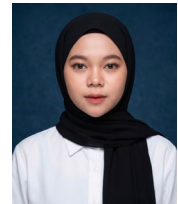




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JURIDICAL ANALYSIS OF THE DEFENDANT'S ACTIONS IN FULFILLING THE ELEMENT OF THEFT WITH THE BURDEN IN CASE NUMBER 135/Pid.B/2026/PN Sbr

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Abstract:

Background. Aggravated theft is a form of theft involving certain circumstances that result in a more severe criminal sanction.

Aims. This study aims to analyze whether the elements of aggravated theft were fulfilled in Decision Number 135/Pid.B/2026/PN Sbr based on Law Number 1 of 2023 concerning the Criminal Code.

Methods. This research employs a normative juridical method using a statutory approach and a case approach. The legal materials used consist of laws and regulations, court decisions, scientific journals, and legal literature, which are analyzed using a qualitative-descriptive method.

Result. The results of the study indicate that the defendant's actions fulfilled the elements of aggravated theft as stipulated in Article 477 paragraph (1) letter e of Law Number 1 of 2023. These elements are met because the defendant took property belonging to another person without permission, with the intention of unlawfully possessing it, and committed the act at night inside a house.

Conclusion. Therefore, the Panel of Judges' decision to find the defendant guilty of aggravated theft has a legal basis in the facts established during the trial.



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Keywords: aggravated theft, fulfillment of elements, court decision, criminal code.

INTRODUCTION

High levels of theft remain a problem among Indonesians. This often stems from economic factors in the community, where the standard of living is below average, making it a common motive for theft. Because of the rampant crime of theft, a law was passed to regulate it and make perpetrators think before acting.

Theft is the act of taking or seizing someone else's property with the intention of deliberately and unlawfully taking it, either individually or in groups. The taking is carried out without permission and without the right to the property, and it transfers ownership from the original owner to the perpetrator. Although criminal law regulates the rules on theft, reality in the field is sometimes different. To determine whether the act can be categorized as a criminal act of theft, it is necessary to examine how the criminal act is committed.

It can be said that theft with aggravation is if it is in one of the conditions how the theft can occur as follows: in this case, the element of aggravation in the form of acts committed at night is associated with the provisions of Article 477 paragraph (1) letter e of the Criminal Code and the definition of night is used by the Panel of Judges referring to Article 186 of the Criminal Code That is why the element of proof is important in criminal cases.

This problem can be seen in Decision Number 135/Pid.B/2026/PN Sbr which is the object of study in this article, This case involves the defendant **SODIKIN BIN (ALM) SIGRA** As the defendant in the theft of a 5x8 meter silver silver ream (fold) ladder, the defendant committed the theft on Monday, March 16, 2026 at around 01.30 WIB, the defendant brought the stolen goods.

The defendant was indicted by the Public Prosecutor with an indictment in the form of an alternative indictment; then the Panel of Judges, paying attention to all the legal facts, finally chose the second alternative indictment as stipulated in Article 477 paragraph (1) letter e of the Criminal Code. After deliberation, the Panel of Judges stated that the defendant **SODIKIN BIN (ALM) SIGRA** was legally and convincingly proven guilty of theft with aggravation as in the second indictment; the Public Prosecutor sentenced the defendant to imprisonment for 7 (seven) months.

During the implementation of Field Experience Practice (PPL) at the Sumber District Court Class 1A, many people had the opportunity to learn firsthand about the duties,

functions, and administration of handling cases. One legal phenomenon observed is the theft case listed in Case Number 135/Pid.B/2026/PN Sbr. The case is interesting to discuss because it analyzes the defendant's actions in relation to fulfilling the elements of theft, with the burden based on the applicable Criminal Code.

Theoretically, an act can be considered a criminal act of theft with aggravation if it is proven that the act meets the elements set by the criminal provisions. In practice, the issue of facts revealed during the trial must be adjusted to the criminal act charged, in case Number 135/Pid.B/2026/PN Sbr as stated by the defendant that the stolen staircase was used to repair the roof of the house without the permission of the victim who owned the stairs at night, the act was considered by the Panel of Judges to have fulfilled the elements contained in article 477 paragraph (1) letter e of the Criminal Code Law Number 1 In 2023, this is the reason to analyze the defendant with the elements of criminal acts applied by the Panel of Judges.

Research on the crime of theft has been carried out with various perspectives. Bahtiar, Muh. Natsir, Herman Bella (2023) analyzes Decision Number 236/Pid.B/2021/PN Pin with a focus on the discussion and consideration of judges in imposing a verdict on the crime of theft with weight. The results of the study showed that the penalty imposed on the defendant was considered light, namely with a prison sentence of 1 (one) year and 7 (seven) months, with legal consideration by the judge about accountability for the acts committed by the defendant for committing theft in the form of 2 (two) units of truck wheels and 10 (ten) wheels.

The research of Irma Firnanda, Yunita Nurul Arifah, Dian Ayu Wahyu Nurhidayati, and Dwi Maulida Khasanah (2026) analyzed the comparison between Article 363 of the old Criminal Code and Article 477 of the National Criminal Code, as well as the attitude of judges in trial practice. The results show that Article 477 of the National Criminal Code, which regulates theft with aggravation, provides significant changes not only to update the old rules but also to improve the drafting, the types of criminal acts, and the sanction system. An example is Decision Number 7/Pid.B/2026/PN Mkd, which applies Article 477 of the National Criminal Code. When a judge decides a case that occurred during the transition period between the old Criminal Code and the new Criminal Code, the judge must still uphold judicial integrity.

Research by Cut Ade Irma Handayani, Redyanto Sidi, and Andry Syafrizal Tanjung (2026) analyzes criminal liability for perpetrators of aggravated theft (Decision Number 776/Pid.B/2025/PN Medan). The results of the study show that the main causative factors

include economic and social conditions that trigger individuals to commit the crime of theft as a shortcut to meet the needs of life, as well as environmental influences that also play a significant role in encouraging these crimes; all elements charged have been legally proven based on the evidence and legal facts revealed in the trial.

Based on the previous research, research on theft with aggravated assault was carried out in various research focuses such as the judge's consideration, the comparison of theft arrangements with the aggravation between the old Criminal Code and the national Criminal Code, but the above research has not specifically analyzed Case Number 135/Pid.B/2026/PN Sbr, especially regarding the relationship between the defendant's actions and the fulfillment of every element of Article 477 paragraph (1) letter e of the Criminal Code. Therefore, this study has novelty in the form of a juridical analysis of the fulfillment of the element of theft with a weighting based on the legal facts in the case.

1. What were the actions of the defendant in Case Number 135/Pid.B/2026/PN Sbr?
2. How is the fulfillment of the elements of the crime of theft with a charge based on the defendant's actions in Case Number 135/Pid.B/2026/PN Sbr?

This research aims to find out and analyze the defendant's actions in Case Number 135/Pid.B/2026/PN Sbr and analyze the fulfillment of the elements of the crime of theft with aggravation based on Article 477 paragraph (1) letter e of the Criminal Code based on the defendant's actions.

METHODS

This research uses normative juridical research, which involves examining and analyzing legal norms related to the problem being studied. This research uses a statute approach and a case approach. The legislative approach is used to examine the provisions regarding the crime of theft with aggravation as stipulated in Law Number 1 of 2023 of the Criminal Code, especially Article 477 paragraph (1) letter e, while the case approach is used to analyze the application of these provisions in Decision Number 135/Pid.B/2026/PN Sbr.

The data sources in this study are secondary, consisting of primary legal materials in the form of laws and regulations related to the crime of theft with aggravation and the Source District Court Decision Number 135/Pid.B/2026/PN Sbr. Secondary legal materials are in the form of scientific journals, doctrines, expert opinions, and legal literature related to the crime of theft and the fulfillment of elements of criminal acts.

This study collected legal materials through library research and document studies. The study collected and analyzed various laws and regulations, scientific journals, and legal literature relevant to the research object. The document study focused on Decision Number 135/Pid.B/2026/PN Sbr, particularly the legal facts, the Public Prosecutor's indictment, the Panel of Judges' considerations, and the verdict.

The legal materials processed are analyzed qualitatively-descriptively, namely by describing and interpreting relevant legal provisions and then connecting them with the legal facts contained in Decision 135/Pid.B/2026/PN Sbr. Analysis is carried out by examining the fulfillment of each element of the crime of theft with a burden as per Article 477 paragraph (1) letter e of Law No. 1 of 2023 based on the defendant's actions and the legal considerations of the Panel of Judges. Furthermore, the analysis results are systematically compiled to draw conclusions that lead to the formulation of the research problem.

DISCUSSION

Profile of Sumber District Court Class 1A

The Sumber District Court is a public judicial institution under the general judicial environment and serves as a court of first instance. The Sumber District Court plays an important role in providing legal services and organizing the examination, court, and case settlement process for the community in its jurisdiction. As a judicial institution, the Sumber District Court carries out its duties in accordance with laws and regulations and upholds the principle of simple, fast, and low-cost justice. In the course of its duties, the court handles various types of cases, both criminal and civil.

Jurisdiction and jurisdiction

The Sumber District Court is domiciled at the source and has jurisdiction over areas under its authority based on the provisions of laws and regulations. The position of the Sumber District Court as a court of first instance makes it an institution that has the authority to examine, adjudicate, and decide cases at the first level. In exercising its authority, the court receives and examines various cases that occur within its jurisdiction.

Duties and Functions of the Sumber District Court

The Sumber District Court's main task is to receive, examine, adjudicate, and resolve cases within its authority. In criminal cases, the court examines cases based on the

public prosecutor's indictment, hears witness and prosecution statements, and reviews evidence submitted at trial. In addition to the judicial function, the court also has administrative functions and services to the community. The entire process is carried out in accordance with applicable procedural law and the principles of independence and impartiality.

RESULTS OF PPL IMPLEMENTATION

Activities During the Implementation of PPL

During the implementation of field experience practice (PPL) at the Sumber District Court, students gain direct experience of the activities taking place in the court environment. This activity provides an understanding of the relationship between legal theory and the practice of judicial administration. PPL activities include observing the trial process for criminal and civil cases, an introduction to case administration, observing the case examination process, and understanding the stages of case settlement in court.

Through this activity, students can observe how a case is processed from the examination stage until finally the judge makes a decision. This experience is one of the bases in determining the case that will be further studied in this PPL report.

The Relationship of PPL to the Problems Studied

PPL activities at the Sumber District Court are directly related to the legal issues examined in this report. One case that has attracted attention is criminal case number 135/PID. B/2026/PN Sbr. The case is interesting to study because it is related to the crime of theft and the application of provisions regarding theft with aggravation. In addition, the case raises questions about the defendant's intention in taking other people's property, especially the reason for taking the goods. By studying the case, students can see firsthand how the judge assesses the facts of the trial and connects them to the elements of the charged criminal act.

Legal Issues

The case studied in this PPL report is criminal case Number 135/PID. B/2026/PN Sbr. The Sumber District Court examined and decided it. The case involves theft committed by the defendant against the victim's belongings. Based on the verdict, this case involves removing a ladder without the owner's permission. The case identity, the defendant, the time

and place of the incident, the object of theft, and the amount of the victim's losses must be adjusted to the facts stated in the court decision so the report description does not deviate from the facts of the trial.

Legal Analysis

In the new Criminal Code, theft with aggravated assault is regulated in Article 477; theft with aggravated assault is intended because theft is carried out under certain circumstances, such as at a certain time, and the way in which the theft is carried out is in a house or a closed yard where there is a house.

From the statement in Article 477, specifically in paragraph (1) letter e, as described in Case Decision Number 135/Pid.B/2026/PN Sbr, it is known that the Panel of Judges, by paying attention to the facts as stipulated in Article 477 paragraph (1) letter e, whose elements are as follows:

Everyone

The element of "everyone" refers to any person or subject of law who can be legally held accountable for the criminal act committed. The defendant SODIKIN bin Alm. Sibra is a legal subject whose identity is as stated in the Minutes of the Examination of the Suspect at the investigation stage, the Minutes of the Suspect's Research at the prosecution stage, or as attached to the case file as a copy of the ID card. The defendant, as a subject of law, is in a state of physical and spiritual health, and the defendant's actions provide no excuse or justification, so the indictment can hold the defendant criminally responsible. The element of taking an item that is partially or wholly owned by another person with the intention of unlawful possession.

Based on the witness statement from the victim, namely MOCHAMAD SUBASTIAN, who is the owner of a silver 5x8 M folding ladder made of REAIM brand aluminum in one of the houses in the BTN Graha Mas Development complex, Tegalbugub Village, Arjawinangun District, Cirebon Regency, which is located on the stairs and the house belonging to MOCHAMAD SUBASTIAN. The defendant passed through the rice field area to enter the development complex by going behind MOCHAMAD SUBASTIAN's house and then entered the house. Based on MOCHAMAD SUBASTIAN's statement, the stairs were kept in the house in a locked state; the defendant took the stairs through the back area of the house because the door was not locked; the defendant entered the house and took the stairs stored in one of the rooms.

The defendant never asked for permission to carry, borrow, or use the stairs belonging to MOCHAMAD SUBASTIAN; due to the actions of the defendant, the victim MOCHAMAD SUBASTIAN suffered a loss of Rp. 2,612.00 (two million six hundred twelve thousand rupiah). The reason the defendant took the stairs was that when it rained, the defendant's house leaked, so he needed a ladder to repair the roof, but the stairs were not returned because the defendant fell down the stairs and was unconscious in his house alone for 1 (one) day; then the next day the defendant went to the health center for treatment.

Here it can be seen that the defendant gave the reason that the taking of the stairs was carried out by the defendant solely because the defendant needed the stairs to repair the roof of the house that was leaking due to rain, but this reason should be taken into consideration in relation to the element of "unlawful possession" the defendant's need for the stairs does not solely give the defendant the right to take and control the goods without the permission of the original owner of the goods. Thus, the reason for this need cannot eliminate the unlawful nature of the defendant's acts.

Based on the facts found during the trial, the defendant was proven to have taken the stairs without permission, brought them home, and used them for personal gain; there was no intention to return the stairs belonging to the victim, and the stairs were found in the defendant's house, these facts were then used as a value that there was an intention to control the goods illegally. Therefore, these reasons and facts can show that the defendant's actions cannot erase the existing legal elements.

Elements at night in a house or in a closed yard where there is a house that is carried out by a person who is there is not known or not wanted by the rightful owner. Based on the victim's statement, MOCHAMAD SUBASTIAN, witness SUNARYO, and witness MARYUDI, the Panel of Judges was equipped with a capture from the CCTV video of Buwer's Funeral on Monday, March 16, 2026, at around 01.30 WIB, so that it includes the time or even the day as considered by the Panel of Judges. Because there was no sunrise at that time, based on the explanation of Article 477 paragraph (1) letter e of the Criminal Code, "house" is any building or place that is deliberately made or used for residence or residence. Thus, the defendant's actions not only fulfilled the nighttime element but also the presence of the defendant in the house without the owner's consent.

The defendant's actions can harm the victim and disturb the community; therefore, based on the facts of the case and analysis of each element of Article 477 paragraph (1) letter e of the Criminal Code, the defendant's actions have been legally proven to meet all elements

of theft with aggravation. Thus, the Panel of Judges' consideration that the defendant was legally and convincingly proven to have committed theft with aggravation is based on the legal facts revealed during the trial process.

Recommendations

Based on the results of the analysis of Decision Number 135/Pid.B/2026/PN Sbr, it is necessary to apply and prove the elements of the crime of theft with a burden that connects each element of the article with the facts revealed during the trial process. The facts revealed during the trial process. The Sumber District Court has provided conditional fulfillment, but several things still need improvement. In a similar case, it is necessary to clearly establish the reason for the theft, the goods that were the object of the theft, the relationship between the defendant's actions, and the intention to illegally control the goods without a permit. This is important to ensure that the fulfillment of the elements of the criminal act is based on sufficient facts and evidence. For personal reasons, the defendant is not necessarily considered a reason that can remove the unlawful nature, and for the community, awareness is needed to always respect and respect the property rights of others and not to take or use other people's property without permission. The facilities provided in the source district court have provided conditional fulfillment, but several things still need improvement.

CONCLUSION

Based on the analysis of decision number 135/Pid.B/2026/PN Sbr, it can be concluded that the defendant's act of taking a ladder belonging to another person without permission and controlling it for personal interests meets the elements of the crime of theft. The defendant's reason for taking the stairs to repair the leaking roof of the house does not eliminate the unlawful nature of his actions, because he continued to take and control the victim's belongings without consent. Furthermore, the defendant's actions have met the elements of theft with aggravation as stipulated in Article 477 paragraph (1) letter e of Law Number 1 of 2023 concerning the Criminal Code. This element is fulfilled because the defendant is a legal subject who can be held accountable, takes goods that belong part or all of another person with the intention of unlawful possession, and commits the act at night in the house without the knowledge or will of the owner. The act was carried out at around 01.30 WIB and was supported by witness statements and CCTV evidence. Thus,

The panel of judges' decision, which found the defendant legally and convincingly proven to have committed theft with aggravation, was based on the legal facts revealed during the trial.

Suggestions

Based on the results of the research, the author suggests that, in handling cases of theft with objections, law enforcement officials should carefully prove each element of the charged article and relate it to the facts and evidence revealed in the trial. This is important so that the application of Article 477 paragraph (1) letter e of Law Number 1 of 2023 can be carried out appropriately and in accordance with the legal facts in each case.

In addition, the community is expected to raise awareness of the need to respect others' property rights and not to take or use other people's property without permission. Personal needs cannot be used as a basis for unilaterally taking or controlling other people's goods, because such acts can still have consequences for the perpetrators.

Implications

The implications of the results of the analysis of Decision Number 135/Pid.B/2026/PN Sbr show that the application of Article 477 paragraph (1) letter e of Law Number 1 of 2023 must be based on proven facts in the prosecution and prosecution of each element of the criminal act. This shows the importance of rigorous law enforcement in examining the relationship between the defendant's aggravation and the element of theft with aggravation, especially regarding taking other people's property without permission and the circumstances under which the act was committed. In addition, this case teaches the community that personal needs cannot be used as an excuse to take or use other people's property without permission, because it can still have legal consequences (Legal Study et al., 2021).

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