

THE CRIME OF AGGRAVATED THEFT COMMITTED CONTINUOUSLY (A CASE STUDY OF DECISION NUMBER 942/PID.B/2025/PN LBP)

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The research findings indicate that the legal provisions for the crime of aggravated theft committed continuously are stipulated in Articles 362, 363, and 64 of the Criminal Code. The Public Prosecutor's indictment against the perpetrator of aggravated theft committed continuously in Decision Number 942/Pid.B/2025/PN Lbp has fulfilled the formal requirements, while the material requirements have partially not been met. The judge's legal considerations regarding the elements of the crime of theft, aggravating circumstances, and continued acts in Decision Number 942/Pid.B/2025/PN Lbp are appropriate, namely, the legal considerations that conclude that the elements have been fulfilled based on the evidence of witness testimony, the defendant's statement, and indicative evidence are appropriate in accordance with Article 184 of the Criminal Procedure Code.

Keywords: (Theft, Aggravating Circumstances, Continuing).

1. INTRODUCTION

One of the criminal acts prohibited by the Indonesian Criminal Code (KUHP) is the act of stealing someone else's property. This prohibition is stipulated in Article 362 of the KUHP. One particularly interesting case to examine is the theft of traffic signs belonging to PT. Jasa Marga Belmera, which occurred in the village of Sampali, Percut Sei Tuan District, Deli Serdang Regency. As a result of this theft, PT. Jasa Marga Belmera suffered a loss of IDR 3,509,940. After the perpetrator was caught and processed through the legal system up to the court, the judge sentenced the perpetrator to 1 year and 2 months of imprisonment. Based on this case, it is necessary to conduct an analysis to ensure that the indictment, legal facts, judicial considerations, and application of legal articles against the perpetrator have been in accordance with applicable regulations. To create a juridical review of this case, several important components must be analyzed, including the indictment, legal facts, judicial considerations, the application of legal articles, and the criminal penalties imposed.

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2. METHODOLOGY

This study uses a normative legal research method (juridical normative) with a descriptive-analytical approach, aiming to describe and analyze applicable legal provisions and their application in law enforcement practice. A statutory approach is used by reviewing various regulations related to aggravated theft, including the Criminal Code (KUHP) and other implementing regulations. A case approach is employed through an in-depth analysis of the Lubuk Pakam District Court Decision Number 942/Pid.B/2025/PN Lbp, which serves as the primary object of this study. The data sources used in this research are secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and court decisions. Secondary legal materials include books, academic journals, and research results related to aggravated theft and its law enforcement. Tertiary legal materials include legal dictionaries and encyclopedias. Data collection was conducted through library research. Data analysis was carried out qualitatively by interpreting legal norms and legal facts contained in court decisions. The results of the analysis are presented systematically to provide a comprehensive overview of aggravated theft.

3. RESEARCH RESULTS AND DISCUSSION

Based on the research and discussion, it is shown that the regulation of repeated aggravated theft is already stipulated in Article 362 regarding ordinary theft, Article 363 regarding ordinary theft with aggravating elements such as theft of livestock, theft during disasters, nighttime theft in enclosed homes, theft committed by two or more people, theft committed by breaking, cutting, climbing, using false keys, or similar methods, and Article 64 regarding continued criminal acts, which is a combination of the elements of Article 362 on ordinary theft and the aggravating circumstances of Article 363, committed repeatedly within a close time frame.

In the context of repeated aggravated theft, this regulation combines elements from Articles 362 and 363 as the basis of the main crime, then develops further with Article 64, which emphasizes that the act is committed repeatedly within a relatively short period. This regulation aims to provide stronger legal protection against repeated thefts carried out under aggravating circumstances while providing a basis for heavier penalties according to the severity of the crime committed repeatedly and with aggravating elements that endanger society and property.

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The indictment by the Public Prosecutor against the perpetrator of repeated aggravated theft in Decision Number 942/Pid.B/2025/PN Lbp formally meets requirements as it includes the date, signature of the prosecutor who drafted the indictment, and complete identification of the defendant. Regarding material requirements, it is partially fulfilled, as the description of the crime charged against the defendant involves repeated aggravated theft of oranges, with the victim being witness Saputra Manik. The violated articles are Article 363 paragraph (1) points 4 and 5 of the Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code. However, the details of the time and place of the criminal acts, particularly the first and second thefts, remain unclear. This affects the fulfillment of the elements for the qualification of repeated aggravated theft.

From a material perspective, the indictment is partially satisfied. The defendant is charged with repeated aggravated theft of oranges from the victim Saputra Manik. The violated articles are Article 363 paragraph (1) points 4 and 5 of the Criminal Code in conjunction with Article 64 paragraph (1) of the Criminal Code, corresponding to the elements of aggravated and repeated theft. However, the lack of clarity regarding the time and location of the incidents, especially the first and second thefts, impacts the assessment of the repeated nature of the offense. Therefore, it is necessary for the prosecutor to provide a more detailed explanation of the timing and location to fully satisfy this element.

The judge's legal considerations regarding the elements of theft, aggravating circumstances, and repeated acts in Decision Number 942/Pid.B/2025/PN Lbp were accurate. The judge concluded that the following elements were fulfilled: The "whoever" element was satisfied. The element of "taking something that wholly belongs to another with the intent to unlawfully possess it" was fulfilled. The element of "committed by two or more people in concert" was satisfied. The element of "entering the crime scene or accessing the object by breaking, climbing, using false keys or false uniforms" was fulfilled. The element of "committed as a repeated act" was satisfied, based on witness testimony, defendant testimony, and supporting evidence, in accordance with Article 184 of the Criminal Procedure Code (KUHAP). Consideration of aggravating and mitigating circumstances for sentencing the defendant was appropriate according to Article 197 paragraph (1) letter f of KUHAP.

Overall, the judge's legal considerations show a comprehensive and accurate analysis of the elements of theft, aggravating circumstances, and repeated offenses. The judge determined that the "whoever" element was fulfilled, the unlawful taking element was

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satisfied, and the act committed in concert by two or more people was proven. This demonstrates that the judicial analysis was thorough, in line with applicable law, and supports justice and legal certainty during the trial process.

4. CONCLUSION

The conclusion from Case Number 942/Pid.B/2025/PN Lbp shows that repeated aggravated theft has been processed and decided appropriately by the judge. The use of legal bases, judicial considerations, and analysis of the elements of theft, aggravating circumstances, and repeated acts were conducted carefully and in accordance with statutory provisions. The judge objectively evaluated the trial facts and concluded that all elements were fully and correctly satisfied. Thus, the handling and decision regarding repeated aggravated theft in this case were proper, reflecting fair law enforcement and compliance with the procedures and provisions of the applicable criminal law.

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