

Legal Analysis of the Settlement of the Criminal act of Theft with Aggregation Based on Legal Certainty (Case Study at Grobogan Resort Police)

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Abstract. *Aggravated theft is one of the most common crimes in society and causes disruption to the sense of security, economic loss, and social stability. As the frontline of law enforcement, the police play a strategic role in handling these cases, including within the jurisdiction of the Grobogan Police. The purpose of this study is to determine and analyze the steps taken by the Grobogan Police in resolving aggravated theft, identify the obstacles encountered, and examine the solutions taken to overcome them. This research uses a juridical-sociological approach and descriptive-analytical specifications. Primary data were obtained through interviews with police officers at the Grobogan Police, while secondary data were sourced from laws and regulations (the Criminal Code, the Criminal Procedure Code, Law No. 2 of 2002 concerning the Police, and related regulations), legal literature, and other supporting documents. The analysis was conducted qualitatively by examining the synchronization between positive legal norms and their implementation practices in the field. The research results show that the Grobogan Police Department applies two main strategies in handling aggravated theft crimes: repressive (investigation, prosecution, arrest, and detention in accordance with the Criminal Procedure Code) and preventive (legal counseling, patrols in vulnerable areas, and coordination with the community). Obstacles faced include limited personnel and facilities, low public legal awareness, difficulties in providing evidence, and budget constraints. Efforts made to overcome these obstacles include improving coordination between law enforcement officers, intensifying patrols and legal counseling, and implementing non-litigation solutions through a restorative justice approach. The conclusion of this study is that the Grobogan Police's measures are in accordance with applicable legal provisions, but still face structural and cultural obstacles in their implementation. Therefore, strengthening the capacity of officers, increasing public legal awareness, and developing restorative justice mechanisms are essential so that the resolution of aggravated theft crimes can be more effective, just, and based on legal certainty.*

Keywords: *Aggravated; Enforcement; Justice; Resolution.*

1. Introduction

Indonesia is one of the countries that is currently intensively implementing development.

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Indonesia's national development is based on the objectives stated in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD 1945), namely to protect all the people and all of Indonesia's territory, advance general welfare, improve the nation's life, and participate in maintaining world order. To realize these objectives, the state must guarantee security, order, and social justice, so that law is needed as a guideline. This is also in line with Article 1 paragraph (3) of the 1945 Constitution which states that Indonesia is a state based on law.

Law is a collection of regulations of a coercive nature, which determine human behavior in society, which are made by official state bodies and contain strict sanctions for these regulations.¹ As a country based on law, Indonesia upholds the law and human dignity in relation to law and government.² All forms of decisions, actions of state equipment, all attitudes, behavior and actions including those carried out by citizens must have legal legitimacy. Law cannot be separated from society. As a social institution, law was created by humans to create order. Law lives and develops in accordance with the values of its society.

Rapidly developing social life has not only had positive impacts, but also negative ones. One of these negative impacts is the emergence of disparities in social life, particularly the disparity in prosperity, which ultimately gives rise to various types of crime.⁵, one of which is the crime of theft. Theft is a common and frequently occurring crime in society. Theft is usually driven by the perpetrator's daily living circumstances, such as low economic conditions or income, which makes it difficult to cover daily living expenses, or low levels of education the crime of theft is regulated in Articles 262 to Article 263 367 of the Criminal Code. According to the Criminal Code, the crime of theft is distinguished from various qualifications, ranging from ordinary theft, aggravated theft, minor theft, theft with violence, and theft within the family.

Theft is a crime that can develop into more serious forms, one of which is aggravated theft basically, the crime of aggravated theft is regulated in Article 363 Criminal Code which is threatened with a prison sentence of 7 years.

Aggravated theft is ordinary theft which in its implementation is accompanied by certain aggravating circumstances.⁸ For example, if it is committed at night, by more than one person, or by means of damage. Due to its nature, theft carries a heavier penalty.⁹ The elements that aggravate the threat of criminal punishment in theft with qualifications are caused because the act is aimed at a specific object or because it is carried out in a specific way and can occur because the act produces specific consequences.

The crime of theft is a form of disruption to the achievement of national goals, as it undermines the sense of security, causes losses, and disrupts social stability. In the context of a state based on the rule of law, the crime of theft must be handled through fair, transparent, and accountable law enforcement mechanisms. The process of investigation, prosecution, and the trial must be carried out in accordance with the provisions of the Criminal Code (KUHP) and the Criminal Procedure Code (KUHP).

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The Indonesian National Police, as a law enforcement agency, is at the forefront of criminal law enforcement, including in resolving aggravated theft cases. This is in line with the provisions of Article 5 paragraph

(1) Law Number 2 of 2002 concerning the Republic of Indonesia National Police (Polri Law) states that the Polri is a state apparatus that plays a role in maintaining public security and order, enforcing the law, and providing protection, patronage and services to the public in order to maintain domestic security.

The Indonesian National Police (Polri) has the primary duty, as stipulated in Article 13 of the Indonesian National Police Law, to maintain public security and order, enforce the law, and provide protection, guidance, and services to the community. In resolving aggravated theft crimes, the police carry out their functions by conducting investigations and inquiries professionally, transparently, and in accordance with applicable legal procedures. This is intended not only to uncover the perpetrators of the crime but also to provide a sense of justice for victims and create a safe environment for the community.

In its efforts to enforce the law against criminal acts of theft, the Indonesian National Police are guided by the Criminal Code, Criminal Procedure Code, the Indonesian National Police Law and the Chief of Police Regulations.

Republic of Indonesia Law Number 6 of 2019 concerning Criminal Investigation. These regulations stipulate criminal sanctions and the settlement process. Police Chief Regulation Number 6 of 2019 also regulates the procedures for police investigations.

The National Police's handling of aggravated theft cases sometimes leaves a number of unresolved issues. As is known, aggravated theft, as stipulated in Article 363 of the Criminal Code, carries a maximum prison sentence of seven years. However, if the stolen item is of minor value, pursuing the case through court can be quite costly, sometimes disproportionate to the amount of money needed to resolve the case.

Resolving aggravated theft through the courts, which ultimately result in criminal penalties, sometimes fails to provide a sense of justice for the community, especially the victims. On the other hand, the law dictates that if the elements of a crime are met, the perpetrator can be punished. Therefore, resolving a case must be viewed within its social context. Overly formalistic approaches based solely on the pursuit of legal certainty will lead to injustice.

2. Research methods

this research is the sociological juridical approach method, namely a procedural method used to solve research problems by first examining secondary data and then continuing with conducting research on primary data in the field. The specifications used in this research are analytical descriptive because this research is expected to obtain a clear, detailed and systematic picture, while it is said to be analytical because the data obtained will be analyzed to solve problems in accordance with applicable legal provisions. Primary data, namely data in the form of facts and information obtained directly from the research object/field. Primary data is obtained through direct interviews with research subjects. In this study, informants

are designated as data sources in the form of individuals who are expected to provide the information needed to complete or clarify the respondents' answers. The data source in this study was obtained from the Grobogan Police, who were involved in resolving the crime of aggravated theft. Secondary data is data obtained through literature studies to obtain concepts, theories or opinions or theoretical foundations that are closely related to the problem being discussed.

3. Results and Discussion

3.1. Settlement of Criminal Acts of Theft with Aggravated Charges Based on Legal Certainty at the Grobogan Police

To find out how to resolve the crime of aggravated theft based on legal certainty at the Grobogan Police, the following is a description of the following case examples:

1) Case No: LP/B/46/VII/2023/SPKT.Sat Reskrim/Polres Grobogan/Polda Jateng

a. Case

Brief description of the case suspected of being a crime of aggravated theft committed by suspect Aris Saiful which was carried out in the following way: The suspect on Monday, May 10, 2023 at around 21.00 WIB while at home contacted his friend named Fegi Dian Saputra (filed as a case in the case of aggravated theft at the Jepara Police) using his cellphone with the aim of inviting PEGI to steal a motorbike in the Purwodadi area, Grobogan Regency and PEGI was willing and agreed to the invitation, then on Tuesday, July 11, 2023 PEGI waited on the main road in Lebawu Village, Pecangaan District, Jepara Regency and the suspect met PEGI by riding 1 (one) motorbike.

Honda Vario No Pol : K 5348 XS, belonging to the suspect was obtained from the results of a purchase made by himself and there was no BPKB and the suspect brought a Letter Y Key accompanied by 1 (One) screwdriver key, then the suspect drove the suspect's SPM Vario with the position of PEGI's brother in front and the suspect riding pillion (sitting position behind PEGI) directly to the Purwodadi area, Grobogan Regency because PEGI already understood that the suspect invited him to commit motorcycle theft in the Purwodadi area, Grobogan Regency and the suspect knew the Purwodadi area because the suspect had worked in Purwodadi, Grobogan Regency as a Night Bus conductor, and when the suspect arrived in the Purwodadi area, Grobogan Regency, precisely in Ds. Getasrejo, Grobogan Regency, Grobogan Regency, immediately entered the residential/residential alleys and we saw 1 (One) Honda Scoopy Motorcycle unit, Cream Brown color, 2021, No. Pol: K 5478 HF, then the suspect got off the motorcycle and approached to see 1 (One) Honda Scoopy Motorcycle unit, Cream Brown color, 2021, No. Pol: K 5478 HF which was parked on the terrace of the house without the handlebars locked, then the suspect pushed it up to 2 (Two) meters from the parked position of the SPM, then the suspect tried to start the engine of 1 (One) Honda Scoopy Motorcycle unit, Cream Brown color, 2021, No. Pol: K 5478 HF using a key letter Y which the suspect installed with a screwdriver bit to be inserted into the motorcycle key housing, and after the screwdriver bit entered the motorcycle ignition key housing then the suspect started the motorcycle engine by force because the suspect had

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damaged it by using the letter Y key which the suspect installed with the screwdriver bit and after the motorcycle engine was running then the suspect immediately took the stolen motorcycle towards Jepara while PEGI's brother rode the motorcycle and upon arriving at Ds. Damaran Kec. Batialit Kab. Jepara- Kab. Jepara the suspect exchanged vehicles because for the sale of the stolen motorcycle the one who knew was PEGI's brother, and when PEGI was going to sell the stolen motorcycle that we had done in Dsn. Pancan Ds. Getasrejo Kec. Grobogan Kab. Grobogan we had been caught first by police officers from the Grobogan Police and Jepara Police.

b. Facts

a) Call: No call was made

b) Arrest

With an Arrest Warrant, Aris Saiful Bin Subur has been arrested, and an arrest report has been made

c) Retainer

With the Detention Warrant No.Pol: SP. Han/79/VII/RES.1.8./2023/Reskrim dated July 12, 2023, the suspect Aris Saiful Bin Subur has been detained, and a detention report has been prepared.

d) Search: no search was carried out

e) Confiscation:

(1) With Letter Order Foreclosure Number : SP.Sita/VII/2023/Reskrim, dated July 12, 2023, the following items were confiscated from suspect An. Aris Saiful Bin Subur:

(1) 1 (one) unit of Honda Scoopy motorbike with registration number K-5478- HF

(2) 1 (one) unit of Honda Vario motorbike with registration number K5348 XS

(3) 1 (one) Y key, made of black iron

(4) 2 (two) pieces of key eye made of iron

f) Witness testimony

(1) Witness 1: Hudi Wiyono

Witness 1 provided information which in essence was that on Tuesday, July 11, 2023 at approximately 18.20 WIB, the SPM was brought by the witness's wife, Muzayanah, from the angkringan stall owned by the witness's child, then the SPM was parked on the front porch of the house, then the witness's wife entered the house after approximately 10 minutes the witness also came to the stall, then the witness entered the house as usual then when the witness wanted to go out again to use the SPM Scoopy, it turned out that when the witness turned on the remote, the motorbike was not there, then the witness asked the witness's

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wife where the motorbike was parked, she answered on the front porch near the swing, it turned out that the witness's SPM Scoopy was no longer there, it was estimated that it had been lost and taken by someone when the witness's wife left the house, it was estimated that the perpetrator entered the terrace of the house through the gate which happened to be not closed then went to the SPM Scoopy then it was estimated that he damaged the lock and then took the witness's motorbike, due to this incident the witness suffered a loss of approximately Rp. 17,000,000 (seventeen million rupiah).

(2) Witness 2: Muzayanah

provided information which in essence was that on Tuesday, July 11 2023, he was found missing at around 18.20 WIB, on the front porch of the witness's house, Dsn. Pancan Rt 2 RW 5 Ds. Getasrejo District. Grobogan Regency. The missing motorbike is 1 (one) unit of SPM Honda Scoopy Cream Brown color 2021 No Pol K 5478 HF. Before it was lost, the witness's motorbike was parked on the front porch of the witness's house and before it was lost, the handlebars were not locked.

In addition to the Honda Scoopy motorcycle, next to the witness's terrace there is a garage with two other motorcycles parked, namely a Honda ADV and a Vespa Matic. The witness stated that the loss he experienced was approximately IDR 17,000,000 (seventeen million rupiah). The witness stated that none of his belongings were lost other than the Honda Scoopy motorcycle.

The characteristics of the SPM Honda Scoopy are the neck part of the motorbike handlebars with red scotlet, the perforated motorbike seat is covered with black scotlet, the rear lights have red scotlet, on the left side deck, precisely on the scoopy writing because it was removed, the iphone writing sticker, and on the right side of the rear seat there is the writing "ngempet kangen" and the begel has black scotlet.

(3) Witness 3: Masduki

The witness recounted the initial chronology on Tuesday, July 11, 2023, at approximately 18.30 WIB, the witness was called by HUDI WIYONO and said that his motorbike had been lost or taken by someone else, then the witness together with Mr. HUDI WIYONO went around the village to look for the whereabouts of the SPM, but until approximately 19.00 WIB because they did not find it, they went home and then reported the incident to the Grobogan Police. The motorbike disappeared while parked on the porch of the house and left for prayer by the owner. Apart from the missing Honda Scoopy motorcycle, no other items belonging to HUDI WIYONO were missing. The witness said the loss he experienced was approximately Rp. 20,000,000 (Twenty million rupiah) according to the market selling price of the motorcycle. The witness did not know the special characteristics of HUDI WIYONO's missing motorcycle, but the witness knew that the Scoopy motorcycle was still standard.

(4) Witness 4: Fegi Dian Saputra

Providing information that in essence was on Tuesday, July 12, 2022 at approximately 22.00 WIB in Wedelan Village, Bangsri District, Jepara Regency, and the witness was arrested by

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Grobogan Resort Police Officers with Jepara Resort Police Officers in connection with the witness having committed theft of a Motorcycle in the Grobogan Resort Legal area, namely in the Getas Village area, Grobogan District, Grobogan Regency. The witness took someone else's belongings on Tuesday, July 11, 2023 at approximately 18.00 WIB on the terrace of the house in Pancan Village, Getas Rejo Village, Grobogan District, Grobogan Regency and when the witness took the item, the witness did not ask permission from the owner of the item first.

The witness committed theft together with a friend of the witness named ARIS SAIFUL Bin SUBUR, born in Jepara, March 3, 1990, Age 33 years, Religion Islam, Occupation Driver, Gender Male, Citizenship Indonesia/Java, Address: Dsn. Geneng Rt. 006 Rw. 001 Kel. Geneng Kec. Batealit Kab. Jepara.

The witness said that initially he did not know who owned the goods, then after the witness was arrested by police officers and the witness was told that the owner of the goods was named: HUDI WIYONO BIN SUDARLAN, 47 years old, Muslim, Private, Address: Pancan Village, Getasrejo Village, Grobogan District, Grobogan Regency.

The goods or objects that the witness stole together with a friend of the witness named ARIS SAIFUL Bin SUBUR were: 1 (one) unit of Honda Scoopy brand motorbike, Cream Brown color, 2021, No. Pol: K 5478 HF The witness said that he only followed ARIS SAIFUL's invitation to steal a motorbike in the Purwodadi area, Grobogan Regency. The witness explained that Aris Saiful played a role as the one who provided the means in the form of: 1 unit of Honda Vario SPM and Y letter key and 2 (two) screwdriver bits as a means to commit theft, taking the motorbike by damaging the motorbike's ignition housing. Meanwhile, the witness played a role in monitoring the surrounding environment if there were local residents.

The witness's intention and goal in committing the theft was to own the motorbike and then sell it and divide the proceeds from the sale of the motorbike in two to meet the witness's personal needs.

The witness said that brother Aris Saiful had undergone legal proceedings at the Grobogan Police because brother Aris Saiful had committed motorcycle theft in the jurisdiction of the Grobogan Police together with the witness while the witness was still undergoing legal proceedings at the Jepara Police because the witness had also committed motorcycle theft in the jurisdiction of the Jepara Police. The one who had the first intention or idea to commit the theft in Pancan Village, Getasrejo Subdistrict, Grobogan Regency, Grobogan Regency was brother Aris Saiful.

(5) Witness 5: Aditya Putra Perdana

Providing information which in essence is on Tuesday, July 11, 2023 at approximately 18.20 WIB on the front porch of the victim's house, Hudi Wiyono Alm, in Dsn. Pancan Rt 2 RW 5 Ds. Getasrejo Kec. Grobogan Kab. Grobogan. The witness explained that Mr. Hudi Wiyono (Alm) was harmed in a theft case, in which the property belonging to Mr. Hudi Wiyono (Alm) was taken by someone without the owner's permission, in the form of 1 (one) unit of SPM Honda Scoopy, Cream Brown color, 2021, No. Pol K 5478 HF Stnk an. Hudi

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Wiyono. Witness together with Mr. Maret Agus Widodo (Alm) and other members of the Mobile Brigade Unit secured the suspect named Aris Saiful, in making the arrest on Tuesday, July 11, 2023 at around 23.00 WIB on the road towards the PLTU Ds. Wegelan, Bangsri District, Jepara Regency when the perpetrator was going to carry out a transaction to sell a stolen Scoopy motorbike in Pancan Village, RT 2 RW 5 Getasrejo Village, Grobogan District, Grobogan Regency. When secured or arrested, the perpetrator, Mr. ARIS SAIFUL Bin SUBUR, explained that he carried out the theft using 1 (one) Honda Vario motorbike with license plate number: K 5348 XS, Noka: MH1KF4117LK933497, No Sin: KF41E1935880, Color

red, 2021, An. Ahmad Aziz Subekti with the address Galiran Rt. 06/06 Baleadi Sukolilo Pati (according to the STNK) and took a Scoopy motorbike by damaging the ignition key using a tool in the form of: 1 (one) Y key with 2 (two) sharp-shaped keys made of iron. From the statement of the suspect, Mr. Aris Saiful explained that he carried out the theft of the motorbike together with his friend named Mr. PEGI, 28 years old, Islam, Private, Address Ds. Damarjati District. Kalinyamat Regency. Jepara (currently Mr. PEGI was arrested by Jepara Police officers in a case of aggravated theft). After the suspect

commit theft, the stolen goods will be sold in the Jepara Regency area

(6) Witness 6: Maret Agus Widodo

Providing information which in essence was on Tuesday, July 11, 2023 at approximately 18.20 WIB on the front porch of the victim's house in the name of HUDI WIYONO Bin sudarlan Alm in Dsn. Pancan Rt 2 RW 5 Ds. Getasrejo Kec. Grobogan Kab. Grobogan. The witness said that Mr. Hudi Wiyono (Alm) was harmed in a theft case, in which the property belonging to Mr. Hudi Wiyono (Alm) was taken by someone without the owner's permission, in the form of 1 (one) unit of SPM Honda Scoopy in Cream Brown color year 2021 No Pol K 5478 HF with No Ka MH1JM0115MK065110 No Sin JM01E-1053456 Stnk in the name of.

Hudi Wiyono. The witness together with Mr. Maret Agus Widodo (Alm) and other members of the Mobile Brigade Unit secured the suspect named Aris Saiful, born in Jepara, March 3, 1990, 33 years old, Muslim, occupation Driver, Male, Indonesian/Javanese citizenship, Address: Dsn. Geneng Rt. 006 RW. 001 Kel. Geneng Kec. Batealit Kab. Jepara, According to NIK: 3320040303900003. The witness made the arrest on Tuesday, July 11, 2023 at approximately 23.00 WIB on the road towards the PLTU Ds. Wegelan Kec. Bangsri Kab. Jepara when the perpetrator was about to carry out a motorcycle sales transaction

The Scoopy was stolen in Pancan Village, RT 2, RW 5, Getasrejo Village, Grobogan District, Grobogan Regency.

When secured or arrested, the perpetrator, Mr. Aris Saiful, explained that he committed the theft using 1 (one) Honda Vario motorbike with license plate number: K 5348 XS, Noka: MH1KF4117LK933497, No.

Sin : KF41E1935880, Red color, year 2021, An. AHMAD AZIZ SUBEKTI with address Galiran Rt.

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06/06 Baleadi Sukolilo Pati (according to STNK) and took a Scoopy motorbike by breaking the ignition key using tools in the form of: 1 (one) Y key with 2 (two) sharp-shaped keys made of iron. From the statement of the suspect, Mr. Aris Saiful explained that he stole the motorbike together with his friend named Mr. PEGI, 28 years old, Islam, Private, Address Ds. Damarjati District. Kalinyamat Regency. Jepara (currently Mr. PEGI was arrested by Jepara Police Officers in a case of aggravated theft). After the suspect committed the theft, the stolen goods would be sold in the Regency area. However, during the sale transaction, the suspect was arrested by officers from the Grobogan Police Mobile Brigade. The evidence is currently being secured at the Grobogan Police Station. The suspect's statement stated that he committed the crime.

taking goods without permission / stealing to resell them and if sold the money will be used to meet daily needs.

g) Statement from the suspect named Arif Saiful

Providing information that in essence is on Monday, May 10, 2023 at around 21.00 WIB when the suspect was at home, he contacted the suspect's friend named PEGI using the suspect's cellphone with the aim of inviting PEGI to steal a motorbike in the Purwodadi area, Grobogan Regency and PEGI was willing and pleased with the suspect's invitation, then on Tuesday, July 11, 2023, PEGI waited for me on the main road in Lebawu Village, Pecangaan District, Jepara Regency and the suspect met PEGI by riding 1 (one) Honda Vario motorbike with Police Number: K 5348 XS, Noka: MH1KF4117LK933497, Sin No: KF41E1935880, Red color,

The teaching of legal certainty originates from the Juridical-Dogmatic teachings, which are based on the positivist school of thought in the legal world, which tends to view law as something autonomous, independent, because for adherents of this school of thought, law is nothing more than a collection of rules. For adherents of this school of thought, the purpose of law is nothing more than to guarantee the realization of legal certainty. Legal certainty is realized by law, which by its very nature only creates general legal rules. The general nature of legal rules proves that law does not aim to achieve justice or benefit, but solely to provide certainty.

According to Utrecht, legal certainty has 2 (two) meanings, namely, first, the existence of general rules that make individuals know what actions they may or may not do, and second, in the form of legal security for individuals from government arbitrariness because with the existence of general rules, individuals can know what the State may impose or do to individuals.

Legal certainty does not impose sanctions on individuals with negative attitudes; rather, sanctions are imposed on those who manifest these negative attitudes or turn them into concrete actions. However, in practice, when legal certainty is linked to justice, they are often at odds. This is because legal certainty often ignores the principles of justice, while justice often ignores the principles of legal certainty.

According to Sudikno Mertokusumo, legal certainty is a guarantee that the law can be properly implemented. Legal certainty is, of course, an integral part, and this is especially

important for written legal norms. Certainty itself is essentially the primary goal of law.

The principle of legal certainty is a form of protection for the justiciable (justice seeker) against arbitrary action, meaning that a person will and can obtain what is expected in certain circumstances. This means that those seeking justice want to know what the law is in a particular case before they start a case and provide protection for justice seekers. Without legal certainty, people do not know what to do, and ultimately uncertainty arises, which will ultimately lead to chaos due to the indecisiveness of the legal system.

The suspect installed it with a screwdriver bit for the suspect to insert it into the motorcycle key housing, and after the screwdriver bit entered the motorcycle ignition housing, the suspect then started the motorcycle engine by force because the suspect had damaged it by using the Y letter key that the suspect installed with the screwdriver bit and after the motorcycle engine started, the suspect immediately took the stolen motorcycle towards Jepara while PEGI's brother rode the motorcycle and upon arriving at Damaran Village, Batialit District, Jepara Regency, the suspect exchanged vehicles because the person who knew about the sale of the stolen motorcycle was PEGI's brother, and when PEGI was going to sell the stolen motorcycle that we had done in Pancan Village, Getasrejo Village, Grobogan District, Grobogan Regency, we were caught first by police officers from the Grobogan Police and Jepara Police.

Based on the research and theory used, there are several analyses that can be concluded in handling this case, where legally-formally, the Grobogan Police have handled the case of aggravated theft based on legal certainty (aggravating elements such as being carried out at night, by more than one person, or by means of proven damage are processed according to the Criminal Code). However, the implementation of restorative justice is still limited because there is no fixed standard procedure, limited understanding of the officers, and the still dominant legal-formal approach. As a result, the goal of substantive justice has not been fully achieved. Other obstacles include low public legal awareness, limited personnel and facilities, weak evidence, and budget limitations. If examined more deeply, it can be explained as follows:

1) Analysis with Law Enforcement Theory

This research uses the law enforcement theory proposed by Satjipto Rahardjo and Soerjono Soekanto. This theory emphasizes that law is not only written norms, but also how the law is actually implemented by law enforcement officers. In the context of the Grobogan Police, this theory is used to analyze the steps taken to resolve aggravated theft (curat).

The results show that law enforcement at the Grobogan Police in the theft case has been carried out in accordance with criminal procedure, starting with the investigation, inquiry, arrest, detention, and finally, the transfer of the case to the prosecutor's office. However, the study also found obstacles such as limited personnel and infrastructure, as well as low public legal awareness, which impact the effectiveness of law enforcement.

2) Analysis with the Theory of Legal Certainty

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The theory of legal certainty is used to determine whether the Grobogan Police's actions comply with applicable regulations. In the theft case, the legal basis used is Article 363 of the Criminal Code, which regulates aggravated theft, as well as the provisions of the Criminal Procedure Code and the Police Law (Law No. 2 of 2002).

The analysis shows that every step taken by the Grobogan Police—from the determination of the article, through the investigation process, to the filing of the case file—is in accordance with positive law. This demonstrates legal certainty for both perpetrators and victims. However, this legal certainty sometimes does not fully align with substantive justice, for example, when minor cases are still processed formally without considering peace efforts.

3) Analysis with Restorative Justice Theory

The theory of restorative justice is used to assess the extent to which the Grobogan Police implement a peaceful approach by involving perpetrators, victims, and the community.

Research shows that restorative justice efforts are indeed being implemented, but they are still limited to certain cases, particularly when the victim and perpetrator mutually agree to reconcile. However, there is no standard procedure to guide the implementation of restorative justice, so the implementation of restorative justice remains dependent on investigator discretion and the agreement of the parties.

Based on the research results, the steps taken by the Grobogan Police include:

2) Repressive efforts: conducting investigations, inquiries, arrests and detentions in accordance with the Criminal Procedure Code. Formal investigations in accordance with the Criminal Procedure Code and the Criminal Code (application of Article 363 paragraph (1) 3, 4, 5 of the Criminal Code).

3) Preventive efforts: legal outreach, patrols in areas prone to theft, and community education.

4) Coordination between law enforcement officers: Grobogan Police coordinate with the prosecutor's office and the courts in transferring cases.

5) Non-litigation efforts: the application of restorative justice in certain cases, especially to maintain social relations in the community. Restorative justice efforts in certain cases are deemed appropriate (involving the perpetrator, victim, and community, with certain conditions).

Under the Law Enforcement Theory, the police's actions are in accordance with their duties, but structural and cultural barriers prevent the law from being fully effective. Under the Legal Certainty Theory, the police's actions are legally valid, but legal certainty often emphasizes formal procedures over substantive justice. Under the Restorative Justice Theory, the police have attempted to bring peace, but this remains limited and requires specific guidelines and training for officers to ensure compliance with the principle of due process of law.

3.2. Obstacles in Resolving Criminal Acts of Theft with Aggravated Charges Based on Legal

Certainty at the Grobogan Police and Their Solutions

In this case, the judge's decision to impose a criminal sanction on the defendant was deemed to be in accordance with positive legal provisions. This was indicated by the enactment of Article 363 paragraph (1) points 3, 4, and 5 of the Criminal Code. This was indicated by the establishment of elements of a crime that were clearly, convincingly, and legally proven. The decision also took into account elements that could mitigate and aggravate the sentence.

In the practice of resolving aggravated theft cases in the Grobogan Police Department, several obstacles have been identified related to the application of legal certainty and the integration of restorative justice approaches. Although some cases have been resolved through criminal prosecution or restorative justice, the handling process has not fully reflected the consistency of the principle of legal certainty. One major obstacle is the lack of clear procedural standards for determining the eligibility criteria for restorative justice, resulting in law enforcement officers tending to make decisions based solely on subjective interpretations and practical considerations. Furthermore, coordination between institutions such as investigators, prosecutors, and correctional institutions remains weak, resulting in a lack of synchronization between formal policies and implementation on the ground.

Case handling often falls into a legalistic approach, without considering prevailing social values, resulting in an imbalance between procedural and substantive justice. Therefore, reform efforts are needed, both through capacity-building training for law enforcement officers on restorative justice approaches and the formulation of binding technical guidelines to ensure the principles of legal certainty and justice can coexist. A more flexible approach, responsive to local contexts, and grounded in Pancasila values, needs to be prioritized to promote a criminal justice system that not only imposes punishment but also restores social harmony in a civilized manner.

4. Conclusion

Based on the results of research and legal analysis of the two criminal acts concerning the crime of aggravated theft by a group of defendants, the following conclusions can be drawn: The resolution of aggravated theft crimes at the Grobogan Police has been carried out based on the principle of legal certainty as regulated in Article 363 paragraph (1) 3, 4, and 5 of the Criminal Code. In several cases, law enforcement applies a formal criminal law approach, where aggravating elements such as being carried out by two or more people together, being carried out at night, and using destructive or climbing methods have been legally fulfilled. This shows that the law enforcement system at the police level has been running in accordance with applicable laws and regulations. However, on the other hand, there are also efforts to resolve cases through a restorative justice approach, especially in certain cases deemed worthy of peaceful resolution involving the perpetrator, victim, and community. Nevertheless, the implementation of restorative justice at the Grobogan Police Department still faces several obstacles, such as a lack of deterrent effect on perpetrators and limited understanding among officers regarding this concept, as well as the lack of established procedural standards, demonstrates that despite efforts to ensure legal certainty, the approach used remains predominantly legal-formal and does not fully support the values of

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substantive justice mandated by Pancasila. Therefore, it is necessary to strengthen the legal framework and institutional capacity to integrate a more restorative and humanistic approach to criminal justice, so that law enforcement in areas like Grobogan is not only legally valid but also socially just and dignified. The resolution of aggravated theft crimes based on legal certainty at the Grobogan Police Department still faces various structural and cultural barriers that hinder effective law enforcement. Low legal awareness among the public leads to many cases not being promptly reported or even being resolved informally without legal channels. Furthermore, the limited number of police personnel compared to the area and population makes it difficult to carry out comprehensive and consistent patrols and surveillance. Other obstacles include inadequate facilities and infrastructure, such as limited investigative technology and supporting infrastructure, as well as budget constraints. operational issues that impact the quality of investigations. Furthermore, many theft cases lack sufficient or credible evidence and witnesses, complicating the evidentiary process and weakening the victim's legal standing. Although in some cases.

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