

Analysis of Law Enforcement of the Criminal Act of Theft with Aggravation Based on Justice Values (Case Study: Decision Number 104/Pid.B/2025/PN Sbw)

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Abstract. *The Criminal Code (KUHP) classifies theft ranging from ordinary theft to aggravated theft, each carrying heavier criminal sanctions. In practice, as reflected in Decision No. 104/Pid.B/2025/PN Sbw, law enforcement often encounters evidentiary challenges, while factors such as poverty and weak supervision contribute to the increasing prevalence of theft. These conditions require proportional law enforcement to maintain public order. The purpose of this research is to identify and analyze the implementation of law enforcement in cases of aggravated theft, as well as to examine the obstacles encountered in enforcing the law against aggravated theft and the solutions based on principles of justice. The methodological approach used in this thesis is a sociological juridical research method. The theoretical framework includes law enforcement theory and theories of justice. The results of this research show that: (1) The implementation of law enforcement in the aggravated theft case involving SYK in Sumbawa demonstrates that all stages of the criminal justice system have been carried out in accordance with applicable regulations, starting from the receipt of the report, investigation and inquiry, prosecution, and ending with the court's sentence based on the fulfillment of the elements under Article 363 paragraph (1) points 3 and 5 of the KUHP. The Sumbawa Police acted efficiently in conducting the crime scene investigation, collecting evidence, examining witnesses, and establishing the suspect. The Public Prosecutor examined the case file, drafted the indictment, attempted restorative justice and proceeded with prosecution. The Panel of Judges evaluated the evidence, considered aggravating and mitigating factors, and imposed a prison sentence of 3 years and 6 months, deemed proportionate. (2) Law enforcement regarding aggravated theft faces significant internal and external challenges. Internally, limitations in human resources, infrastructure, and the narrow scope for applying restorative justice cause law enforcement to lean more toward retributive rather than restorative approaches. Externally, low legal awareness, poor*

socio-economic conditions, unemployment, and poverty make communities vulnerable as both perpetrators and victims. Proposed solutions include strengthening human resources and facilities for law enforcement agencies, reformulating restorative justice policies, increasing legal education and awareness, and establishing policies that address the root causes of poverty and unemployment.

Keywords: Aggravation; Enforcement; Law.

1. Introduction

The Republic of Indonesia is a country that adheres to a legal state system.¹This is stated in Article 1 paragraph (3) of the 1945 Constitution. The laws in Indonesia are based on Pancasila. Therefore, everything in Indonesia must be based on Pancasila. This is also shown in the preamble to the 1945 Constitution, paragraph four, which states that one of the goals of the state is to protect all Indonesians and advance public welfare.²

Criminal law regulates various forms of criminal acts, criminal acts are behavior that is threatened with punishment which is against the law and is related to errors and is carried out by people who are capable of being responsible.³While criminal acts are a form of behavior that is formulated socially or according to law, criminology studies all aspects related to the socio-juridical formulation of the above forms of behavior. In this connection, it is often stated that the study of criminology also includes the study of the processes of forming laws, violations of the law, and social reactions to violations of the law, including formal social reactions to crimes that are manifested in the form of law enforcement processes, especially the workings of the elements of the criminal justice system.⁴One of the crimes regulated in criminal law is the crime of theft, where recently various forms of theft have become widespread and disturbing people in everyday life.⁵

Indonesian criminal law prohibits the crime of theft, which is regulated in Chapter XXII concerning Theft, starting from Article 362 to Article 367. Theft itself means an act of taking someone else's property unlawfully. The term theft also broadly refers to the act of taking someone else's property, the act is carried out by violence, robbery, fraud, and so on. In the Criminal Code (KUHP), there are four

¹Sri Endah Wahyuningsih and Rismanto, Criminal Law Enforcement Policy on Combating Money Laundering in the Context of Criminal Law Reform in Indonesia, Journal of Legal Reform, Vol. 2, No. 1, 2015, pp. 46-56

²Kaelani, Citizenship Education, Paradigma, Yogyakarta, 2010, p. 92

³Moeljatno. Principles of Criminal Law. PT. Bina Aksara, Bandung. 1982, p. 46

⁴Mulyana. W. Kusumah. Criminology and Crime Problems. Armico, Bandung, 2014. p. 9

⁵Ilhami Bisri, Indonesian Legal System: Principles and Implementation of Law in Indonesia, Rajawali Pers, Jakarta, 2011, pp. 39-40

types of theft crimes, including ordinary theft, aggravated theft, theft with violence, and theft within the family. However, any type of theft crime is an act that is contrary to existing norms in society.⁶

A person can be said to have committed ordinary theft if the elements have been fulfilled in the act as regulated in Article 362 of the Criminal Code. In this Article, the condition for a criminal act of theft to have occurred is that the stolen item has moved, if the item has only just been held then the person cannot be said to have committed theft, but he has only attempted theft.⁷

This qualified theft refers to theft committed by certain means or under certain circumstances, making it more serious and therefore punishable by a heavier penalty than ordinary theft. This refers to two or more people working together to commit the crime of theft, such as taking goods together.

As an example of the case in Decision Number 104/Pid.B/2025/PN Sbw with the following position case: it began when SYK, a student from Sepakat Village, Sumbawa Regency, stole motorcycle parts belonging to AA which were parked in the garage of EY's house. On the evening of December 29, 2024, SYK climbed the back wall of EY's house and dismantled AA's Honda C-100 motorcycle. He took two blue rims, a set of gears and chains, and an engine coolant tank to sell to meet personal needs. Based on the evidence and witness statements, the court declared SYK legally and convincingly proven guilty of theft under aggravating circumstances, and was sentenced to 3 years and 6 months in prison.

Theoretically, aggravated theft should be considered a crime with a higher level of seriousness because it contains aggravating factors, such as being committed at night, being committed by more than one person, or being accompanied by acts of destruction or removal of obstacles. However, in practice, it is often found that judges' sentences for perpetrators of theft, including aggravated theft, are far lighter than the maximum penalty stipulated by law. It is not uncommon for defendants to be sentenced to only two years in prison, or even less, even though their actions have met the aggravating elements as stipulated in the provisions of criminal law.

Aggravated theft is one of the most common forms of crime in society and has a wide impact on victims and social life in general. In the jurisdiction of the West Nusa Tenggara Regional Police, this crime is a primary concern in law enforcement efforts, given its significant impact on public order and the community's sense of security. According to the Criminal Code (KUHP), aggravated theft is an act of theft committed using certain methods that increase the level of culpability of the

⁶Hamdiyah Hamdiyah. Analysis of the Elements of the Criminal Act of Theft: A Legal Review. *Tahqiqat Journal: Journal of Islamic Legal Thought*, Vol. 18, No. 1, 2024, pp. 98-108.

⁷Rian Prayudi Saputra, The Development of the Crime of Theft in Indonesia. *Jurnal Pahlawan*, Vol. 2, No. 2, 2019, pp. 1-8.

perpetrator, such as using violence, threats of violence, or entering a home in a manner contrary to the law.

Article 363 of the Criminal Code explicitly regulates aggravated theft and imposes harsher penalties on perpetrators, given the potential for significant losses and the nature of the offense, which threatens public order and security. In Sumbawa City, as in many other regions in Indonesia, this crime is often linked to social factors such as poverty, social instability, and lack of supervision of valuables. Easy access to high-value items, coupled with the economic pressures experienced by some communities, often triggers aggravated theft in various locations, including homes, shops, and public facilities.

Law enforcement efforts against aggravated theft face various challenges, particularly in terms of establishing evidence and imposing proportionate sanctions. Police officers, particularly within the West Nusa Tenggara Regional Police, play a crucial role in the investigation, prosecution, and prosecution of perpetrators. These challenges are not only technical in nature but also include the difficulty of presenting valid and legally accountable evidence to ensure justice for the community.

2. Research Methods

This study uses a sociological juridical approach that examines positive legal norms while linking them to empirical facts in the field to understand violations and law enforcement against motor vehicle standards modified in a way that does not comply with regulations. This research is descriptive and analytical in nature to systematically and accurately describe the phenomenon of traffic accidents due to illegal modifications and the implementation of the regulations governing them. The data used include primary data from semi-structured interviews within the Criminal Investigation Unit of the West Nusa Tenggara Police and secondary data from literature studies covering primary, secondary, and tertiary legal materials. The data obtained are then compiled through an editing process to ensure accuracy, then analyzed qualitatively through in-depth interpretation of respondents' statements, literature, and legal documents to produce a complete picture of the problem being studied.⁸

3. Results and Discussion

3.1. Implementation of Law Enforcement for the Crime of Aggravated Theft

The purpose of creating a law is to regulate social life in a country by forcing members of society to obey the law. If the law is not obeyed, to uphold the law and rights in a state based on the rule of law, namely through legal proceedings,

⁸I Made Pasek Diantha, *Normative Legal Research Methodology*, Prenada Media Group, Jakarta, 2016, p. 1.

certain legal officials have the right to determine the law concretely, namely judges and courts.⁹

Concrete law enforcement is the application of positive law in practice as it should be obeyed. Therefore, providing justice in a case means deciding the law in concreto, upholding and guaranteeing compliance with material law using procedural methods established by formal law. Satjipto Raharjo emphasized that the essence of law enforcement is the application of principles or beliefs regarding justice, truth, the public interest, and other related matters.

Law enforcement is fundamentally everyone's responsibility, not just the traditionally recognized responsibility of law enforcement officials. It is based on ideals or concepts encompassing justice and truth. However, in relation to public law, the government is responsible. In short, law enforcement functions as a system of actions or processes. This still requires further clarification. Law enforcement, in the effort to implement the law, can have a narrow, broad, or unlimited meaning.¹⁰

The Indonesian National Police (Polri) is the institution with direct authority to enforce the law against all crimes, including theft with violence. This is in accordance with the police's function as law enforcers, maintaining public order and security, protecting, serving, and enforcing the law. Article 3 of Law Number 2 of 2002 concerning the Indonesian National Police explicitly states that the Polri aims to uphold the law.¹¹In relation to its role in law enforcement, the police carry out various important activities, namely: receiving complaints from the public, conducting investigations, which are then followed by handing over files to the public prosecutor to be forwarded to the examination of cases in court.

Theft is the most common crime against property and is a major public nuisance. Theft is a process, method, or act that leads to the taking of property that is not owned without the owner's permission. Theft is further classified into several categories depending on the method used and other accompanying factors. For example, Articles 363 and 365 of the Criminal Code define aggravated theft or qualified theft (*gequalificeerd diefstal*). This is translated as "special theft" because it is carried out in a specific manner. It is also referred to as "aggravated theft" because, as the term suggests, this theft carries a heavier penalty.¹²

⁹Andri Yanto, *Schools of Law: An Introduction to Understanding the Dimensions of Legal Thought*. Segap Pustaka Publisher, Jakarta, 2021, p. 34

¹⁰Barda Nawawi Arief, "The Problem of Law Enforcement and Criminal Law Policy in Crime Prevention." *Prenada Media*, Jakarta, 2018, pp. 18-19

¹¹Toto Hartono, et. al., *Law Enforcement Against Violent Theft (A Study of the Medan City Police Department)*, *Retentum Journal*, Vol. 2 No. 1, 2021, pp. 32-42

¹²Hermien Hediwati Koeswatji, *Property Crimes, Principles, Cases and Problems*, Sinar Wijaya, Surabaya, 1984, p. 25.

Essentially, the crime of aggravated theft is strongly linked to the social conditions that drive individuals to commit such acts. Communities with high population growth rates, low levels of education, and inadequate welfare tend to be more vulnerable to legal violations. One form of this violation is theft, which occurs when someone attempts to possess or control another person's property for their own benefit unlawfully. However, the Criminal Code does not clearly regulate the types or forms of goods that can be the object of theft.

In current developments, the objects of theft can be tangible or intangible. In essence, if someone tries to take possession of another person's property that is not their right to own in a way that is contrary to the law, and treats the property as if it were their own, then this act can be classified as a criminal act of theft. The difference between ordinary theft, aggravated theft, and theft with violence basically lies in the aggravating element or the method used, but the perpetrator's goal remains the same, namely to take control and possess another person's property unlawfully.

In connection with the case of aggravated theft with the suspect SYK alias Y, where the perpetrator committed the crime of stealing motorbike parts belonging to EY, the following is the case position:

The case began when AR, the owner of a Honda C-100 motorcycle, parked his vehicle in EY's garage on December 29, 2024. In the morning, EY was informed by his wife that someone had entered their home. After checking the garage, EY found that AR's motorcycle parts, including rims, tires, gear sets, chains, and coolant tanks, were missing. EY immediately contacted AR to report the incident. AR then checked the motorcycle and confirmed that a number of important components had indeed been stolen. Efforts to search nearby workshops were unsuccessful until finally the two received information that AR's motorcycle coolant tank was seen installed on SYK's motorcycle.

SYK, who is still a student, admitted that he needed money so he had the intention to take the motorcycle parts. In the early hours of the morning around 01.00 WITA, SYK went to EY's house carrying several wrenches size 14, 17, and 19 as tools to dismantle the motorcycle. SYK entered EY's house by climbing over the back wall that marks the boundary of the yard. After successfully being inside the house, SYK walked stealthily until he reached AR's motorcycle which was parked in the garage. SYK then began to remove several motorcycle parts, including a pair of rims and tires, a set of gears and chains, and the engine coolant tank.

After successfully removing the components, SYK took them home, approximately 30 meters from the scene. He stored the stolen items and planned to sell them to cover his daily expenses. When the village government began investigating the case, SYK stated that the cooling tank had been found in a garbage dump. AR, feeling aggrieved, reported the incident to the police.

The investigation phase at the Sumbawa Police is handled systematically through examining the victim's report, gathering initial evidence, and questioning witnesses. Cases like that experienced by AR, where the perpetrator, SYK, committed theft by climbing a closed yard wall and dismantling motorcycle parts in the early hours of the morning. Investigators reviewed the initial report and estimated the perpetrator's movement patterns to piece together a complete chronology. Evidence such as climbing tracks and evidence found on the perpetrator's person are elements that are reviewed in depth. When the collected evidence is logically organized, investigators can ensure that every element of Article 363 of the Criminal Code is met to strengthen the case's position during the prosecution stage.¹³

After the case file is declared P21 by the Police, the case is continued to the prosecution stage. After the Sumbawa District Attorney receives the case file from the investigator, the prosecutor immediately studies and examines it and within a period of seven (7) days is obliged to inform the investigator whether the results of the investigation are complete or not. The definition of "examining" according to the provisions of Article 138 paragraph (1) of the Criminal Procedure Code is the action of the Public Prosecutor in preparing the prosecution whether the person or object mentioned in the results of the investigation is in accordance with or has fulfilled the requirements of evidence carried out in order to provide instructions to the investigator. According to the provisions of Article 138 paragraph (2) of the Criminal Procedure Code, if according to the public prosecutor's research the case file is not complete, the public prosecutor must immediately return the file accompanied by instructions and within fourteen (14) days from the date of receipt of the file to the public prosecutor.¹⁴

During the prosecution process, the Sumbawa District Attorney's Office public prosecutor attempted to achieve peace through restorative justice. The Sumbawa District Attorney's restorative justice (RJ) efforts demonstrate that the public prosecutor has fulfilled its obligations as stipulated in the Republic of Indonesia Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. In the initial stage, the prosecutor attempted to bring the victim and perpetrator together to explore the possibility of resolving the case through mediation. The perpetrator expressed remorse and a willingness to take responsibility, while the prosecutor facilitated the process as part of a humanistic approach to resolving the case. However, the mediation process did not reach a peace agreement between the two parties.

¹³Moch Anwar's Rights. Special Criminal Law (KUHP Book II), Citra Aditya Bakti, Bandung. 2001, p. 56

¹⁴Lilik Mulyadi, Indonesian Criminal Procedure Law, A Special Review of Indictments, Exceptions, and Court Decisions, Citra Aditya Bakti, Bandung, 2012. p. 49

The failure of the RJ process in this case occurred due to the lack of agreement between the victim and the perpetrator, particularly regarding compensation for losses. One of the main requirements for terminating a restorative justice-based prosecution, according to Article 5 of Perja Number 15 of 2020, is "the existence of a peace agreement between the victim and the suspect." If this requirement is not met, the prosecutor has no basis to terminate the prosecution. According to Mr. Sesarto Putera, who emphasized that restorative justice can only work if there is voluntary agreement from all parties, because restorative justice is based on the principles of dialogue and reconciliation.¹⁵

The charges against SYK were formulated with reference to the fulfillment of the elements of Article 363 paragraph (1) 3 and 5 of the Criminal Code regarding theft committed at night, occurring in the enclosed yard of his house, and carried out by climbing. The preparation of the charges is an important point because the charges will be the basis for the judge's examination at trial. The strength of the construction of the charges also shows the professionalism of the prosecutor in establishing a logical relationship between the act, the elements of the article, and the evidence presented.

Coordination between investigators and prosecutors remains open through the possibility of returning case files if deficiencies are found as stated in Article 138 paragraph (2) of the Criminal Procedure Code. In the case of aggravated theft in Sumbawa, the instructions given by the prosecutor have been completed by the investigators effectively so that the case can be submitted to the court without a protracted back and forth process. Previous restorative justice efforts did not result in a peace agreement, so that prosecution is a mandatory step in accordance with the mandate of Article 140 paragraph (2) of the Criminal Procedure Code.

A judge's decision is a statement by a judge as a state official who is given the authority to do so, in the form of a decision to impose a criminal sentence if the perpetrator's actions are proven legally and convincingly guilty. In an effort to make a decision and impose criminal sanctions, of course the judge has considerations including the public prosecutor's indictment, the Public Prosecutor's Demands, witness statements, the defendant's statement, and evidence. As well as knowing the background of the defendant's actions, the consequences of the defendant's actions and the defendant's condition at the time of committing the act. Then, considering criminal responsibility, in this case the Panel of Judges based on the facts that emerged in the trial considered that the defendant could be held responsible for the actions committed by considering that at the time of committing his actions, the defendant was aware of the consequences. The defendant in committing his actions was in a healthy condition and was capable of considering his actions. In addition to the above, the Judge also did not see any

¹⁵Interview with Sesarto Putera, Head of the Asset Recovery and Evidence Management Section (Kasi PAPBB) of the Sumbawa District Attorney's Office, on October 24, 2025

justification or excuse that could eliminate the unlawful nature of the defendant's actions, so the defendant must be sentenced to a sentence commensurate with his actions in accordance with the sense of justice that prevails in society.¹⁶

The panel considered the defendant's oral defense, which essentially consisted only of a request for leniency, citing regret and a promise not to repeat the offense. This defense did not invalidate the evidence, but was considered a mitigating circumstance. The judge then established a balance between aggravating and mitigating circumstances. The aggravating circumstances were that SYK's actions disturbed the community and that he had previously been convicted, indicating a poor track record. Mitigating circumstances included the defendant's honest confession during the trial, his remorse, and his promise not to repeat the offense. This balanced consideration was used as the basis for imposing a prison sentence of 3 years and 6 months, a figure in line with the prosecutor's demand and still far below the maximum sentence of 7 years for aggravated theft.

3.2. Obstacles and Solutions to Law Enforcement of the Crime of Theft with Justice-Based Aggravation

Law enforcement becomes crucial when a foundation or foothold that serves as the basis for its implementation exists. This is because without a legally binding basis, law enforcement carried out by law enforcement officers seems futile because it is not based on a statutory regulation that is expected to be a legal basis for law enforcement officers to carry out their duties as law enforcers. This is as described by Lawrence M Friedman, quoted from the book by Sirajudin, Zulkarnain, and Sugianto entitled "The Law Enforcement Supervisory Commission Can Bring Change," where in the law enforcement process, the law is not a stand-alone entity but is closely tied to other sub-systems in society. Friedman stated that the legal system is not a machine, it is run by human beings. Functional interdependence will always be apparent in the law enforcement process.¹⁷

Law enforcement, especially in criminal law, is the process of implementing the law to determine what is legal and what is unlawful, determine which acts are punishable according to the provisions of material criminal law, and provide instructions on actions and efforts that must be made to ensure the smooth implementation of the law both before and after the unlawful act occurs in accordance with the provisions of formal criminal law. Law enforcement is not merely the implementation of legislation, but also includes the judge's considerations in deciding criminal cases. Based on an interview with Mr. Sesarto Putera SH, in enforcing the law on the crime of aggravated theft with the suspect

¹⁶Danny Bayu Firmansyah, Criminal Responsibility for Perpetrators of Aggravated Theft (Study of Decision Number 1666/Pid.B/2024/PNSby), *JlIP (Scientific Journal of Educational Sciences)*, Vol. 8, No. 3, 2025, pp. 3081-3086

¹⁷Zulkarnain Sirajudin and Sugianto. "Can the Law Enforcement Oversight Commission Bring Change?" *Malang Corruption Watch and YAPPIKA*, Malang, 2007, p. 72

SYK in the Sumbawa area, law enforcement experienced several obstacles, including:

1) Internal Barriers

a. Limited Resources and Facilities of Law Enforcement Officers

Law enforcement will be effective if supported by adequate resources and facilities to achieve its objectives. These resources and facilities include educated and skilled personnel, adequate equipment, sufficient funding, and so on.¹⁸In the field, we often encounter conditions where there are limited personnel from investigators, prosecutors, and judges who handle a backlog of cases exceeding ideal capacity.

The limited number of law enforcement personnel is problematic because one officer must handle multiple cases simultaneously. Consequently, the attention and time available to each case is limited. In the case of aggravated theft in Sumbawa, for example, if there are only a few investigators covering a large area, the investigation process can be hampered or delayed. Similarly, in the prosecutor's office, the limited number of prosecutors forces cases to be handled in rotation with specific priorities, potentially extending prosecution time.

According to Mr. Sesarto Putera, human resources and workload are real challenges at the Sumbawa District Attorney's Office. He said, "Each prosecutor here can handle dozens of general criminal case files at any one time. With that much workload, we have to be smart about how we divide our focus."¹⁹This condition has the potential to reduce the performance of law enforcement officers in exploring unique aspects of a case that may be relevant to the value of justice.

b. Regulatory limitations in the implementation of restorative justice

Prosecutor's Regulation No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice actually provides prosecutors with the opportunity to close cases by law if certain conditions are met. However, these conditions are very strict, including: the suspect is a first-time offender, the criminal penalty for the violated article is no more than 5 years, the value of the loss is under IDR 2.5 million, and there is reconciliation between the suspect and the victim. This construction of conditions indicates that for cases of aggravated theft (which carries a maximum sentence of 7 years and losses often exceed that threshold), the restorative justice option is almost impossible to apply. In the SYK case in Sumbawa, Article 363 of the Criminal Code carries a maximum sentence of 7 years

¹⁸Indha Auliya Rahayu, et. al., The Existence of Restorative Justice in the Development of the Indonesian Criminal Law System: A Study at the Makassar City Police Resort, *Journal of Lex Generalis (JLS)*, Vol. 3, No. 4, April 2022, pp. 599-617

¹⁹Interview with Sesarto Putera, Head of the Asset Recovery and Evidence Management Section (Kasi PAPBB) of the Sumbawa District Attorney's Office, on October 24, 2025

in prison, and the facts show that the suspect has a previous conviction. This condition normatively precludes the possibility of terminating the prosecution through restorative justice. Mr. Sesarto Putera explained that prosecutors are essentially bound by the rules: "If the RJ requirements are not met, we are obliged to proceed with regular prosecution. We cannot simply feel sorry for the perpetrator and then drop the case; that violates the rules."

2) External Barriers

a. Low Legal Awareness

Law, viewed as a crucial aspect of society, aimed at realizing a comfortable and just society, is sometimes ignored by a handful of people. It's not uncommon for the law to be violated, violated, and even manipulated by those with vested interests, or those who still consider the law unimportant in society. These individuals are unaware of and disobedient to the law.

The role of public legal awareness, as the purpose of the law itself, is to guarantee certainty and justice. In social life, there are always differences between patterns of behavior or codes of conduct that apply in society and patterns of behavior desired by legal norms (rules). This can cause problems in the form of social inequality so that at certain times there is a tendency for conflict and social tensions to occur which can certainly disrupt the course of social change in the desired direction. This situation occurs because the law that was created is expected to be used as a guideline (standard) in acting for society, there is no legal awareness, so there tends to be no obedience to the law.

The impact of low public legal awareness is that it hinders the investigation and prosecution process. When witnesses are reluctant to provide information or victims fail to report immediately, the opportunity to gather strong evidence is reduced. Without public information support, law enforcement officers face difficulties in quickly identifying thieves. Criminals can more easily flee or destroy evidence if the surrounding community is not proactive in assisting law enforcement.

Lack of legal awareness also impacts the implementation of the concept of restorative justice at the community level. Restorative justice requires active participation and understanding from both victims and perpetrators to engage in dialogue to reach a peaceful agreement. If the community does not understand the concept of restorative justice, mediation efforts facilitated by law enforcement will be unsuccessful. In the SYK case in Sumbawa, peace efforts failed because the victim was unwilling to forgive the perpetrator even though he regretted his actions. Sesarto Putera explained that this failure was partly due to the victim's

lack of understanding of the benefits of restorative justice and the fear that the perpetrator would not be deterred if not sentenced to prison.²⁰

2. Socio-Economic and Cultural Factors of the Community

Weak economic conditions, unemployment, and poverty create a fertile environment for the growth of theft. In this case, perpetrators like SYK in the Sumbawa case are often driven by economic motives, such as needing money for daily needs, which leads them to steal motorcycle parts. Poverty and limited employment opportunities in an area can increase crime rates. This creates a dilemma for law enforcement: on the one hand, they must enforce the rules firmly, while on the other, the root of the crime lies in social issues beyond the scope of law enforcement itself.

Deterrence through imprisonment alone does not automatically reduce crime, because after serving time, perpetrators can relapse into crime if their economic circumstances do not improve. Overly repressive law enforcement without considering social factors can even cause further suffering for perpetrators and their families, thus being deemed inconsistent with society's sense of justice. In other words, justice is achieved when perpetrators are punished, but social justice can be harmed if the punishment is not accompanied by solutions to improve the perpetrator's economic situation.

According to the author, the solutions to overcome these obstacles are as follows:

1) Strengthening Human Resources and Infrastructure

The government needs to increase the number of law enforcement officers, including investigators, prosecutors, and judges in areas with high caseloads, such as Sumbawa. Furthermore, competency should be improved through regular training on investigative techniques and an understanding of restorative justice. Procurement of supporting facilities and infrastructure, such as operational vehicles, digital forensic equipment, and the expansion and modernization of evidence storage facilities, must also be improved.

2) Restorative Justice Policy Reformulation

Regulations on restorative justice need to be expanded to reduce the stringent requirements for their implementation. One alternative is to revise Prosecutor's Regulation No. 15 of 2020 to allow restorative justice for crimes punishable by more than five years in prison if the perpetrator meets certain requirements.

3) Improving Public Legal Education and Awareness

²⁰Interview with Sesarto Putera, Head of the Asset Recovery and Evidence Management Section (Kasi PAPBB) of the Sumbawa District Attorney's Office, on October 24, 2025

Local governments, along with law enforcement officials, must actively educate the public about the law through legal counseling. This material can include an understanding of legal rights and obligations, the importance of reporting crimes, and the concept of restorative justice. A legally aware public will be more cooperative in assisting the legal process.

4) Socio-Economic Approach to Crime Prevention

Addressing the root causes of crime, such as poverty and unemployment, must be part of a long-term prevention strategy. The government needs to expand access to employment, provide skills training programs, and provide economic assistance to the poor. Law enforcement is not just about taking action; it must be accompanied by economic empowerment efforts to suppress the potential for crime at its source.

4. Conclusion

The implementation of law enforcement against the crime of aggravated theft in the SYK case in Sumbawa shows that all stages of the criminal justice system have been carried out in accordance with applicable provisions, starting from receipt of reports, investigation and inquiry, prosecution, and sentencing by judges based on the fulfillment of the elements of Article 363 paragraph (1) 3 and 5 of the Criminal Code. The Sumbawa Police moved quickly to process the crime scene, collect evidence, examine witnesses, and determine the suspect; the Public Prosecutor examined the files, prepared the indictment, attempted restorative justice but was canceled due to a failure to reach an agreement, then continued the prosecution; while the Panel of Judges assessed the evidence, considered the aggravating and mitigating circumstances, and imposed a prison sentence of 3 years and 6 months which was deemed proportional. When viewed through Joseph Goldstein's theory, the aspects of law in the books, law in action, and operational decisions have been applied consistently, but have not been fully based on the values of justice that live in society, because the victim did not receive compensation for what he experienced. Obstacles to law enforcement for the crime of aggravated theft face serious obstacles, both internal and external. At the internal level, limited human resources, infrastructure, and limited space for the application of restorative justice cause law enforcement to be more retributive than restorative. Externally, low legal awareness, weak socioeconomic conditions, unemployment, and poverty make communities vulnerable as both perpetrators and victims. Solutions offered include strengthening human resources and facilities for law enforcement, reformulating restorative justice policies, increasing legal education and awareness, and

5. References

Journals:

- Danny Bayu Firmansyah, Pertanggungjawaban Pidana terhadap Pelaku Tindak Pidana Pencurian dengan Pemberatan (Studi Putusan Nomor 1666/Pid.B/2024/PNSby), *JlIP (Jurnal Ilmiah Ilmu Pendidikan)*, Vol. 8, No. 3, 2025,
- Hamdiyah Hamdiyah. Analisis Unsur-Unsur Tindak Pidana Pencurian: Tinjauan Hukum. *Jurnal Tahqiqat: Jurnal Pemikiran Hukum Islam*, Vol. 18, No. 1, 2024,
- Indha Auliya Rahayu, et. al., Eksistensi Restorative Justice Dalam Perkembangan Sistem Hukum Pidana Indonesia: Studi di Kepolisian Resort Kota Besar Makassar, *Journal of Lex Generalis (JLS)*, Vol. 3, No. 4, April 2022,
- Rian Prayudi Saputra, Perkembangan tindak pidana pencurian di Indonesia. *Jurnal Pahlawan*, Vol. 2, No. 2, 2019,
- Sri Endah Wahyuningsih dan Rismanto, Kebijakan Penegakan Hukum Pidana Terhadap Penanggulangan Money Laundering Dalam Rangka Pembaharuan Hukum Pidana Di Indonesia, *Jurnal Pembaharuan Hukum*, Vol. 2, No. 1, 2015,
- Toto Hartono, et. al., Penegakan Hukum Terhadap Tindak Pidana Pencurian Dengan Kekerasan (Studi Pada Kepolisian Resor Kota Besar Medan), *Jurnal Retentum*, Vol. 2 No. 1, 2021,

Books:

- Andri Yanto, *Mazhab-Mazhab Hukum: Suatu Pengantar Memahami Dimensi Pemikiran Hukum*. Penerbit Segap Pustaka, Jakarta, 2021,
- Barda Nawawi Arief, *Masalah Penegakan Hukum Dan Kebijakan Hukum Pidana Dalam Penanggulangan Kejahatan*. Prenada Media, Jakarta, 2018,
- H.A.K Moch Anwar. 2001, *Hukum Pidana Bagian Khusus (KUHP Buku II)*, Citra Aditya Bakti, Bandung.
- Hermien Hediwati Koeswatji, 1984, *Delik Harta Kekayaan, Asas-Asas, Kasus dan Permasalahan*, Sinar Wijaya, Surabaya,
- I Made Pasek Diantha, *Metodologi Penelitian Hukum Normatif*, Prenada Media Group, Jakarta, 2016,
- Ilhami Bisri, 2011, *Sistem Hukum Indonesia: Prinsip-Prinsip dan Implementasi Hukum di Indonesia*, Rajawali Pers, Jakarta,

- Kaelani, 2010, *Pendidikan Kewarganegaraan*, Paradigma, Yogyakarta,
- Lilik Mulyadi, 2012. *Hukum Acara Pidana Indonsia, Suatu Tinjauan Khusus Terhadap Surat Dakwaan, Eksepsi, dan Putusan Peradilan*, Citra Adtya Bakti, Bandung,
- Moeljatno. 1982, *Asas-Asas Hukum Pidana*. PT. Bina Aksara, Bandung.
- Mulyana. W. Kusumah. 2014. *Kriminologi dan Masalah Kejahatan*. Armico, Bandung,
- Zulkarnain Sirajudin dan Sugianto. 2007, *Komisi Pengawas Penegak Hukum Mampukah Membawa Perubahan*. Malang Corruption Watch dan YAPPIKA, Malang,