosecutor

The public prosecutor highlighted the learning of criminal techniques. The defendant's ability to use a T-shaped key to damage a motorcycle locking system did not arise automatically. It was likely acquired through experience, observation, or interaction with others possessing similar knowledge. The defendant not only brought appropriate equipment but also understood its intended function, demonstrating technical preparation for motor-vehicle theft.

The prosecutor further identified economic motive and rationalization. The defendant admitted that the motorcycle would be sold and the proceeds used for daily needs. Economic pressure therefore supplied a motive, while rationalization allowed the defendant to treat unlawful acquisition as a means of meeting personal necessities. The selection of a Honda Scoopy parked in an accessible location also reflected a rational assessment of value, transferability, and opportunity. Nevertheless, economic hardship does not eliminate fault; it explains the motive but does not justify the act.

3. Findings from the Class IB Baturaja District Court Judge

The judge viewed the dominance of definitions favorable to lawbreaking as the decisive factor. An individual is more likely to offend when values supporting violation outweigh values supporting compliance. Here, the defendant planned the act, prepared tools, selected a target, and defined a clear economic purpose for the expected proceeds. These circumstances indicate that anticipated personal benefit was given greater weight than legal duty and the risk of punishment.

Taken together, the findings correspond with differential association theory. The social environment, communication with others, acquired criminal techniques, economic motive, rationalization, and favorable definitions did not operate independently. They mutually reinforced one another and contributed to the defendant's decision to commence the attempted aggravated theft. The investigator stressed environmental and communicative factors; the prosecutor emphasized technical learning and economic rationalization; and the judge focused on the dominance of values favoring violation. The combined explanation is therefore more persuasive than any single-factor account.

Criminal Liability in Decision Number 157/Pid.B/2025/PN Bta

Before rendering judgment, the panel assessed the statutory basis, the evidence submitted by the public prosecutor, and the facts disclosed at trial. The evaluation proceeded through the principal components of criminal

liability: the existence of a criminal act, fault, capacity for responsibility, and the absence of grounds excluding liability.

1. Existence of a Criminal Act

The defendant was charged under Article 363 paragraph (1) point 5 in conjunction with Article 53 of the Criminal Code. The court first examined the element of 'any person.' The identity of Candra alias Ican Bin Herman corresponded with the indictment and case file. Throughout the trial he understood questions, responded consciously, and showed no impairment affecting his ability to participate. The court therefore found him to be a legally accountable subject.

The court then examined the taking of property wholly or partly belonging to another with the intention of unlawful appropriation. The target was a brown-and-cream Honda Scoopy belonging to H. Sumaryono. Although the motorcycle was not successfully removed, the defendant inserted a T-key tip into the ignition and attempted to break the locking mechanism. His admission that the motorcycle would be sold for money confirmed the intention to obtain unlawful control over another person's property.

The aggravating circumstance was established by the use of specially prepared instruments or a false key. Before reaching the scene, the defendant had prepared one T-shaped key and two key tips intended to defeat the vehicle's lock. He also carried a knife in his trouser pocket. The preparation and use of these tools demonstrated prior planning and facilitated the attempted theft, satisfying the aggravating element under Article 363 paragraph (1) point 5.

The element of attempt under Article 53 was also fulfilled. The defendant's conduct had moved beyond preparation and entered the commencement of execution when he inserted the tool into the motorcycle ignition and attempted to damage it. The offense was not completed because Dedi Purnomo discovered him and residents apprehended him. Non-completion therefore resulted from external intervention rather than voluntary abandonment. The defendant's confession, witness statements, and physical evidence supported the conclusion that attempted aggravated theft had been legally and convincingly proven.

2. Fault (Schuld)

The court found intentional fault. The sequence of conduct showed awareness, will, and advance planning. The defendant prepared the T-key, key tips, and knife before arriving at the mosque. At the scene, he consciously selected the motorcycle and used the prepared instrument to attack the locking system. His conduct was neither accidental nor a sudden response to an emergency.

The testimony of Dedi Purnomo, who directly observed the attempt, was consistent with H. Sumaryono's statement that he owned the motorcycle and had never authorized the defendant to take it. The defendant's own admission regarding his intention to take and sell the motorcycle further confirmed that he understood both the purpose and the unlawful nature of the conduct. The failure of the theft resulted only from discovery and intervention, not from a change of mind. Intentional fault was therefore established.

3. Capacity for Responsibility

The panel found no mental disorder, developmental impairment, or other condition capable of eliminating the defendant's capacity for responsibility. During trial he followed the proceedings, understood questions from the judges, prosecutor, and counsel, and gave coherent answers. His conduct before the offense also demonstrated planning, target selection, knowledge of the instruments, and an understanding of the intended economic result. These facts showed that he could distinguish permitted from prohibited conduct and control his actions.

4. Absence of Excuses or Justifications

No evidence indicated coercion, threat, necessity, mental incapacity, or any other circumstance that could excuse or justify the conduct. The defendant acted on his own initiative and had time to consider his decision while preparing the tools. The witness statements, confession, and physical evidence—including the motorcycle, registration document, T-key, key tips, and knife—were mutually reinforcing. The court therefore concluded that neither an excuse nor a justification removed the defendant's culpability.

5. Sentence and Legal Assessment

Having found all requirements of criminal liability satisfied, the panel declared the defendant legally and convincingly guilty of attempted aggravated theft. The court treated the public anxiety caused by the act as an aggravating circumstance. Mitigating circumstances included the defendant's lack of prior convictions, respectful behavior at trial, and candid admission. It imposed two years' imprisonment, ordered the full deduction of arrest and detention periods, and determined the status of the evidence in accordance with the judgment.

The reasoning is consistent with Moeljatno's theory of criminal liability. A criminal act was proven through the commencement of execution of aggravated theft; intentional fault was established through preparation and purpose; the defendant had the capacity to be responsible; and no ground excluded liability. The sentence therefore

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represented an application of Indonesian criminal law supported by legally admissible evidence and directed toward legal certainty, justice, and social protection.

CONCLUSION

The attempted aggravated theft in Decision Number 157/Pid.B/2025/PN Bta was influenced by the defendant's social environment, interaction and communication with others, the learning of criminal techniques, economic motive accompanied by rationalization, and the dominance of definitions favorable to lawbreaking. These factors are closely related to Sutherland's differential association theory, under which criminal conduct is learned through social interaction. Criminal liability was properly imposed because the court established a criminal act, intentional fault, capacity for responsibility, and the absence of excuses or justifications. The use of a T-shaped key and key tips, the commencement of execution, the defendant's admission, witness testimony, and physical evidence supported the application of Article 363 paragraph (1) point 5 in conjunction with Article 53 of the Criminal Code. The two-year prison sentence was therefore consistent with the applicable legal framework and the theory of criminal responsibility.

RECOMMENDATIONS

Prevention of aggravated theft requires stronger public legal awareness and more intensive preventive measures by law-enforcement agencies, particularly in locations with high vulnerability and weak guardianship. Community-based supervision, improved security for places of worship and parking areas, and early intervention in environments that normalize criminal conduct should be strengthened. Courts should continue to safeguard objectivity and independence by grounding decisions in trial facts, lawful evidence, the offender's degree of fault, and the purposes of punishment, so that judgments provide legal certainty, justice, and social benefit.

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