

JURIDICAL ANALYSIS OF CRIMINAL SANCTIONS AGAINST PERPETRATORS OF ATTEMPTED THEFT USING FIREARMS (A STUDY OF DECISION NUMBER 286/PID.B/2025/PN SRH)

Maruli Sihombing^{1*}, Muhammad Hizbullah²

¹ Fakultas Hukum, Universitas Muslim Nusantara (UMN) Al Washliyah, Indonesia
Email: marulisihombing382@gmail.com

² Fakultas Hukum, Universitas Muslim Nusantara (UMN) Al Washliyah, Indonesia,
Email: muhammadhizbullah@umnaw.ac.id

Abstract

Based on the research results, it shows that the legal provisions for the crime of attempted theft using firearms are regulated in Articles 362, 363, 364, 365 of the Criminal Code, Article 53 of the Criminal Code, and Article 1 Paragraph (1) of Emergency Law Number 12 of 1951 concerning the Misuse of Sharp Weapons, Firearms and Explosives. The judge's consideration in deciding the case of the crime of attempted theft using firearms in Decision Number 286/Pid.B/2025/PN Srh is appropriate because it has considered the facts and evidence presented and connected them with the existing evidence. The legal analysis of the punishment for the perpetrator of attempted theft using firearms in the Decision of the Sei Rampah District Court Number 286/Pid.B/2025/PN Srh is inappropriate because it only sentenced the defendant to 9 years in prison. The crime of attempted theft with violence and possession and use of firearms without a permit should be sentenced to 12 years in prison.

Keywords: (Legal Analysis, Criminalization, Perpetrator, Attempted Theft, Firearms)

1. INTRODUCTION

The application of *concursum* (concurrent sentencing) in the resolution of criminal cases has been frequently practiced. Many court decisions have applied *concursum* to criminal offenders and have been analyzed in scholarly works. For this purpose, the author intends to examine how *concursum* is applied to offenders of robbery with violence and unlawful possession of firearms in the Sei Rampah District Court Decision Number 286/Pid.B/2025/PN Srh. A juridical analysis of the sentencing of attempted robbery involving a firearm involves several articles of the Indonesian Criminal Code (KUHP), particularly Article 53 concerning attempts and Article 365 regarding robbery with violence. Illegal firearms can also carry separate criminal penalties. This study will focus primarily on the analysis of the attempted crime as regulated in Article 53 KUHP, taking into account the elements of intent, commencement of execution, and incomplete execution not due to the offender's own

Journal of Law and Justice

ISSN: 3124-419X (Online Media) Vol: 1, No: 1, Page: 217 - 221

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

will. Additionally, the researcher will analyze the consequences of using a firearm in attempted robbery with reference to Article 365 KUHP and Emergency Law No. 12 of 1951 regarding the possession of firearms without a license. The researcher will also examine the judge's considerations in adjudicating the case, taking into account the proof of intent, accompanying circumstances, consequences of the act, and both juridical and non-juridical considerations.

2. METHODOLOGY

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

The statutory approach involves reviewing various regulations related to robbery using firearms, including the KUHP, KUHPA (Indonesian Criminal Procedure Code), Law No. 2 of 2002 on the Indonesian National Police, Emergency Law No. 12 of 1951 on firearms and explosives, and other implementing regulations. The case approach involves an in-depth analysis of the Sei Rampah District Court Decision Number 286/Pid.B/2025/PN Srh as the main object of the study.

The data sources for this study are secondary, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant legislation and court decisions. Secondary materials include books, scholarly journals, and research related to robbery involving firearms and its law enforcement. Tertiary materials include legal dictionaries and encyclopedias. Data collection was conducted through library research.

Data analysis was conducted qualitatively by interpreting the legal norms and factual elements contained in the court decision. The results are presented systematically to provide a comprehensive overview of attempted robbery involving firearms.

3. RESEARCH RESULTS AND DISCUSSION

The research and discussion show that the legal regulation of attempted robbery involving firearms is covered by: Article 362 KUHP – general theft; Article 363 KUHP – aggravated theft; Article 364 KUHP – minor theft; Article 365 KUHP – theft preceded, accompanied, or followed by violence; Article 53 KUHP – attempt at a criminal act; Article 1

Journal of Law and Justice

ISSN: 3124-419X (Online Media) Vol: 1, No: 1, Page: 217 - 221

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

paragraph (1) of Emergency Law No. 12 of 1951 – misuse of sharp weapons, firearms, and explosives.

These regulations indicate that the use of firearms in attempted robbery, especially if accompanied by violence, is a highly serious act strictly regulated under criminal and emergency law. This study emphasizes the importance of applying these provisions to uphold justice and impose appropriate sanctions on perpetrators of attempted robbery with firearms. The judge's considerations in adjudicating the attempted robbery with firearms in Sei Rampah District Court Decision Number 286/Pid.B/2025/PN Srh were appropriate, as they accounted for the facts and evidence presented, connected them with available proof, considered the chronology of events, elements of the offense under Articles 365 paragraph (2) KUHP, Article 53 KUHP, Article 1 paragraph (1) of Emergency Law No. 12 of 1951, the suspect's motives and circumstances, legal threats and applicable sanctions, mitigating or aggravating factors, relevant statutory regulations, and the possibility of rehabilitation.

These considerations were accurate because the judge objectively and carefully evaluated all facts and evidence presented during the trial. The judge successfully correlated the facts with supporting evidence such as witness testimony, physical evidence, and the defendant's confession, providing a solid legal basis grounded in the actual events. Furthermore, the considerations align with the principles of justice and legal certainty, reflecting professional and objective judicial assessment. Therefore, it can be concluded that the judge's reasoning in this decision was consistent with legal provisions and appropriately considered all relevant aspects.

However, the juridical analysis of the sentencing of the attempted robbery with firearms in the Sei Rampah District Court Decision Number 286/Pid.B/2025/PN Srh is inaccurate, as the defendant was only sentenced to 9 years imprisonment. The proper sentencing should have been: Attempted robbery with violence, reduced by mitigating factors: 7 years; Illegal possession and use of firearms, reduced by mitigating factors: 5 years.

Thus, the total combined sentence for both offenses should have been 12 years imprisonment. Sentencing should take into account these juridical aspects to comply with prevailing law and the principle of justice in the criminal justice system. Therefore, the current sentence of 9 years is deemed insufficient and requires adjustment according to applicable legal provisions.

Journal of Law and Justice

ISSN: 3124-419X (Online Media) Vol: 1, No: 1, Page: 217 - 221

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

4. CONCLUSION

The conclusion of the juridical analysis of sentencing for the attempted robbery with firearms based on Decision Number 286/Pid.B/2025/PN Srh is that the sentence imposed by the judge is inappropriate. The defendant should have been sentenced to 12 years imprisonment, considering mitigating factors for both offenses – attempted robbery with violence and illegal possession and use of firearms. The 9-year sentence is not consistent with applicable juridical provisions.

ACKNOWLEDGEMENTS

The author expresses gratitude to all parties who provided support and contributions during this research. Thanks are extended to law enforcement officers and other relevant parties for providing access to court decisions and supporting data. The author also appreciates academics and researchers whose works provided essential references for developing the theoretical framework and legal analysis. Special thanks are given to the author's family for their prayers, moral support, and motivation throughout the research and writing process. The author acknowledges the study's limitations and welcomes constructive criticism and suggestions for future improvement.

REFERENCES

A. Books

- Aldwin Rahadian Megantara, *Legal Aspects of Self-Defense Firearms*, Deepublish, Yogyakarta, (2021).
- Amir Ilyas, *Principles of Criminal Law: Understanding Crime and Criminal Responsibility as Conditions for Sentencing*, Rangkang Education, Yogyakarta, (2023).
- Bambang Sunggono, *Legal Research Methodology*, Raja Grafindo Persada, Jakarta, (2024).
- Jonaedi Efendi, *Reconstruction of Judges' Legal Considerations*, Kencana, Jakarta, (2025).
- Moch. Anwap, *Criminal Law Special Part (KUHP Book II)*, Alumni, Bandung, (1986).
- Moeljanto, *Principles of Criminal Law*, PT. Rineka Cipta, Jakarta, (2016).
- Muzakkir, *Discriminatory Court Decisions in Criminal Cases: A Sociological and Legal Psychology Perspective*, Rangkang Education, Yogyakarta, (2023).
- P.A.F Lamintang & Franciscus Theojunior Lamintang, *Fundamentals of Criminal Law in Indonesia*, Sinar Grafika, Jakarta, (2021).

Journal of Law and Justice

ISSN: 3124-419X (Online Media) Vol: 1, No: 1, Page: 217 - 221

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

Peter Mahmud Marzuki, *Legal Research*, Prenda Media Group, Surabaya, (2015).

Surjono Sukanto, *Introduction to Legal Research*, University of Indonesia Press, Jakarta, (2023).

Syarif Mappiasse, *Legal Logic in Judges' Considerations*, Kencana, Jakarta, (2021).

Teguh Prasetyo, *Criminal Law*, Rajawali Pers, Jakarta, (2020)

W.J.S. Poerwadarminta, *Great Indonesian Dictionary*, Balai Pustaka, Jakarta, (2022).

B.Legislation

Indonesian Criminal Procedure Code (KUHAP)

Indonesian Criminal Code (KUHP)

Sei Rampah District Court Decision Number 286/Pid.B/2025/PN Srh

Law No. 2 of 2002 on the Indonesian National Police

Emergency Law No. 12 of 1951 on Firearms and Explosives

C.Journals

Afifah Fauzziyyah & Syahril, *Legal Accountability for Theft Committed by Minors*, Jurnal Sumbang, Vol. 3, No. 2, (2025).

Alfajri et al., *Law Enforcement on Civilian Firearm Misuse in North Aceh Regency*, Jurnal JIMFH, Vol. 8, No. 2, (2025).

Finsensius Samara et al., *Analysis of Criminal Attempts: Case Studies on Theft, Fraud, Extortion, and Kidnapping Attempts*, Jurnal Ilmiah Multidisipliner, Vol. 8, No. 7, (2024).

Ifan Arya Sakti, *Juridical Review of Robbery with Violence*, Jurnal Qawanin, Vol. 2, No. 2, (2021).

Juwita Indayani et al., *Sentencing in Aggravated Theft from a Criminology Perspective*, Jurnal JIMFH, Vol. 8, No. 3, (2025).

Lusiani Silalahi & Tri Reni Novita, *Juridical Review of Continuous Aggravated Theft – Decision No. 1271/Pid.B/2023/PN Lbp*, Jurnal Mahkamah, Vol. 1, No. 4, (2024).

Renita Dewi Nugraeni & Mukhtar Zuhdy, *Analysis of Judges' Considerations in Robbery with Violence Committed by Children*, Jurnal IJCLC, Vol. 2, No. 1, (2021).

Rian Rusmana Putra et al., *Juridical Analysis of Sentencing for Aggravated Theft in Madiun District Court – Decision No. 43/Pid.B/2025/PN Mjy*, Jurnal Petita, Vol. 7, No. 1, (2025).