

ANALYSIS OF LEGAL AND JUSTICE ASPECTS IN THE VERDICT OF PETTY THEFT (ANALYSIS OF DECISION NUMBER 2232/PID.B/2025/PN MDN)

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Abstract

Based on the results of the study, it shows that the legal aspects applicable in the process of determining and considering decisions on minor theft crimes based on Decision Number 2232/Pid.B/2025/PN Mdn as a whole, the application of legal aspects in this decision shows an effort to maintain a balance between legal certainty and substantive justice in handling minor crimes. The application of the principle of justice in the judge's considerations in Decision Number 2232/Pid.B/2025/PN Mdn, namely in general, the application of the principle of justice in this decision reflects efforts to uphold the rule of law and substantive justice, which ultimately strengthens public trust in the criminal justice system in Indonesia

Keywords: Analysis, Legal Aspects, Justice, Verdict, Criminal Act, Minor Theft

1. Introduction

Theft is one of the criminal acts that often occurs and is the main concern in law enforcement in Indonesia. In handling theft cases, judges have an important role in deciding on a fair punishment and in accordance with the applicable legal provisions. The decision-making process is not only based on the juridical aspect, but must also consider the aspect of justice in order to achieve a sense of justice for all interested parties. Cases of petty theft often cause debates related to legal and justice aspects. In practice, judges are faced with the challenge of balancing formal legal aspects with substantive justice, especially in determining sentences that do not burden the defendant but still meet the community's sense of justice and the purpose of criminal law. The study of the decision Number 2232/Pid.B/2025/PN Mdn shows that legal and justice aspects need to be analyzed in depth so that it can be understood how judges assess and consider the factors that affect the decision. This analysis is important in order to provide a clear picture of the application of the principle of justice in criminal justice practice, as well as assess whether the verdict handed down is in accordance with the provisions of the law and the community's sense of justice. This study aims to analyze the legal and justice aspects in the verdict of the crime of petty theft, as well as what factors affect the judge's consideration in imposing sentences. The results of the research are expected to contribute to improving the quality of criminal judgments and understanding of the application of justice principles in the criminal justice system.

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 Legal and Justice Aspects in the Criminal Conviction of Petty Theft, namely the Criminal Code, Law Number 48 of 2009 concerning Judicial Power. Meanwhile, the case approach was carried out through an in-depth analysis of the Medan District Court Decision Number 2232/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 Legal and Justice Aspects in the Verdict of Petty Theft. 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 Legal and Justice Aspects in the Verdict of Petty Theft.

3. Research and Discussion Results

In general, the process of determining and considering verdicts for the crime of petty theft aims to ensure that court decisions are objective, fair, and pay attention to legal aspects and substantive justice, so as to provide a sense of justice to all parties and maintain trust in the criminal justice system.

The legal aspects that apply in the process of determining and considering verdicts for minor theft include several main elements that must be met so that court decisions meet the principles of justice, legal certainty, and effectiveness of the criminal justice system. Here are the legal aspects:

1. Compliance with Statutory Provisions

The process and consideration of the verdict must be based on the applicable legal provisions, such as the Criminal Code (KUHP), the Criminal Code, and laws and regulations related to misdemeanor crimes. The judge must ensure that all steps and considerations are in accordance with the legal norms.

2. The Principle of Legality (nullum crimen, nulla poena sine lege)

No criminal action or punishment should be imposed without a clear and firm legal basis. In the determination and consideration process, the judge must ensure that the defendant's actions fall into the category of criminal acts that are regulated and threatened with punishment by law.

3. Objective and Proportionate Judicial Basis

Sentencing should be based on an objective assessment of the facts and evidence, as well as considering the proportionality aspect between the level of the crime and the sentence imposed. This principle emphasizes the importance of substantive justice in judgments.

4. Rights of the Defendant and Related Parties

This aspect of the law guarantees the defendant's right to a fair trial, including the right to be accompanied by legal counsel, the right to file an objection, and the right to obtain a copy of the verdict. These rights must be respected during the determination and consideration process.

5. Consistency and Justice Based on National and International Legal Norms

In considering judgments, judges should take into account national legal norms and relevant principles of international justice, as part of efforts to uphold the rule of law and universal justice.

6. Transparency and Accountability

The determination and consideration process must be carried out openly and well documented, so that it can be accounted for and understood by all interested parties.

7. Use of Jurisprudence and Related Legal Norms

Judges can refer to previous court decisions (jurisprudence) and international and national legal norms as a reference in issuing judgments, to ensure consistency and fairness in law enforcement.

By paying attention to these legal aspects, the process of determining and considering verdicts for the crime of petty theft will run in accordance with applicable legal principles, ensure justice, and increase public trust in the criminal justice system.

To find out the legal aspects that apply in the process of determining and considering the verdict on the crime of petty theft based on the decision Number 2232/Pid.B/2025/PN Mdn, further analysis will be carried out.

Based on the results of the interview with Mr. Abd. Hadi Nasution, S.H., M.H. as a Judge at the Medan District Court explained about what legal aspects are the main basis in the process of determining and considering the decision of the case of petty theft, namely in the process of determining and considering the verdict of the case of petty theft, the legal aspect that is the main basis is the provisions stipulated in the Criminal Code (KUHP), especially articles that regulate the crime of theft, such as Article 362 of the Criminal Code. In addition, I also refer to the principles of applicable criminal law, including the principles of legality (*nullum crimen sine lege*), justice, and legal certainty. In addition to the provisions in the Criminal Code, other legal aspects that are considered are the criminal procedure law (KUHAP), which regulates the procedures for examination, determination, and imposition of sentences, as well as laws and regulations related to rehabilitation and reduction of sentences if the defendant meets certain conditions. I also pay attention to the relevant implementing regulations and legal standards that apply in the criminal justice system in Indonesia. Thus, the main legal aspects in this process are the provisions of the criminal law that govern the crime of petty theft and the criminal justice procedure that ensures that the court process runs fairly and in accordance with applicable law.

According to the researcher's analysis, the judge's answer shows that in determining and considering the verdict of the case of petty theft, the judge expressly refers to the relevant legal basis and the principles of criminal law applicable in Indonesia. The main emphasis on Article 362 of the Criminal Code as the main basis shows that the sentencing process is based on specific provisions regarding the crime of theft, which ensures that the verdict is supported by a clear and concrete legal foundation.

In addition, the judge mentioned the application of basic principles of criminal law such as the principles of legality (*nullum crimen sine lege*), justice, and legal certainty. This shows that judges try to keep the verdict from going beyond the provisions of the law and remain fair and consistent with the national legal system.

The addition of aspects of criminal procedure law (KUHAP) and other implementing regulations emphasizes that the court process is not only based on criminal law material, but also follows legal and fair procedures. This is important to ensure that the rights of the defendant are protected and that the judicial process runs transparently and according to the rules.

Overall, the judge's answers reflect a comprehensive and systematic approach to upholding legal principles and ensuring that the determination and consideration of the verdict is based on a solid legal foundation. Researchers can conclude that judges try to balance normative and procedural aspects in the criminal justice process, in order to achieve substantive and formal justice.

Based on the results of the research and discussion above, it can be concluded that the applicable legal aspects in the process of determining and considering verdicts on the crime of petty theft based on Decision Number 2232/Pid.B/2025/PN Mdn affirm the importance of

applying legal norms objectively and proportionately. The judge in the ruling pointed out that the application of the law is not only formal, but also pays attention to substantive justice aspects, such as the protection of the rights of the defendant, social factors, as well as the level of error and the impact of the act. Legal aspects that are carried out consistently and based on the provisions of the law create legal certainty, increase public trust in the justice system, and ensure that the punishment given is fair, not excessive, and in accordance with the level of crime. Overall, the application of the legal aspects in this decision shows an effort to maintain a balance between legal certainty and substantive justice in handling misdemeanor crimes.

The term justice (*justitia*) comes from the word "fair" which means: impartial, impartial, on the side of the right, should, not arbitrary. From several definitions, it can be understood that the meaning of justice is all things that are pleasing to attitudes and actions in human relationships, justice contains a demand that people treat others in accordance with their rights and obligations, the treatment is not indiscriminate or favoritistic; rather, all people are treated equally according to their rights and obligations. Justice is fundamentally described by Aristotle in Book 5 of the book *Nicomachean Ethics*.² To know about justice and injustice, three main things must be discussed, namely (1) what actions are related to the term, (2) what justice means, and (3) between the two extremes of whether justice is located.

In contrast to Aristotle, John Rawls, or his full name John Borden Rawls, was born in 1921 to a wealthy family in Baltimore, Maryland. He was the second of five children. His father, William Lee Rawls, was a successful tax lawyer and an expert in the field of constitutionality. His mother, Anna Abell Stump, came from a respectable German family. This female supporter of the feminist movement once served as president of the League of Women Voters in her home area. Because of this background, by some people close to him, Rawls was referred to as a person with "blue blood". This makes him have a sense of nobility. John Rawls, who lived in the early 21st century, emphasized more on social justice. This is related to the emergence of a conflict between individual interests and state interests at that time. Rawls sees the main interests of justice as (1) the guarantee of the stability of human life, and (2) the balance between personal life and common life.

The issue of justice is still a *prima donna* and elegant to be discussed in the realm of theory and practice. This is considering that in the realm of theory, the interpretation of justice until now there is still an endless debate and has not reached a unanimous consensus on the true parameters of justice. What is more interesting in practice, the public has so far felt and judged that the court institution is unfair because it is too conditional with procedures, formalistic, rigid, and slow in giving a decision on a dispute. Presumably, this factor cannot be separated from the judge's perspective on the law which is very rigid and normative-procedural in concretizing the law.

Judges should be able to become living interpreters who are able to capture the spirit of justice in society and not be shackled by procedural normative rigidity in a law and regulation, because judges are no longer just *la bouche de la loi* (mouthpieces of law). The problem as depicted in the description seems to be inseparable from the dichotomy between substantive justice and procedural justice.

The definition of the application of the principle of justice in the judge's consideration in the Decision is a process in which the judge uses and applies the principle of justice as a basis for considering and deciding the case, so that the decision taken is not only based on the provisions of formal law, but also takes into account the moral, human, and substantive justice aspects.

In this context, judges seek to ensure that the verdict rendered reflects the balance between legal certainty and the protection of the rights of the relevant parties, as well as upholding proportionate and humane justice in accordance with the circumstances and circumstances of the case at hand. The application of this principle of justice is a moral and normative foundation

in decision-making, so that the results of the decision can truly meet the sense of justice of the community and the parties involved.

Based on the results of the interview with Mr. Abd. Hadi Nasution, S.H., M.H. as the Judge at the Medan District Court explained how the principle of justice is the basis for compiling the judge's consideration in this decision, especially in balancing the rights of the defendant and the interests of the community, namely:

The principle of justice is the main basis in compiling the judge's consideration in every decision, including this case. In deciding the case, I as a judge try to balance the rights of the defendant and the interests of the community in a proportionate and fair manner. The rights of the defendant must be protected so as not to experience arbitrary treatment, and be given the opportunity to receive humane treatment and in accordance with the principle of presumption of innocence. On the other hand, the interests of the community must also be protected from criminal acts that damage public order and create a sense of security. In compiling these considerations, I refer to the applicable legal provisions and the principle of substantive justice, so that the decisions taken are not only based on normative aspects, but also consider aspects of moral and social justice. Thus, the principle of justice is the main foundation so that the verdict can provide a sense of justice for all parties and maintain public order and security.

According to the researcher's analysis, the judge's answer can be done by discussing several main aspects. The judge emphasized that the principle of justice is the main basis in compiling the decision considerations. This shows an awareness that substantive justice should be the primary guideline, not just a purely normative aspect. The judge emphasized that efforts to balance the rights of the defendant with the interests of the community in a proportionate and fair manner. This is in accordance with the principles of distributive and procedural justice that demand fair treatment for all parties. The defendant's rights are protected so as not to be subjected to arbitrary treatment and are given humane treatment according to the principle of presumption of innocence. This shows that judges refer to human rights and the principles of formal justice.

The judge stated that using the provisions of the applicable law and the principle of substantive justice, which affirm that the verdict must be not only normative, but also morally and socially just. The emphasis on the moral and social justice aspects shows that judges not only adhere to the formal legal aspects, but also pay attention to the humanitarian and social justice aspects, which are important in applying the principles of justice as a whole. The judge's answer reflects a holistic and humane approach in drafting legal considerations, emphasizing that justice must be assessed from various dimensions, not just normative aspects.

Although the judge's explanation is quite comprehensive, the researcher can assess whether in practice, the considerations are actually implemented consistently and transparently in the actual verdict. Researchers can also assess whether these social and moral factors are really measured objectively and proportionally according to the principle of justice. In general, the judge's answer shows awareness and commitment to the principle of justice as the main foundation, but it is necessary to study again how the principle is applied in the process and the results of real decisions in the field.

Based on the results of the research and discussion above, it can be concluded that the application of the principle of justice in the judge's consideration in Decision Number 2232/Pid.B/2025/PN Mdn, namely the judge has made a serious and systematic effort to apply the principle of justice in accordance with the applicable legal provisions. In considering the decision, the judge showed a commitment to the application of the principles of substantive and procedural justice through an objective examination of evidence, protection of the rights of all parties, and referring to national and international jurisprudence and legal norms. Despite facing challenges such as ensuring objectivity and maintaining a balance of rights between the defendant and the prosecutor, the judge was able to overcome these challenges with transparent,

meticulous measures based on the principles of justice. In general, the application of the principle of justice in this decision reflects efforts to uphold the rule of law and substantive justice, which ultimately strengthens public trust in the criminal justice system in Indonesia.

In determining the verdict for the crime of petty theft, the judge certainly faces various challenges stemming from factors that can affect the objectivity and fairness of the verdict. These factors include pressure from relevant parties, complex legal and factual considerations, and potential personal or external biases that may affect the judge's judgment. In addition, the need to maintain a balance between substantive and procedural justice aspects, as well as ensuring that the sentences handed down are commensurate with the level of the crime and are not excessive or unjustly disadvantaged, are also challenges. Therefore, judges must be able to address these factors through a transparent examination process, based on strong evidence, and adhere to the principles of fairness and objectivity in making decisions.

Based on the results of the research and discussion above, it can be concluded that the factors that influence the judge in determining the verdict on the crime of petty theft in Decision Number 2232/Pid.B/2025/PN Mdn include formal legal aspects and non-legal considerations. Legal factors include sufficient evidence and applicable legal provisions regarding the type and threat of a crime, which ensures that the verdict is based on the principles of legality and formal justice. Meanwhile, non-legal factors include the defendant's subjective condition such as intention, motivation, psychological state, and the defendant's social and economic condition. The judge tries to balance between these objective and subjective aspects so that the verdict is not automatically harsh, but remains humane, fair, and able to provide a deterrent effect as well as rehabilitation opportunities. The results of this study show that a humanist and social justice approach in sentencing is very important to achieve substantive justice and support the process of social reintegration of defendants.

4. Conclusion

The legal aspects that apply in the process of determining and considering the verdict on the crime of petty theft based on Decision Number 2232/Pid.B/2025/PN Mdn affirm the importance of applying legal norms objectively and proportionately. The judge in the ruling pointed out that the application of the law is not only formal, but also pays attention to substantive justice aspects, such as the protection of the rights of the defendant, social factors, as well as the level of error and the impact of the act. Legal aspects that are carried out consistently and based on the provisions of the law create legal certainty, increase public trust in the justice system, and ensure that the punishment given is fair, not excessive, and in accordance with the level of crime. Overall, the application of the legal aspects in this decision shows an effort to maintain a balance between legal certainty and substantive justice in handling misdemeanor crimes. The application of the principle of justice in the judge's consideration in Decision Number 2232/Pid.B/2025/PN Mdn is that the judge has made a serious and systematic effort to apply the principle of justice in accordance with the applicable legal provisions. In considering the decision, the judge showed a commitment to the application of the principles of substantive and procedural justice through an objective examination of evidence, protection of the rights of all parties, and referring to national and international jurisprudence and legal norms. Despite facing challenges such as ensuring objectivity and maintaining a balance of rights between the defendant and the prosecutor, the judge was able to overcome these challenges with transparent, meticulous measures based on the principles of justice. In general, the application of the principle of justice in this decision reflects efforts to uphold the rule of

law and substantive justice, which ultimately strengthens public trust in the criminal justice system in Indonesia.

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Wawancara

Wawancara dengan Bapak Abd. Hadi Nasution, S.H., M.H. selaku Hakim di Pengadilan Negeri Medan pada tanggal 10 Juni 2026, pukul 14.00 Wib.