

## JURIDICAL ANALYSIS OF THE APPLICATION OF PUNISHMENT AGAINST PERPETRATORS OF GAS CYLINDER THEFT WITH AGGRAVATING CIRCUMSTANCES (A CASE STUDY OF DECISION NUMBER 204/PID.B/2025/PN BINJAI)

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### *Abstract*

*Based on the results of the study, it shows that the qualifications for aggravated gas cylinder theft reviewed from the Indonesian Criminal Code can be distinguished into ordinary theft and aggravated theft. The judge's consideration of proving the elements of the crime of aggravated gas cylinder theft in decision number 204 / Pid.B / 2025 / PN Binjai has been done well, but there are still shortcomings such as only based on evidence in the form of CCTV recordings, 60 gas cylinders, 1 navy blue t-shirt 1 batik patterned pants worn by the defendant when committing the theft, and the testimony of witnesses who did not see and hear directly the event and only witnessed based on CCTV recordings. Obstacles and constraints in applying criminal penalties to perpetrators of aggravated gas cylinder theft in decision number 204 / Pid.B / 2025 / PN Binjai include the problem of strong evidence, the perpetrator's socio-economic factors, limitations of surveillance technology, as well as aspects of policy and resources of law enforcement officers.*

**Keywords:** *Legal Analysis, Criminal Application, Aggravated Theft, Gas Cylinder*

### 1. INTRODUCTION

Theft, including the theft of gas cylinders, causes public anxiety and a sense of insecurity. Gas cylinders, especially subsidized ones (3 kg), are essential daily needs for many households and small businesses. The loss of a gas cylinder can disrupt vital activities such as cooking and may result in significant economic losses for the victims, even though the value of the stolen item is relatively low. Theft of gas cylinders can be classified as aggravated theft (Article 363 of the Criminal Code) if certain elements are met, such as being committed by two or more people together, occurring at night in a house or enclosed yard, or involving damage or dismantling. The presence of such aggravating factors results in a heavier criminal penalty (up to 7 years of imprisonment) compared to ordinary theft (maximum 5 years of imprisonment).

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Overall, a juridical analysis is necessary to bridge the gap between the socio-economic realities that lead to the theft of gas cylinders and the existing legal framework, ensuring that the criminal sanctions imposed are proportionate to the level of fault and the impact caused by the perpetrator. Therefore, this study conducts an analysis of a legally binding court decision, namely the Binjai District Court Decision Number 204/Pid.B/2025/PN Bnj.

## 2. METHODOLOGY

This research employs a normative legal research method (juridical-normative) with a descriptive-analytical approach, aiming to describe and analyze the applicable legal provisions and their application in law enforcement practices.

The statutory approach involves reviewing regulations related to theft, including the Criminal Code (KUHP) and other implementing regulations. The case study approach is applied through in-depth analysis of Binjai District Court Decision Number 204/Pid.B/2025/PN Bnj as the main object of the study.

The data sources used in this research are secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant legislation and court decisions. Secondary legal materials consist of books, scientific journals, and research results related to theft and law enforcement. Tertiary legal materials include legal dictionaries and legal encyclopedias. Data collection was conducted through library research. Data analysis was carried out qualitatively by interpreting legal norms and factual data contained in the court decision. The analysis results are presented systematically to provide a comprehensive overview of aggravated gas cylinder theft.

## 3. RESEARCH RESULTS AND DISCUSSION

Based on the research and discussion results, the qualification of gas cylinder theft under Indonesian Criminal Law can be distinguished into ordinary theft and aggravated theft. If a gas cylinder theft is committed individually, without violence, and does not meet aggravating factors, it is classified as ordinary theft according to Article 362 of the Criminal Code. If committed with violence, damage, or under certain *modus operandi*, it may be classified as aggravated theft under Article 363 of the Criminal Code. Therefore, the main legal basis is Article 362 of the Criminal Code for ordinary theft. If aggravating factors exist, Article 363 of the Criminal Code may be applied.

# Journal of Law and Justice

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In this context, gas cylinder theft can be classified into two main categories: ordinary theft and aggravated theft. First, if the perpetrator steals a gas cylinder individually, without involving violence, damage, or other aggravating factors, the act is classified as ordinary theft. This refers to Article 362 of the Criminal Code, which regulates general theft. Second, if the theft involves violence, destruction, or specific modus operandi that aggravates the offender's culpability, it may be classified as aggravated theft, in accordance with Article 363 of the Criminal Code, which carries a heavier criminal penalty due to the presence of these aggravating factors. Therefore, determining the classification of gas cylinder theft must consider the factual circumstances, whether it was committed individually and without violence, or involved violence and other aggravating factors. This classification is important as it affects the sentencing and subsequent legal proceedings.

The judge's consideration regarding the proof of elements of aggravated gas cylinder theft in Decision Number 204/Pid.B/2025/PN Binjai has been conducted properly, yet there are shortcomings. The panel of judges only relied on the defendant's testimony to prove the "who" element, whereas they should have also used official identity documents such as the defendant's ID card (KTP). Furthermore, the consideration of the judges in proving the elements relied only on a single CCTV recording, 60 gas cylinders, one dark blue T-shirt, one batik-patterned pants worn by the defendant during the theft, and witness testimony that did not directly see or hear the criminal act but only observed through CCTV footage.

Regarding the evidence used to prove the "who" element (the subject of the crime), the judges relied solely on the defendant's testimony. To strengthen the proof of this element, the judges should have also used the defendant's ID card, which legally and officially confirms the identity of the perpetrator. Using an ID card can provide certainty regarding the defendant's identity and reinforce the legal basis for establishing them as the perpetrator of the crime.

The reliance on a single CCTV recording, 60 seized gas cylinders, clothing worn by the defendant, and witness statements that were not firsthand indicates that the evidence is insufficiently robust. While CCTV recordings are important, they should be supported by witness statements from individuals who directly observed the event to strengthen the judges' confidence. The absence of witnesses who directly saw the theft could raise doubts about the truth and validity of the evidence. Therefore, although the judges' considerations have been conducted properly, these shortcomings need attention to ensure that the evidence in

# Journal of Law and Justice

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Link: <https://e-journalbarokahpublisher.com/index.php/jihuk>

aggravated gas cylinder theft cases is more comprehensive and convincing, so that the court's decision is truly based on strong and complete evidence.

Obstacles and challenges in imposing criminal penalties on perpetrators of aggravated gas cylinder theft in Decision Number 204/Pid.B/2025/PN Binjai include issues of strong evidence, the socio-economic factors of the perpetrators, technological limitations in monitoring, and aspects of policy and law enforcement resources. To address these issues, synergy is required between improved monitoring, firm and fair law enforcement, and preventive programs targeting the root socio-economic problems.

Incomplete or unconvincing evidence is often a challenge in prosecuting theft. Fulfilling the elements of the crime must be supported by strong evidence, such as direct witnesses, physical evidence, and complete electronic evidence. Limitations in this area can make juridical proof difficult and uncertain.

Economic hardship and social factors often underlie theft. Individuals under economic or social pressure may resort to theft as a shortcut to meet essential needs. Limitations in monitoring facilities, such as inadequate CCTV systems, lack of modern security systems, and low use of monitoring technology, increase the likelihood that crimes occur undetected. Policy-related obstacles, such as insufficient regulations supporting monitoring and strict law enforcement, as well as limited human resources and funds for law enforcement officers, hinder optimal prosecution.

To overcome these obstacles, strategic steps and synergy are needed, such as expanding the use of modern, integrated CCTV systems, conducting regular patrols in high-risk areas, enforcing laws consistently and proportionally in accordance with existing regulations, and providing deterrent effects for offenders. Additionally, programs addressing the root socio-economic problems, such as entrepreneurship training, economic assistance, and education, can prevent individuals from resorting to criminal acts due to urgent economic needs. Through collaboration between law enforcement, government, and society, the enforcement of criminal penalties for aggravated gas cylinder theft can be more effective and reduce similar offenses in the future.

## 4. CONCLUSION

The conclusion of this study on the juridical analysis of criminal enforcement against perpetrators of aggravated gas cylinder theft in Case Number 204/Pid.B/2025/PN Binjai

# Journal of Law and Justice

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Link: <https://e-journalbarokahpublisher.com/index.php/jihuk>

shows that the law enforcement process has followed proper procedures, with the judges' considerations based on available evidence. However, there are significant shortcomings, such as the insufficient and weak evidence, primarily because the judges relied on witness testimony from individuals who did not directly observe the crime and CCTV recordings as the main basis of proof. These deficiencies could raise doubts regarding the legal strength of the decision and underscore the need to improve the collection and verification of evidence to ensure a fairer and more accountable judicial process.

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