

LEGAL RESPONSIBILITY OF INTELLECTUAL ACTORS IN THE CRIME OF THEFT WITH VIOLENCE (ANALYSIS OF DECISION NUMBER 1857/PID.B/2025/PN.MDN)

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Abstract

Based on the results of the study, it shows that the legal responsibility of the intellectual actor in the crime of theft with violence based on the provisions of legislation and decision number 1857 / Pid.B / 2025 / PN.Mdn is appropriate with several considerations that the defendant has been legally and convincingly proven based on evidence of witness testimony and evidence of communication between the defendant and other perpetrators. The judge's consideration in sentencing the defendant as the intellectual actor in the crime of theft with violence in Decision Number 1857 / Pid.B / 2025 / PN.Mdn has covered several main aspects, namely the Judge has paid attention to the clear relationship between the evidence submitted and the act of the crime of theft with violence committed by the defendant.

Keywords: *(Legal Responsibility, Intellectual Actors, Crime of Theft with Violence).*

1. Introduction

The crime of theft with violence, particularly street robbery, is a form of crime that causes public concern and creates insecurity within the community. In practice, such offenses are not committed only by direct perpetrators but often involve intellectual actors who plan the crime and direct those who carry it out in the field. Legal responsibility for these intellectual actors is important so that justice is enforced comprehensively and does not focus solely on the direct perpetrators. Intellectual actors play a strategic role in planning and controlling the criminal act. A recurring legal question is the extent to which they may be held responsible even though they do not directly carry out the violence but play an important role in planning and directing it. Decision Number 1857/Pid.B/2025/PN Mdn illustrates the need for an in-depth analysis of the legal responsibility of intellectual actors in order to understand how judges assess their role and administer justice in violent theft cases. Such analysis is important so that law enforcement addresses not only the direct perpetrators but also those who design and direct the crime. This study therefore aims to analyze the legal responsibility of intellectual actors in the crime of theft with violence and the factors influencing judicial consideration in sentencing them. The study is expected to provide a more comprehensive description of the legal and justice-related aspects of handling violent theft involving intellectual actors.

2. Methodology

This study employs normative legal research, namely research conducted by examining laws and regulations that apply or are applied to a particular legal issue. Normative legal research is often referred to as doctrinal research because its objects of study are statutory documents and legal literature. The study is library-based (library research), conducted by reviewing books and literature relevant to the research topic.

The research uses two approaches: the statute approach and the case approach. The statute approach examines regulations relating to theft with violence, namely the Indonesian

Criminal Code and Law Number 48 of 2009 concerning Judicial Power. The case approach is conducted through an in-depth analysis of Medan District Court Decision Number 1857/Pid.B/2025/PN.Mdn as the principal object of the study.

The data used are secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations and court decisions. Secondary legal materials comprise books, scholarly journals, and research results relating to theft with violence and its law enforcement. Tertiary legal materials include legal dictionaries and legal encyclopedias. Data were collected through library research.

The data were analyzed qualitatively by interpreting the legal norms and legal facts contained in the court decision. The results are presented systematically to provide a comprehensive description of the law of evidence in traffic accident crimes.

3. Research Results and Discussion

The prevalence of theft with violence, such as the forcible taking of motorcycles on public roads, has become a serious concern for both the public and law-enforcement authorities. These cases indicate an increase in criminal activity that not only causes material loss but also threatens public safety and order.

Motorcycle robberies on public roads are generally committed through violence or threats of violence against victims, whether by using sharp weapons, firearms, or other forms of physical force. Perpetrators often exploit deserted situations, quiet roads, and particular moments to act quickly and with minimal resistance from victims. The occurrence of these cases also indicates the existence of organized criminal networks and increasingly sophisticated and diverse methods of operation.

This phenomenon causes not only material losses but also fear and discomfort among members of the public when carrying out activities in public spaces. The high number of cases also requires law-enforcement authorities to undertake firm and effective enforcement measures as well as preventive efforts through improved security, patrols, and public outreach.

Beyond the legal dimension, this phenomenon creates challenges in ensuring justice and imposing appropriate punishment capable of producing deterrence and reducing similar criminal conduct in the future. Understanding causal factors, patterns of offender conduct, and appropriate handling and prevention measures is therefore important to the creation of a safer and more orderly environment.

Normatively, the crime of theft with violence is expressly regulated in the Indonesian Criminal Code (KUHP). These provisions constitute the legal basis for regulating and sanctioning perpetrators of such offenses. The regulation is not merely general but also contains detailed requirements concerning the elements that must be established before criminal punishment may be imposed under the applicable law.

Under the Criminal Code, theft is specifically regulated in Articles 362 and 363, while theft accompanied by violence is regulated in Article 365. Article 365 specifically provides that theft committed with violence or a threat of violence against another person carries a more severe criminal penalty.

Article 365 of the Criminal Code provides as follows:

- (1) Theft preceded, accompanied, or followed by violence or a threat of violence against a person, committed with the intent to prepare or facilitate the theft or, when caught in the act, to enable the offender or another participant to escape or to retain possession of the stolen property, is punishable by imprisonment for a maximum of nine years.
- (2) A maximum term of twelve years' imprisonment shall be imposed:
 - a. if the act is committed at night in a house or enclosed yard in which there is a

- house, or on a public road;
 - b. if the act is committed jointly by two or more persons;
 - c. if entry into the place where the offense is committed is obtained by breaking, climbing, or using a false key, false order, or false official attire;
 - d. if the act results in serious bodily injury.
- (3) If the act results in death, it is punishable by imprisonment for a maximum of fifteen years.
- (4) The death penalty, life imprisonment, or imprisonment for a specified term of up to twenty years may be imposed if the act results in serious injury or death, is committed jointly by two or more persons, and is accompanied by one of the circumstances described in points 1 and 3.

Based on its type, legal responsibility may be divided into two forms: civil legal responsibility and criminal legal responsibility. Civil legal responsibility may arise from breach of contract and unlawful acts (*onrechtmatige daad*). Criminal legal responsibility, meanwhile, is described as an obligation to bear the punishment imposed upon a person who has caused harm; such responsibility concerns not only legal issues but also the moral and ethical values existing within society.

The legal basis for holding perpetrators of theft with violence criminally responsible is found in the Criminal Code, particularly Article 1 paragraph (1), which provides that an act may not be punished except on the basis of a criminal statutory provision that existed beforehand. This means that a person bears criminal responsibility when committing an act threatened with criminal punishment under criminal law. A perpetrator of theft with violence may therefore be prosecuted and tried under Article 365 of the Criminal Code.

In relation to this study, the legal responsibility examined is the criminal responsibility of the intellectual actor in the crime of theft with violence under the applicable legislation and Decision Number 1857/Pid.B/2025/PN.Mdn. Before discussing this issue, the researcher first outlines the circumstances of the violent theft case addressed in that decision.

Based on the chronology of the case, further analysis may be undertaken regarding the legal responsibility of the intellectual actor in the crime of theft with violence. The discussion concerns what criminal law refers to as an *intellectuele dader*. An intellectual actor is a person who designs and directs the commission of a crime but does not directly carry out the criminal act. Such a person plays a principal role in planning and controlling the offense and is commonly described as the mind behind the crime. Intellectual actors design, organize, and direct the criminal conduct while generally remaining behind the scenes.

At trial, the defendant was charged under Article 365 paragraph (2) points 1 and 2 of the Criminal Code and was sentenced to four years and seven months' imprisonment. The defendant's associates, Muhammad Farhan Saleh Pulungan and Rafi Ahmad, were tried in separate case files and each received four years' imprisonment. The difference in sentence arose because the panel of judges found that the defendant acted both as the planner and as a perpetrator of the violent theft (*intellectuele dader*), whereas his associates acted as executors (*plegen*) under the defendant's direction. The panel therefore imposed a sentence of four years and seven months on the defendant, while Muhammad Farhan Saleh Pulungan and Rafi Ahmad each received four years' imprisonment in their separate cases.

Based on the research results and discussion, it may be concluded that the criminal responsibility imposed on the intellectual actor under the applicable legislation and Decision Number 1857/Pid.B/2025/PN.Mdn was appropriate. The defendant, who both participated in the violent theft and acted as the intellectual actor who planned it, was legally and convincingly proven guilty on the basis of witness testimony and evidence of communications between the defendant and the other perpetrators. That evidence confirmed that the defendant had planned the violent theft, prepared a knife and a screwdriver to facilitate the offense, and

selected the location where the crime would be committed together with the other perpetrators.

Judges possess independent discretion in determining the severity of a term of imprisonment in the cases before them. Judicial independence is protected from interference by other parties in order to ensure that court decisions are genuinely objective. Nevertheless, discretion in determining the length of imprisonment must remain within statutory maximum and minimum limits and be exercised with a sense of justice toward both the defendant and society, as well as with responsibility before God Almighty. Evidence presented at trial must also be mutually connected so that the judge can determine whether the defendant committed the offense. If the evidence presented is inconsistent or unrelated, it may create reasonable doubt in the judge's assessment.

Every court judgment must contain the considerations forming the legal basis and reasons for the decision. This is regulated in Article 14 paragraph (2) of Law Number 48 of 2009, which states: 'During the deliberation meeting, each judge is required to submit written considerations or opinions concerning the case being examined, which shall constitute an inseparable part of the judgment.'

Based on the research results and discussion, the judge's considerations in sentencing the defendant as the intellectual actor in the crime of theft with violence in Decision Number 1857/Pid.B/2025/PN.Mdn covered several principal aspects. The judge identified a clear relationship between the evidence submitted and the violent theft committed by the defendant. Relevant and directly connected evidence was used to establish the defendant's involvement in the offense. The judge found that, as the intellectual actor, the defendant played an important role in planning and directing the crime, which became a principal consideration in sentencing. The judge also considered witness testimony, physical evidence, and documents supporting the existence of the defendant's motive and planning, thereby strengthening the basis for punishment. The judicial considerations were grounded in the principles of justice and legal certainty so that the sentence corresponded to the degree of fault and the defendant's role in the offense.

The crime of theft with violence is a form of criminality that produces serious social and security consequences. Ensuring lawful adjudication of such cases is a central responsibility of the panel of judges. During proceedings, however, judges often confront complex challenges, including proving the role of an intellectual actor, managing relevant evidence, and applying the law correctly. It is therefore important to analyze these obstacles and identify effective solutions so that proceedings operate optimally, produce high-quality judgments, and provide a sense of justice to all parties. This discussion describes the obstacles faced by the panel of judges in adjudicating the violent theft case under Decision Number 1857/Pid.B/2025/PN.Mdn and the solutions that may be applied to address those challenges.

Discussion of the obstacles and solutions faced by judges in adjudicating theft-with-violence cases is important for improving the quality of law enforcement and justice in Indonesia. By understanding the difficulties encountered, judges can adapt strategies and approaches in judicial proceedings and deepen their competence through training and professional development. This can positively affect the quality of the judgments produced.

This discussion also assists in identifying inhibiting factors and concrete solutions so that judicial proceedings become more transparent and accountable and public confidence in the criminal justice system increases. By understanding recurring obstacles, law-enforcement institutions and courts can innovate and improve systems so that violent theft cases are handled more quickly, accurately, and fairly. Such analysis is a strategic component of criminal justice reform, particularly because violent theft cases often involve complex challenges. Realistic and sustainable solutions may include technological improvement, human-resource training, and inter-agency cooperation, all of which can strengthen the

criminal justice system as a whole.

Accordingly, examining these obstacles and solutions is strategically important to strengthen the criminal justice system, guarantee substantive justice, and provide optimal legal protection for the public.

Based on the research results and discussion, the obstacles and solutions faced by the panel of judges in adjudicating the violent theft case under Decision Number 1857/Pid.B/2025/PN.Mdn include difficulties in applying the relevant legal framework, limitations in human resources and facilities, and insufficient in-depth understanding of the social and psychological contexts of victims and offenders. External factors, including social pressure and economic conditions, may also affect judicial proceedings. The solutions identified include improving the capacity and professionalism of law-enforcement personnel, particularly judges and investigators, through continuous training, strengthening law enforcement, and reinforcing systems for the protection of victims so that proceedings can operate fairly and effectively.

4. Conclusion

The legal responsibility imposed on the intellectual actor in the crime of theft with violence under the applicable legislation and Decision Number 1857/Pid.B/2025/PN.Mdn was appropriate. The defendant, who participated in the violent theft and acted as the intellectual actor who planned the crime, was legally and convincingly proven guilty on the basis of witness testimony and communication evidence showing that he planned the offense, prepared a knife and screwdriver to facilitate it, and selected the location where the crime would be committed with the other perpetrators. In sentencing the defendant as the intellectual actor, the judge considered the clear relationship between the evidence and the violent theft committed. Relevant evidence directly connected to the offense was used to establish the defendant's involvement. The judge considered the defendant's important role in planning and directing the crime, as well as witness testimony, physical evidence, and documents supporting motive and planning. These considerations were based on the principles of justice and legal certainty so that the punishment corresponded to the degree of fault and the defendant's role in the offense.

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