



## **Analysis of The Lubuk Pakam District Court's Decision In The Group Motorbike Theft Case From The Perspective of Criminal Procedure Law**

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### ***Abstract***

This research contains an analysis of the court decision in case number 1369/PID.B/2024/PN LBP at the Lubuk Pakam District Court by taking a criminal procedural law perspective. Using qualitative observational research methods, this research examines the legal process, application of legal principles, and judicial considerations in a theft case. The key findings include that the Court has correctly applied the provisions of the criminal procedural law regarding the theft of someone's motorbike. The trial process still adheres to the principles of criminal procedure, including the rights of the defendant, as well as the rights of the accuser. The judge gave clear legal considerations based on evidence and witness statements. The sentence imposed was proportional and considered mitigating, and there were several factors that aggravated the sentence imposed on the defendant. This decision shows a commitment to eradicating the crime of theft. Overall, this decision reflects the fair and transparent application of criminal procedural law in the Indonesian justice system. This analysis contributes to understanding how the principles of criminal procedural law have been applied in practice in criminal cases in Indonesia.

**Keywords:** *Court decision; Criminal procedure, Criminal law, theft*

### **A. Introduction**

The crime of theft is one of the most common crimes in society and has become a serious problem that requires special attention from various parties. As a crime regulated in Article of the Criminal Code (KUHP), theft is defined as the act of taking goods that are wholly or partially owned by another person with the intention of being owned unlawfully. Although regulations governing theft have been around for a long time, the number of crimes continues to show a worrying trend from year to year. The factors behind the occurrence of the crime of theft are very diverse and complex, ranging from economic problems, education, to moral degradation in society. The widening economic gap, high unemployment rates, and social pressure to meet a certain lifestyle are often triggers for someone to commit theft. In addition, weak supervision and law enforcement in several regions also contribute to the increasing frequency of theft cases.

The impact of the crime of theft is not only limited to the material losses experienced by the victim, but also has a significant impact on the sense of security and peace in society. The psychological trauma experienced by victims<sup>3</sup> of theft often lasts for a long time and can affect their overall quality of life. Furthermore, the high number of thefts in an area can have a negative impact on the investment climate and local economic growth. Given the complexity of this problem, a comprehensive and multidimensional approach



is needed in efforts to prevent and handle theft cases. Through an in-depth analysis of relevant crime statistics and case studies, it is hoped that this article can make a significant contribution to the development of more effective strategies to overcome the problem of theft in Indonesia. The criminal case faced by the defendant, Surya Arfandi alias Sonok, is a form of aggravated theft. In the Indonesian justice system, cases like this are regulated in the Criminal Code (KUHP) and often involve detailed legal processes, from arrest to trial and final decision.

This case began when the defendant and another person who was still on the DPO (Wanted List) status, namely IJUN, stole a motorbike in the parking area of an internet cafe located on Jl. B. Katamso, Titi Kuning Village, Medan Johor District, Medan City. The act was carried out using a special tool in the form of a fake key. The defendant Surya Arfandi, who was born in Sawit Rejo on June 10, 1999, is 25 years old, works as a self-employed person, and lives in Dusun II, Sawit Rejo Village, Kutalimbaru District, Deli Serdang Regency, North Sumatra. The defendant has been brought before the Lubuk Pakam District Court to be held accountable for the criminal acts charged against him.

In the indictment filed by the Public Prosecutor, Surya Arfandi alias Sonok was accused of committing aggravated theft as regulated in Article Paragraph (1) 4th and 5th of the Criminal Code. The crime involved theft using special tools and was carried out together. The process of arresting the defendant took place after the police received information from the victim and witnesses. Surya Arfandi was arrested on May 29, 2024 in the area of Jl. Sei Mencirim, Kutalimbaru District, Deli Serdang Regency. At the time of arrest, the defendant admitted to having committed the theft with his partner. The theft incident occurred on April 12, 2024 at around 15.00 WIB, where the victim, Soni Ranu Malem Sitepu, parked his motorbike in front of an internet cafe and entered to use internet services. While the victim was still in the internet cafe, the defendant and his partner took the motorcycle using a T-key. As a result of the theft committed by the defendant, the victim suffered a material loss of Rp19,000,000, which was the value of the victim's Honda Beat motorcycle. The motorcycle was then sold by the defendant and his partner to someone in the Sei Mencirim area. The evidence presented in the trial included the original BPKB book, STNK, and the Honda Beat motorcycle that had been sold by



the defendant. These pieces of evidence are important elements in proving the defendant's involvement in the crime charged.

From the form of one of the cases above which was taken from one of the courts in North Sumatra, namely the Lubuk Pakam Court, the researcher expressed interest in researching and examining the trial of this criminal case from the perspective of criminal procedural law which was carried out during the trial case which had been conducted. observed by previous authors.

## **B. Research Method**

In this research, researchers used observational research methods. In an article it is stated that observations are carried out to obtain a real picture of an event or event events to answer research questions. Where to conduct qualitative observational research regarding the ongoing process of trials and decisions at the Lubuk Pakam District Court Number 1369/PID.B/2024/PN LBP. In addition, a qualitative approach is used to gain an in-depth understanding of the legal process and the context of court decisions. In this case, the researcher also used a research method in the form of an ethnographic method, which in states that ethnographic research is one of the approaches to qualitative research.<sup>1</sup> With its development, this research has also been widely used for research the essence of a language studied from a cultural perspective. With this research it will be obtained knowledge about the relationship between language use and a person's social status and communication culture. Based on this, the researcher used ethnographic methods to see how communication and culture occurred in the judicial process and procedural law at the Lubuk Pakam regional district court institution. The data collection technique used is library research or literature study techniques. This is a method of documenting the trial process at the Lubuk Pakam Court. As well as analyzing decisions and related documents to understand the legal basis used. Data analysis used includes a descriptive approach to describe findings and draw conclusions based on the data obtained. This method aims to provide insight into the application of law in practice in court.

## **C. Results and Discussion**

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<sup>1</sup> Sari, M. P., Wijaya, A. K., Hidayatullah, B., Sirodj, R. A., & Afgani, M. W., *Penggunaan Metode Etnografi dalam Penelitian Sosial*, Jurnal Pendidikan Sains dan Komputer, 3(01), 84–90. 2023, <https://doi.org/10.47709/jpsk.v3i01.1956>



### 1. *The Crime of Theft*

Lukman explained that the crime of theft is indeed one of the serious threats in community life, and this phenomenon involves various perpetrators of crimes in various levels of society. Theft is one of the most common crimes and has an impact that is felt directly by society. Some points that can be identified related to the crime of theft include:

#### 1. Opularity of Theft

Theft is often the main choice for criminals, both those who make it their profession and those involved in other crimes. This phenomenon can be observed in various environments, including big cities, urban areas, and rural areas.

#### 2. Pread of Crime

Theft is not only limited to urban areas or big cities, but has also spread to remote villages or hamlets. This shows that no area is completely safe from the threat of theft.

#### 3. Frequency of Theft Cases

Theft is one of the crimes with a high frequency of cases in various places in Indonesia. This is reflected in the many reports and cases of theft submitted to court.

#### 4. Legal Involvement

The involvement of the law in handling theft cases is evident from the number of reporters or reported parties who are presented to the court. Theft is often the focus of law enforcement as a criminal act that is detrimental and threatens public security. Efforts to prevent and overcome the crime of theft involve the active role of security forces, the implementation of security systems, and public awareness in protecting their property and possessions.

The crime of theft, which is included in the category of crimes against individual interests, is an act against wealth or objects. This is regulated in Chapter XXII Articles of the Criminal Code (KUHP) in Indonesia. Theft as an act has a detrimental impact on individuals and the wider community. Therefore, prevention of theft is a must, considering that this act often occurs in everyday life, sometimes because of opportuniti.<sup>2</sup>

In the Indonesian Dictionary, stealing is defined as the act of taking someone else's property in an unlawful manner. To understand the clearer definition of theft, you can

<sup>2</sup> Hartono, Toto, Mhd Ansori Lubis, and Syawal Amry Siregar, *Law Enforcement Against Violent Theft Crimes (Study at the Medan City Police Department)*, Retentum Journal Vol 3. No.1, 2021.



refer to Article of the Criminal Code which states that a person who takes goods, some or all of which belong to someone else, with the intention of possessing the goods unlawfully, can be punished for theft with imprisonment of up to five years or a fine of up to Rp. 900,-.

It can be concluded that the crime of theft is one of the most common crimes found in society, both in urban and rural communities. Regarding theft, it has been regulated in the Criminal Code, specifically in articles concerning theft.

## 2. *Analysis of The Criminal Act of Theft in the Decision of the Lubuk Pakam District Court Number 1369/Pid.B/2024/PN Llp*

### 1. Element of The Crime of Theft

In the context of criminal law, theft is regulated in Article of the Criminal Code, which states that theft is the act of taking another person's property with the intention of possessing it unlawfully. The elements that must be present in the crime of theft include:<sup>3</sup>

- 1) Actor: The action is carried out by a specific individual.
- 2) Picking up: There must be a physical action of picking up the item.
- 3) Other People's Property: The property taken must belong to another person.
- 4) Intent to Possess: The perpetrator has the intention to possess the item permanently.
- 5) Unlawful: Actions taken without permission or legal rights

### 2. Application of the Principle of Legality

The principle of legality (*nullum crimen, nulla poena sine lege*) asserts that no act can be punished without a law that regulates it. In this case, the act of theft committed by the defendant is clearly regulated in the Criminal Code, thus fulfilling the requirements of the principle of legality. This shows that the prosecution of the defendant is legitimate and in accordance with applicable legal provisions.<sup>4</sup>

### 3. Legal Process

The legal process in this case involves several stages:<sup>5</sup>

<sup>3</sup> Hamdiyah, "Analysis Of Elements Of The Criminal Act Of Theft: A Legal Review." *Tabqiq Journal: Scientific Journal of Islamic Legal Thought*, Vol 18. No. 1, 2024.

<sup>4</sup> Darmawan, Dastin, et al., *Legal Review of the Implementation of the Principle of Legality in the Crime of Theft, Amendment: Journal of Defense Science, Politics and Indonesian Law*. Vol 1. No. 3, 2024.

<sup>5</sup> Hartno, *Loc. cit*





- 1) Investigation: The investigator collects evidence to support the charges against the accused.
- 2) Prosecution: Public prosecutor, Rinda Adida Sihotang, SH, filed an indictment based on the available evidence.
- 3) Trial: During the trial, the defendant was given the opportunity to defend himself, but the judge decided that the defendant was guilty.

#### 5. Verdict

The judge's ruling includes several important points:

- 1) The defendant was found guilty of committing theft under aggravating circumstances.
- 2) Sentenced to 4 (four) years in prison.
- 3) Evidence in the form of the BPKB book and the motorbike STNK were returned to witness Soni Ranu Malem Sitepu.
- 4) The defendant is required to pay court costs of Rp. 2,000.00.

#### 6. Legal Implications

This decision has several important implications, including:

- 1) Deterrent Effect: A four-year prison sentence is expected to provide a deterrent effect on the perpetrator and prevent the recurrence of similar crimes.
- 2) Protection of Community Rights: Law enforcement against criminal acts of theft serves to protect the rights of property owners and maintain public order.
- 3) Legal Certainty: The application of the principle of legality and transparent legal processes provides legal certainty for all related parties.

### 3. *Analysis of the Decision from the Perspective of Criminal Procedure Law*

According to R. Soehadi in, as the main reference for the author, it is explained that criminal procedural law regulates how to implement criminal law from the emergence of suspicion of a criminal act to the implementation of the verdict. Meanwhile, according to Tolib Effendi, criminal procedural law is the process of imposing sanctions on violators of the rules in material criminal law. Moelyanto also stated that criminal procedural law is



the law that regulates the procedures for implementing or maintaining material criminal law.<sup>6</sup>

From several statements of the experts above, it can be concluded that criminal procedural law is a series of processes carried out in handling criminal cases starting from the investigation stage to the trial stage and the emergence of a verdict by the court. Furthermore, regarding the principles applied in criminal procedural law among others, are:<sup>7</sup>

1. The principle of presumption of innocence;
2. Principle of Equality Before the Law;
3. The principle of written orders from the authorities;
4. Principles of Compensation and Rehabilitation;
5. The Principle of Trials is Carried Out Quickly, Simply and at Low Cost;
6. Principle of Presentation or Principle of Presence of the Defendant;
7. Opportunity Principle;
8. Principles of Open and General Examination;
9. Principles of Obtaining Legal Aid;
10. Principles of Direct and Oral Examination by Judges;
11. Principles of Supervision;
12. Principles of Pretrial;
13. Principle of Direct Inspection;
14. The Principle of Active Personality and the Principle of Passive Personality;
15. Accusator Principle, and;
16. Principle of Formality.

From several principles of criminal procedure law that have been mentioned above, it can be analyzed related to the decision of the criminal case that the judge in carrying out and implementing the trial has fulfilled the principles mentioned above. One of them is the analysis related to the principle of obtaining legal assistance. This can be seen from each party, both the plaintiff and the defendant, receiving the same legal assistance in the trial that was carried out. The principle of legal assistance according to Suharto and Jonaedi

<sup>6</sup> Ishaq, 2023, *Hukum Acara Pidana*, Rajawali Press, Depok, Hal. 10

<sup>7</sup> *Ibid*



in is that everyone involved in a case must be given the opportunity to obtain legal assistance which is solely given to carry out the interests of defending themselves.<sup>8</sup>

Then the principle that has been fulfilled by the panel of judges in carrying out this criminal trial is the principle of presentation or the principle of the presence of the defendant. According to Tolib Effendi in the principle of presentation is a principle that explains that the court examines, tries, and decides criminal cases with the presence of the defendant. This principle has been fulfilled by the panel of judges during the trial by deciding and trying criminal cases with the presence of the defendant in court.

Regarding the power or authority of the court to try a criminal case, this has also been carried out by the panel of judges at the Lubuk Pakam District Court, which is regulated in Article of the Criminal Procedure Code, specifically paragraphs 1 and 2, which read:<sup>9</sup>

1. The district court has the authority to try all cases concerning criminal acts committed within its jurisdiction.
2. The district court in whose jurisdiction the defendant resides, has his final residence, where he was found or detained only has the authority to try the defendant's case if the place of residence of the majority of witnesses summoned is closer to the district court than the location of the district court in whose jurisdiction the crime was committed.

Based on the Decision of the Lubuk Pakam District Court Number 1369/Pid.B/2024/PN Lbp, it is known that the defendant carried out the trial process in the Lubuk Pakam court because this is part of the yellow dot area, Medan Johor sub-district. The panel of judges at the Lubuk Pakam court in this case has exercised the authority to try criminal cases in accordance with the jurisdiction where the defendant was found to have committed a criminal act.

Compensation in criminal law can be requested for 2 things, namely: due to the actions of law enforcement officers and due to the actions of the defendant. Examination of claims for compensation is submitted through a pre-trial process in a court that has the authority to try the case in question in accordance with Article of the Criminal Procedure Code. As a legal institution stated in the Criminal Procedure Code, Compensation and

<sup>8</sup> *Ibid*

<sup>9</sup> Ginting, Dedyansyah Putra, Taufik Siregar, and Wessy Trisna, *Law Enforcement of Violent Theft Crimes in the Pangkalan Berandan Police Jurisdiction*, Journal of Education, Humanities and Social Sciences (JEHSS), Vol 4 No.3, 2022.





Rehabilitation is a real form of government to protect the basic rights of prisoners who have been unfairly deprived.<sup>10</sup>

The principles of compensation and rehabilitation have been laid down in Article of Law no. 14 of 1970 which reads as follows:

1. A person who is arrested, detained, prosecuted or tried without a statutory basis or due to an error regarding his person or the law applied, has the right to claim compensation and rehabilitation.
2. Officials who deliberately commit acts as referred to in paragraph (1) may be punished.
3. Methods for claiming compensation, rehabilitation and imposing compensation are further regulated by law.

In the decision of the Lubuk Pakam District Court Decision Number 1369/Pid.B/2024/PN Lbp, the defendant underwent rehabilitation in the form of a 4-year prison sentence and it can be concluded that the Lubuk Pakam District Court has given the defendant the appropriate punishment or sanction in accordance with the crime he committed.

Furthermore, regarding the evidence obtained in the Lubuk Pakam District Court decision case Number 1369/Pid.B/2024/PN Lbp, the court tried the defendant with 2 valid pieces of evidence. The Criminal Procedure Code stipulates that a judge may not impose a sentence on a person unless with at least two valid pieces of evidence he obtains the conviction that a crime actually occurred and that the defendant is guilty of committing it. Legal evidence, according to Article 184 paragraph.<sup>11</sup>

1. Criminal Procedure Code, is only limited to:
  - a. witness statements;
  - b. expert testimony;
  - c. letter;
  - d. instructions;
  - e. statement of the accused.

By looking at the relationship between the provisions in Article 183 and the provisions in Article 184 paragraph (1) of the Criminal Procedure Code, the evidence mentioned in

<sup>10</sup> Senduk, Natasya, *Legal Study of Compensation and Rehabilitation of Good Name Based on the Criminal Procedure Code*, Jurnal Lex Crimen, Vol 6. No. 9, 2017, hal. 18–25

<sup>11</sup> Lokas, Richard, *Evidence and Evidence in the Criminal Procedure Code*, Jurnal Lex Et Societatis Vol 3. No. 9, 2015, hal. 124–129.



Article 184 paragraph (1) of the Criminal Procedure Code is the basis for declaring the defendant guilty and imposing a criminal penalty on the defendant concerned. Therefore, in the decision above, the defendant has fulfilled the provisions of evidence in accordance with Article paragraph (1) of the Criminal Procedure Code, namely, among other things, the following evidence:

Determine the evidence in the form of:

1. 1 (one) original BPKB book for a 2020 Honda Beat motorcycle with registration number BK 3139 AJJ in black, Frame No.: MH1JM9117LK185073, Engine No.: JM91E1185700 in the name of TIRTA WARI MALEM SITEPU;
2. 1 (one) original STNK book for a 2020 Honda Beat motorcycle with No. Pol BK 3139 AJJ in black, Frame No.: MH1JM9117LK185073, Engine No.: JM91E1185700 in the name of TIRTA WARI MALEM SITEPU

And the evidence was returned to Witness Soni Ranu Malem Sitepu. Among them, several elements in the process of implementing criminal procedural law carried out by the Lubuk Pakam District Court are in accordance with applicable regulations and try and determine the verdict in accordance with the principles applicable in criminal procedural law, one of which is the principle of equality before the law.

#### **D. Conclusion**

Conclusion of the analysis of the Lubuk Pakam District Court decision No. 1369/PID.B/2024/PN LBP from the perspective of criminal procedural law regarding theft criminal cases can be described as Proper Application of Law: The panel of judges has applied the relevant legal provisions properly, in accordance with Article of the Criminal Code on theft. The evidence provided has met the requirements of criminal procedure law. Trial Process: The trial process takes place in accordance with the principles of criminal procedure law which guarantee the rights of the accused, including the right to be assisted by legal counsel and the right to provide a defense. Legal Considerations: The panel of judges provided clear legal considerations in deciding this case, by considering the evidence presented, including witness statements and evidence.

Sanctions Imposed: The sanctions imposed are considered proportional and in accordance with applicable legal provisions, and take into account mitigating and aggravating factors. Legal Impact: This decision provides a deterrent effect on



perpetrators of theft and confirms the legal commitment to eradicating the crime of theft in society.

Overall, the Lubuk Pakam District Court's decision reflects the fair and transparent application of criminal procedure law, and demonstrates compliance with the principles of justice in the criminal justice system.

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### Verdict

Decision (Lubuk Pakam District Court No. 1369/PID.B/2024/PN LBP)