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ANALYSIS OF THE PROOF OF THE ELEMENTS OF THE CRIME OF AGGRAVATED THEFT COMMITTED CONTINUOUSLY (A STUDY OF DECISION NO. 942/PID.B/2025/PN LBP)

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Abstract

Based on the results of the study, it shows that the legal provisions for proving the elements of the crime of theft under aggravating circumstances carried out continuously (Case Study of Decision Number 942/Pid.B/2025/PN Lbp) have been determined in Articles 363 and 64 of the Criminal Code, Articles 183 to 189 of the Criminal Procedure Code. Obstacles to proving the elements of the crime of theft under aggravating circumstances carried out continuously are the limited accurate and strong evidence, the difficulty of proving the continuing and aggravating elements, negligence and incompleteness of the chronology of events. Solutions to proving the elements of the crime of theft under aggravating circumstances carried out continuously (Case Study of Decision Number 942/Pid.B/2025/PN Lbp) include requesting expert testimony, encouraging the collection of additional evidence, analyzing evidence comprehensively, comparing witness and suspect statements, using other supporting evidence, and reconstructing the incident.

Keywords: *Evidence, Elements of a Criminal Act, Theft under Aggravating Circumstances, Committed Continuously*

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1. INTRODUCTION

Theft is a crime that frequently occurs in society. The crime of theft is regulated in the Criminal Code (KUHP), which is classified into ordinary theft (Article 362 KUHP), aggravated theft (Article 363 KUHP), minor theft (Article 364 KUHP), and theft within the family (Article 367 KUHP). Anyone who commits theft according to the provisions of the KUHP shall be punished if proven guilty. An example is a case that occurred in Medan City, involving the theft of oranges at the Wilmar Business Indonesia Campus. The perpetrators, with the initials RAS and T, committed theft at night in the campus yard area that was

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surrounded by walls. As a result of their actions, the perpetrators were sentenced to 2 (two) years and 6 (six) months of imprisonment. This case is interesting to examine regarding the application of theft articles imposed on the perpetrators. Several articles regulate theft, each with different penalties. Therefore, it is important to analyze to what extent the panel of judges considered the elements of the theft articles, so that they were convinced of the defendant's guilt and imposed imprisonment. Certainly, every element of the alleged crime must be proven through valid evidence presented in court.

2. RESEARCH METHODOLOGY

This study uses a normative legal research method (juridical-normative) with a descriptive-analytical nature, aiming to describe and analyze applicable legal provisions and their implementation in law enforcement practice.

The statutory approach was conducted by examining various regulations related to aggravated theft, particularly the Criminal Code and its implementing regulations. The case approach was carried out through an in-depth analysis of the Lubuk Pakam District Court Decision Number 942/Pid.B/2025/PN Lbp as the main object of study.

The data sources used were secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and relevant court decisions. Secondary legal materials consist of books, scientific journals, and research related to aggravated theft and its enforcement. Tertiary legal materials include legal dictionaries and encyclopedias. Data collection was conducted through library research. Data analysis was performed qualitatively by interpreting legal norms and facts contained in court decisions. The results were systematically presented to provide a comprehensive understanding of aggravated theft.

3. RESULTS AND DISCUSSION

The research findings indicate that the legal provisions for proving the elements of aggravated theft committed continuously are regulated in the Criminal Code and the Criminal Procedure Code. The elements are regulated in Article 363 and Article 64 of the Criminal Code, which explain five elements, namely: 1) the element of "any person," 2) the element of taking an object wholly or partly belonging to another with the intention of unlawfully possessing it, 3) the element of being committed by two or more persons in conspiracy, 4) the

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element of entering the crime scene or reaching the object by breaking, damaging, climbing, or using false keys or fake official attire, and 5) the element of being committed as a continuous act. Meanwhile, the rules on proof are regulated in Articles 183 to 189 of the Criminal Procedure Code, which state that a judge may not convict a person unless, based on at least two valid pieces of evidence, he is convinced that a criminal act has indeed occurred and that the defendant is guilty of committing it. The valid evidence includes: witness testimony, expert testimony, documents, indications, and defendant's statement.

In Decision Number 942/Pid.B/2025/PN Lbp, the evidence used consisted of witness testimony, indications, and the defendant's statement. The obstacles in proving aggravated theft committed continuously include limited strong and accurate evidence, difficulty in proving the continuous and aggravating elements, unclear identity of perpetrators, negligence, incomplete chronology, external factors, limited technology and data sources, and challenges in proving intent and aggravating factors. These obstacles show the challenges in judicial proof, which must be addressed through more comprehensive and accurate evidence collection so that all elements can be legally and convincingly proven.

4. CONCLUSION

The conclusion from the case study Number 942/Pid.B/2025/PN Lbp indicates that the criminal act of theft under aggravating circumstances, committed continuously, has been properly processed and adjudicated by the judge. The application of the legal basis, legal considerations, as well as the analysis of the elements of the criminal act, aggravating circumstances, and the ongoing nature of the offense were conducted carefully and in accordance with the prevailing laws and regulations. The judge objectively assessed the facts presented during the trial and concluded that these elements were fully and correctly fulfilled. Therefore, the handling and ruling regarding the criminal act of theft under aggravating circumstances committed continuously in this case were appropriate, reflecting a fair application of the law in accordance with the procedures and provisions of the applicable criminal law.

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