

ANALYSIS OF JUDGE'S CONSIDERATIONS IN DECIDING ON A LIGHT SENTENCE CRIMINAL THEFT IN AGGRAVATING CIRCUMSTANCES (ANALYSIS OF DECISION NUMBER 2200/PID.B/2025/PN MDN)

M. Naufal Ishmat Rozaan^{1*}, Halimatul Maryani²

^{1,2*} Faculty of Law, Universitas Muslim Nusantara (UMN) Al Washliyah, Indonesia,
Email: naufalrozaan47@gmail.com, halimatul.maryani@umnaw.ac.id

Abstract

The judge's basis for deciding on a light sentence for the defendant in the crime of theft under aggravating circumstances based on decision Number 2200/Pid.B/2025/PN Mdn is that the process shows the application of the principles of justice and prudence. The judge not only considers aggravating factors, but also pays attention to mitigating aspects, such as politeness, remorse, and the defendant's young age and no criminal record. The aspects of justice and legal principles considered by the judge to determine a light sentence in decision Number 2200/Pid.B/2025/PN Mdn are that the prioritized aspect of justice is the provision of a sentence that is proportional to the level of the defendant's guilt, as well as paying attention to the aspects of humanity and rehabilitation. The judge has also referred to the principles of restorative justice and the principles of social justice, which demand a balance between the defendant's right to receive a punishment that is not excessive and the community's need for a deterrent effect

Keywords: Analysis, Judge's Considerations, Light Sentence, Criminal Act, Theft with Aggravating Circumstances

1. Introduction

Theft is one of the criminal acts that often occur in society and is included in the category of general criminal acts regulated in the Criminal Code (Criminal Code). Law enforcement against the crime of theft must be carried out objectively and fairly, taking into account the underlying elements and certain considerations taken by the judge in making a decision. In the practice of criminal justice, there is a phenomenon where judges decide on light sentences for the perpetrators of theft who are in aggravating circumstances. This decision is usually based on certain considerations that are considered relevant, such as social factors, the condition of the defendant, or considerations of legal utility. However, the imposition of a lenient sentence in the context of aggravating circumstances raises questions about the underlying juridical and justice basis, especially when the aggravating factor is indeed supposed to aggravate the criminal sanction. A study of the decision Number 2200/Pid.B/2025/PN Mdn shows that the judge's consideration process in imposing a light sentence needs to be studied in depth. This is important so that it can be understood how judges assess and consider the existing aggravating factors, while ensuring that the decisions taken are in accordance with the provisions of the law and the principles of justice. This study aims to comprehensively analyze the judge's considerations in deciding on a light sentence for the crime of theft in aggravating circumstances, as well as what factors influence the decision. The results of this study are expected to provide a better picture of the judge's decision-making process and improve the quality of law enforcement in theft criminal cases.

2. Methodology

The type of research used in this study is normative legal research, which is research conducted by examining the applicable laws and regulations or applied to a certain legal problem. Normative legal research is often referred to as doctrinal research, which is research

whose object of study is legal documents and literature materials. And the nature of this research is *library research*, which is research that is carried out by reviewing books and literature that are relevant to this research.

The research approach used in this study consists of 2 approaches, namely the *statute approach* and the *case approach*. The legislative approach is carried out by reviewing various regulations related to the crime of theft in aggravating circumstances, namely the Criminal Code and the Criminal Code. Meanwhile, the case approach is carried out through an in-depth analysis of the Medan District Court Decision Number 2200/Pid.B/2025/PN Mdn as the main object of the study.

The data sources used in this study are secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include relevant laws and regulations and court decisions. Secondary legal materials are in the form of books, scientific journals, and research results related to the law of proving traffic accidents and law enforcement. The tertiary legal materials are in the form of legal dictionaries and legal encyclopedias. The data collection technique is carried out through *library research*.

Data analysis is 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 complete picture of the law of proof in the crime of traffic accidents.

3. Research and Discussion Results

The crime of theft in aggravating circumstances is one of the serious problems that disturb society today. Cases of theft that are carried out in a highly detrimental and dangerous manner, such as theft by force, vandalism, or the use of weapons, can create fear and insecurity among the public. Strict law enforcement efforts and prevention through education and improving environmental security are needed to overcome this problem.

The concept of theft in aggravating circumstances refers to a situation in which the criminal act of theft is committed in a way or under conditions that aggravate the punishment of the perpetrator. In the criminal law system in Indonesia, theft is categorized as a specific criminal act, and if committed in aggravating circumstances, it can be subject to heavier penalties in accordance with the provisions of the law.

Before deciding a case, the panel of judges has the obligation to make careful legal considerations and based on the evidence and facts revealed at the trial. These legal considerations serve as a logical and juridical basis in making a decision, so that the decision is really based on the applicable law and the facts that have been tested in court. Thus, the decision-making process by the panel of judges must meet the principles of justice, objectivity, and legal certainty so that the decision has permanent legal force and can be accounted for.

Based on the results of the research and discussion above, it can be concluded that the process and basis for the judge's consideration in deciding the light sentence of the defendant for the crime of theft in an aggravating circumstance based on the decision Number 2200/Pid.B/2025/PN Mdn, namely the process of considering the judge in deciding on a light sentence against the defendant for the crime of theft in an aggravating circumstance shows the application of the principles of justice and prudence. The judge not only considers aggravating factors, such as the defendant's intentional and dangerous actions, but also pays attention to mitigating aspects, such as politeness, remorse, and the condition of the defendant who is young and does not have a criminal record. Meanwhile, the basis for the judge's consideration is based on the applicable legal provisions and the application of the principle of substantive justice, so that even though there are aggravating factors, the judge still decides to give a light sentence as a form of humane and proportionate justice enforcement. This decision shows that the sentencing process is not automatic, but through an in-depth assessment of all relevant aspects, including the social and personal context of the defendant.

In the criminal justice system, the determination of punishment is not only about imposing sanctions in accordance with the applicable articles or legal provisions, but must also consider the aspects of justice and the underlying legal principles. Justice is the main goal of the criminal justice system. By paying attention to the aspect of justice, the sentence imposed will be in accordance with the level of the defendant's guilt and deeds, and be able to provide a sense of justice for the victim, the defendant, and the community.

The determination of punishment based on justice and legal principles also aims to encourage the defendant to be aware of his mistakes and try to rehabilitate, so that he can return to becoming a productive member of society. Legal principles require that the punishment is not too heavy or too light, but proportionate to the defendant's actions. This is important so as not to cause new injustices and maintain social harmony. Therefore, considering aspects of justice and legal principles in determining punishment is the main foundation to ensure that judicial decisions are fair, proportionate, and in accordance with applicable legal norms. It is also a tangible manifestation of the principle of the rule of law and the protection of human rights.

The theory of the aspect of justice is one of the approaches in legal thought and legal philosophy that focuses on the application of justice in every legal decision and action. The aspect of justice demands that every individual be treated fairly and proportionately in accordance with his or her rights, obligations, and actions. The aspect of justice refers to the principle that the law must be able to create substantive justice, namely real and comprehensive justice in the life of society. This justice includes distributive justice (equitable distribution of resources and rights), retributive justice (appropriate and just punishment for violations), and procedural justice (fair procedures in the judicial process).

In general, the process and basis of the judge's consideration in determining a light sentence is based on the application of comprehensive aspects of justice and applicable legal principles. This approach shows that law enforcement is not only formalistic, but also pays attention to moral and social aspects in order to create complete justice and maintain public trust in the criminal justice system.

Based on the results of the research and discussion above, it can be concluded that the aspects of justice and legal principles considered by the judge to determine the light sentence in the decision Number 2200/Pid.B/2025/PN Mdn, namely the judge has carefully considered the aspects of justice and legal principles in determining the light sentence even though there are aggravating conditions. The priority aspect of justice is the provision of punishment proportional to the level of guilt of the defendant, as well as paying attention to humanitarian and rehabilitation aspects. The judge has also referred to the principle of restorative justice and the principle of social justice, which demands a balance between the right of the defendant to receive a sentence that is not excessive and the community's need for a deterrent effect. The principle of legality is still upheld, where the punishment imposed is in accordance with the applicable legal provisions, but adjusted to the facts and conditions of the defendant, such as the age and good intentions of the defendant. In addition, the application of the principles of substantive justice and procedural justice can be seen from the judge's efforts to adjust the sentence to the individual conditions of the defendant, as well as pay attention to the rehabilitation aspect. Thus, the determination of the light sentence reflects efforts to maintain a balance between formal justice and material justice, as well as to prioritize the legal principles that apply in the criminal justice system.

Basically, criminal punishment is the provision of suffering to the perpetrator, with the hope that the punishment will have a certain impact on the individual who is sentenced. The effectiveness of punishment will be felt directly by the convict if the judge's decision is carried out optimally. The main purpose of punishment is to prevent convicts from repeating criminal

acts in the future. With the implementation of punishment, the purpose of imposing new punishments can be fully realized.

Punishment is a sanction or penalty imposed by a court against a person who is proven guilty of committing a criminal act based on the provisions of applicable law. Punishment aims to uphold justice, provide a deterrent effect to the perpetrator and the community, protect the community from the danger of crime, and encourage the perpetrator to improve himself and not repeat his actions in the future.

Before sentencing the perpetrators of a criminal act, the judge must first make legal considerations. Legal considerations are the reasons that underlie judges in deciding a case, including in determining the appropriate punishment. This consideration is made based on the facts revealed during the trial process, the evidence submitted, and the applicable legal provisions.

The purpose of the legal consideration is to ensure that the verdict handed down is fair and in accordance with the provisions of the law, to keep the judicial process running objectively and not arbitrarily, and to provide a strong and logical legal basis for the decision taken.

These legal considerations are the main basis for sentencing and ensuring that the judge's decision does not contradict the rule of law and the principles of justice. Thus, these considerations must be complete, logical, and reasoned in order to be legally and morally accountable.

The considerations taken by the judge are an important part of the criminal law process because they are the basis for assessing the true justice for both parties, both the defendant and the victim. Regarding theft cases in aggravating circumstances regulated in Article 363 of the Criminal Code, the role of judges is not only limited to the application of the law, but also to maintaining moral and social values in society. According to Duha, the decision taken by the judge is not only the application of written law, but is the result of an in-depth analysis of legal and non-legal aspects. The legal aspect includes the fulfillment of the elements of the criminal act, the evaluation of evidence, and the application of legal norms, while the non-legal aspect includes the social and economic factors experienced by the defendant, the reasons behind the act, the psychological state, and the social impact caused by the crime.

In the case of decision number 2200/Pid.B/2025/PN Mdn mentioned above, the panel of judges took a decision that the defendant had been officially and convincingly proven to have committed an act of theft in an aggravating circumstance. The judge is of the opinion that all elements of Article 363 paragraph (1) 4 and 5 of the 1946 Criminal Code with Article 477 paragraph (1) letters f and g of the 2023 Criminal Code have been fulfilled, starting from the term "whom", "taking someone else's property", to the condition "by damage, dismantling, cutting, breaking, climbing, wearing false keys, using false orders, or wearing false office clothes, to enter the place of committing a criminal act or arrive at the goods taken, and "jointly and severally". Evidence was carried out in a structured manner based on statements from victim witnesses, witnesses who reported, witness testimony evidence and evidence, as well as confessions from the defendant. This consideration shows that the judge applies the principle of legality (*nullum crimen sine lege*) and the principle of objective and rational evidence in accordance with Suryono's (2020) explanation that "a fair verdict arises from the judge's belief that is supported by valid evidence and does not raise doubts".

In the legal aspect, the judge expressly stated that to obtain the 7 pieces of iron assets Telkomsel, the defendant and Markun's brother were carried out by climbing the fence of the wall that was deliberately built by PT. Daya Mitra Telkom Ro Sumbagut to protect its assets from security breaches and theft from irresponsible people. The act of "climbing" shows that the element of burdening has been fulfilled. That way, the judge applies a positive legal approach in assessing the defendant's actions in accordance with the provisions of Article 183

of the Criminal Code which requires the judge to make a decision based on at least two valid pieces of evidence and the conviction of the judge. This aspect demonstrates the application of strong formal justice, where every element of the article is tested with empirical evidence during the trial.

Nevertheless, in practice, the considerations taken by the judge in this case show the application of substantial values of justice. This can be seen from the balance between legal certainty, justice, and social benefits. Legal certainty is reflected in the application of the article appropriately and logically. Justice is seen through consideration of the defendant's background and the proportionality of the sentence, while social benefits are present through a deterrent effect that is expected to reduce the number of similar crimes in the people of Medan. This integrative approach is in line with Gustav Radbruch's threefold ideals of law theory, which states that law must contain elements of justice (*gerechtigkeits*), certainty (*rechtssicherheit*), and utility (*zweckmässigkeit*) in a balanced manner.

Based on the results of the above research and discussion, it can be concluded that the factors that are considered by the judge in determining a light sentence for a case of theft in a burdensome state based on decision Number 2200/Pid.B/2025/PN Mdn, namely the factors of justice and legal certainty, the factor of rehabilitation of the defendant, and the consideration of social benefits. The judge considered that the granting of a light sentence could take into account the condition of the defendant who showed good faith and had never served a sentence before, and aimed to motivate the rehabilitation process and prevent recidivism. In addition, the aggravating circumstances in the case do not completely negate the opportunity for a lighter sentence, if supported by a continuous coaching process and strict supervision. Thus, the determination of light sentences is not only based on formal aspects, but also considers moral, social, and rehabilitative aspects, in order to achieve substantive justice and the effectiveness of the criminal justice system.

4. Conclusion

The process and basis for the judge's consideration in deciding on a light sentence for the defendant for the crime of theft in an aggravating circumstance based on decision Number 2200/Pid.B/2025/PN Mdn, namely the judge's consideration process in deciding a light sentence against the defendant for the crime of theft in an aggravating circumstance shows the application of the principles of justice and prudence. The judge not only considers aggravating factors, such as the defendant's intentional and dangerous actions, but also pays attention to mitigating aspects, such as politeness, remorse, and the condition of the defendant who is young and does not have a criminal record. This decision shows that the sentencing process is not automatic, but through an in-depth assessment of all relevant aspects, including the social and personal context of the defendant.

Acknowledgments

The author expresses his gratitude to all parties who have provided support and contributions in the preparation of this research. Thank you to law enforcement officials and related parties who have provided access to court decisions and supporting data relevant to the object of the research. In addition, the author expresses his appreciation to academics and researchers whose works are important references in the development of theoretical frameworks and legal analysis in this research. Special thanks are extended to the author's family for the prayers, moral support, and motivation provided during the process of preparing the research until the writing of this article. The author realizes that this research still has limitations, therefore all constructive criticism and suggestions are highly expected for further research improvement.

References

- Andi Hamzah, Kamus Hukum, Citra Umbara, Bandung, (2023)
- Arto, Mukti, Praktek Perkara Perdata pada Pengadilan Agama, Pustaka Pelajar, Yogyakarta, (2024)
- Bambang Sunggono, Metode Penelitian Hukum, Raja Grafindo Persada, Jakarta, (2019)
- Chyntia Gunawan dan R. Rahaditya, Alasan Yang Meringankan Penjatuhan Pidana dan Dampaknya Bagi Masyarakat: Contoh Putusan Mahkamah Agung Nomor 239 K/Pid.Sus/2020, Jurnal Unes Law Review, Vol.6, No. 3, (2024)
- Djamali, R. Abdoel, Pengantar Hukum Indonesia Edisi Revisi, Rajawali Press, Jakarta, (2021)
- Hasil wawancara dengan Bapak Asad Rahim Lubis selaku Hakim di Pengadilan Negeri Medan pada tanggal 10 Juni 2026, pukul 14.00 Wib.
- I. Alirahman, Tindak Pidana Pencurian dengan Pemberatan: Analisa Putusan Nomor 1152/Pid.B/2025/PN Tng, Jurnal Ilmiah Hukum dan Keadilan, Vol. 12, No. 2, (2025)
- Iman Alirahman, Analisa Putusan Nomor 1152/Pid.B/2025/PN Tangerang, Jurnal Hukum dan Keadilan Sosial, Vol. 13, No. 1, (2025)
- Ishaq, Pengantar Hukum Indonesia (PHI), Rajawali Press, Jakarta, (2014)
- Jeswin Ariyanto Duha, Disparitas Pemidanaan dalam Kasus Pencurian dengan Pemberatan, Deepublish, Yogyakarta, (2022)
- Loebby Logman, Pidana dan Pemidanaan, Datacom, Jakarta, (2021)
- Marwan Effendi, Metode Penelitian Hukum: Teori dan Praktek, Genta Press, Yogyakarta, (2021)
- Moeljatno, Kitab Undang-Undang Hukum Pidana, Bumi Aksara, Jakarta, (2020)
- Muhammad Tahir Laming, Keadilan Dalam Beberapa Perspektif; Suatu Kajian Beberapa Paradikma Tentang Keadilan, Jurnal Meraja, Vol. 4, No. 2, (2021)
- Muhammad, Rusli, Hukum Acara Pidana Kontemporer, Citra Aditya, Jakarta, (2019)
- Mukti Fajar dan Yulianto Achmad, Dualisme Penelitian Hukum Normatif dan Empiris, Penerbit Pustaka Pelajar, Yogyakarta, (2022)
- Nainggolan dkk, Pertanggungjawaban Pidana terhadap Pelaku Pencurian dengan Pemberatan (Studi Kasus Putusan Nomor 1382/Pid.B/2023/PN Medan), Jurnal Mimbar Administrasi, Vol. 20, No. 2, (2023)
- P.A.F Lamintang dan Theo Lamintang, Delik-Delik Khusus, Sinar Grafika, Jakarta, (2019)
- P.A.F Lamintang, Hukum Penitensier Indonesia, Armico, Bandung, (2022)
- P.A.F. Lamintang, Dasar-Dasar Hukum Pidana Indonesia, PT. Citra Aditya Bakti, Bandung, (2023)
- Puteri, A, Keadilan Substantif dalam Putusan Pidana Anak, Jurnal Restorative Justice Indonesia, Vil. 5, No. 1, (2024)
- Rahman Syamsuddin, Merajut Hukum di Indonesia, Mitra Wacana Media, Jakarta, (2024)
- Sandy Doyoba Alexsander dan Widowaty, Faktor Penyebab Timbulnya Disparitas dalam Putusan Hakim terhadap Anak Pelaku Tindak Pidana Pencurian dengan Pemberatan, Jurnal Indonesian Journal of Criminal Law and Criminology, Vol. 1, No. 2, (2024)

- Satjipto Rahardjo, Ilmu Hukum Progresif, Citra Aditya Bakti, Bandung, (2021)
- Sayyid Qutb, Keadilan Sosial dalam Islam, Mizan, Bandung, (2023)
- Soerjono Soekanto, Pengantar Penelitian Hukum, UI Press, Jakarta, (2024)
- Sofyan, Andi dan Azisa, Nur, Hukum Pidana, Pustaka Pena Press, Makasar, (2023)
- Sofyan, Andi, Hukum Acara Pidana, Suatu Penantar, Mahakarya Rangkang, Yoyakarta, (2023)
- Solahuddin. Kitab Undang-Undang Hukum Pidana, Acara Pidana dan Perdata, Visimedia, Jakarta, (2018)
- Sudrajat Bassar, Tindak Pidana Tertentu di Dalam KUHP, Remadja Karya, Bandung, (2002)
- Suryono, Hukum Acara Pidana dan Penerapan Asas Pembuktian, Prenada Media, Jakarta, (2023)
- Sutopo HB, Metodologi Penelitian Kualitatif, Gramedia Pustaka Utama, Surakarta, (2022)
- Syamsul Arifin, Metode Penulisan Karya Ilmiah dan Penelitian Hukum, Medan Area University Press, Medan, (2023)
- Tim Redaksi, Kamus Besar Bahasa Indonesia, Balai Pustaka, Jakarta, (2025)
- Wiryono Projodikoro, Tindak-Tindak Pidana Tertentu di Indonesia, Refika Aditama, Bandung, (2021)
- Undang-Undang
- Undang-Undang No. 48 Tahun 2009 tentang Kekuasaan Kehakiman
- Putusan Pengadilan Negeri Lubuk Pakam Nomor 942/Pid.B/2025/PN Lbp.
- Kitab Undang-Undang Hukum Acara Pidana
- Kitab Undang-Undang Hukum Pidana
- Chyntia Gunawan dan R. Rahaditya, Alasan Yang Meringankan Penjatuhan Pidana dan Dampaknya Bagi Masyarakat: Contoh Putusan Mahkamah Agung Nomor 239 K/Pid.Sus/2020, Jurnal Unes Law Review, Vol.6, No. 3, (2024)
- I. Alirahman, Tindak Pidana Pencurian dengan Pemberatan: Analisa Putusan Nomor 1152/Pid.B/2025/PN Tng, Jurnal Ilmiah Hukum dan Keadilan, Vol. 12, No. 2, (2025)
- Iman Alirahman, Analisa Putusan Nomor 1152/Pid.B/2025/PN Tangerang, Jurnal Hukum dan Keadilan Sosial, Vol. 13, No. 1, (2025)
- Muhammad Tahir Laming, Keadilan Dalam Beberapa Perspektif; Suatu Kajian Beberapa Paradikma Tentang Keadilan, Jurnal Meraja, Vol. 4, No. 2, (2021)
- Nainggolan dkk, Pertanggungjawaban Pidana terhadap Pelaku Pencurian dengan Pemberatan (Studi Kasus Putusan Nomor 1382/Pid.B/2023/PN Medan), Jurnal Mimbar Administrasi, Vol. 20, No. 2, (2023)
- Puteri, A, Keadilan Substantif dalam Putusan Pidana Anak, Jurnal Restorative Justice Indonesia, Vil. 5, No. 1, (2024)
- Sandy Doyoba Alexsander dan Widowaty, Faktor Penyebab Timbulnya Disparitas dalam Putusan Hakim terhadap Anak Pelaku Tindak Pidana Pencurian dengan Pemberatan, Jurnal Indonesian Journal of Criminal Law and Criminology, Vol. 1, No. 2, (2024)

Wawancara

Wawancara dengan Bapak Asad Rahim Lubis selaku Hakim di Pengadilan Negeri Medan pada tanggal 10 Juni 2026, pukul 14.00 Wib.