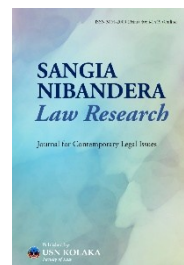


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Sentencing Disparity in Violent Theft Cases: A Judicial Analysis of Surabaya District Court Decisions

Perbedaan Hukuman dalam Kasus Pencurian Kekerasan: Analisis Yudisial atas Putusan Pengadilan Negeri Surabaya

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Abstract

This study analyzes the verdict of a case of theft with violence that occurred at PT Warna Andalan, Surabaya, where two defendants, Rizky Zakiri Hayatifanto and Ahmad Setijawan, were found guilty of committing the crime of theft of production machine cables weighing approximately 1000 kg. This study examines the judge's reasoning, the evidence and testimonies presented, and the defendants' defense. The results of the analysis show that the court applied the law strictly in accordance with Article 363 Paragraph (2) of the Criminal Code on theft with aggravation. The judge considered all of the physical evidence and testimony, as well as the confession and remorse of the defendants, in sentencing each defendant to three

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years imprisonment. This sentence aims to provide a deterrent effect and prevent similar crimes from occurring in the future. This research highlights the importance of fair and firm application of the law in maintaining community security and order.

Keywords

Article 363 Paragraph (2) KUHP, Court Decision, Criminal Law

Abstrak

Penelitian ini menganalisis putusan kasus pencurian dengan kekerasan yang terjadi di PT Warna Andalan, Surabaya, di mana dua terdakwa, Rizky Zakiri Hayatifanto dan Ahmad Setijawan, terbukti bersalah melakukan tindak pidana pencurian kabel mesin produksi seberat sekitar 1000 kg. Studi ini memeriksa pertimbangan hakim, bukti dan kesaksian yang diajukan, serta pembelaan para terdakwa. Hasil analisis menunjukkan bahwa pengadilan menerapkan hukum secara ketat sesuai dengan Pasal 363 Ayat (2) KUHP tentang pencurian dengan pemberatan. Hakim mempertimbangkan semua bukti fisik dan kesaksian, serta pengakuan dan penyesalan terdakwa, dalam menjatuhkan hukuman penjara selama tiga tahun kepada masing-masing terdakwa. Hukuman ini bertujuan untuk memberikan efek jera dan mencegah terjadinya tindak pidana serupa di masa mendatang. Penelitian ini menyoroti pentingnya penerapan hukum yang adil dan tegas dalam menjaga keamanan dan ketertiban masyarakat.

Kata Kunci

Pasal 363 Ayat (2) KUHP, Putusan Pengadilan, Hukum Pidana

A. Introduction

Violent crime and theft in Indonesia have become a serious problem that affects public security and order. Violence, which includes various forms such as fights, assaults, and domestic violence, continues to show an increasing trend in recent years. Based on data from the Central Statistics Agency (BPS) and reports from the Indonesian National Police (Polri), the number of reported cases of violence in 2023 increased by 15%

compared to the previous year¹. This phenomenon not only disrupts people's sense of security but also reflects the existence of deep social problems such as economic inequality and lack of effective law enforcement.

In addition to violent crimes, theft cases have also increased significantly. These types of crimes include theft with aggravation, theft of motor vehicles, and common theft. According to data published by the National Police, the number of theft cases in 2023 increased by 20% compared to 2022. This increase is especially true in densely populated urban areas such as Jakarta, Surabaya, and Medan, where social and economic disparities are more visible. Factors such as unemployment, poverty, and lack of job opportunities are considered to be the main causes of this surge in theft cases².

The increase in these two types of crimes raises concerns among the public and the government. Preventive and repressive measures have been taken, including increased police patrols, increased the number of CCTVs in public areas, and legal awareness campaigns in various walks of life. However, major challenges still exist in addressing the root causes of violent crime and theft. Stricter law enforcement, improved public welfare, and good moral education are some of the solutions that are expected to reduce crime rates in the future.

With the increasing cases of violence and theft, cooperation between the government, security forces, and the community is key in creating a safer and more orderly environment. Transparency in handling cases, improving the quality of life, and empowering the community's economy must be priorities to address these issues holistically and sustainably. Only with comprehensive measures, security and welfare in Indonesia can be maintained and improved. The city of Surabaya, as one of the largest metropolitan cities in Indonesia, faces serious challenges related to cases of violence and theft. Based on data from the Surabaya Police, the number of cases of violence in this city has increased significantly in recent years. In 2023, there were 1,800 reported cases of violence, an increase from 1,500 cases in 2022. The most common type of violence is domestic violence, which

¹ See Central Statistics Agency 2023

² See Central Statistics Agency 2023

accounts for about 35% of the total cases, followed by street fights and assaults.

Theft cases in Surabaya also show an increasing trend. In 2023, the Surabaya Police recorded 2,200 cases of theft, up from 1,850 cases the previous year. Motor vehicle theft (Curanmor) is the most common type of theft, with around 1,000 cases reported in 2023³. In addition, theft with aggravation, such as home and shop break-ins, also showed an alarming increase. Factors that contribute to the increase in cases of violence and theft in Surabaya include rapid population growth, urbanization, and economic disparities. Surabaya as a center of business and trade attracts many residents from various regions, which often leads to competition and social tension. In addition, the increase in the number of people that is not balanced with the increase in job opportunities also triggers crime.

In an effort to overcome the increase in crime cases, the Surabaya city government together with the Surabaya Police have taken various preventive and repressive measures. Police patrols are being stepped up, especially in crime-prone areas. The installation of CCTV in strategic places has also been increased to monitor suspicious activities. In addition, legal and security awareness campaigns in the community are intensively carried out through various media and communities.

However, these efforts still need to be improved and expanded to be more effective. Closer cooperation is needed between the government, security forces, and the community to create a safe and orderly environment. Education and economic empowerment must also be the main focus to address the root causes of violent crime and theft. Only with a comprehensive and sustainable approach, the City of Surabaya can reduce the crime rate and improve the quality of life of its citizens.

The Surabaya City District Court, as one of the judicial institutions in Indonesia, has an important role in enforcing the law and providing justice in cases of violent theft. Every decision produced by this court reflects how the law is applied in a real context and demonstrates the commitment of the justice system in handling criminal acts in a transparent and accountable manner.

³ See Data Polrestabes Surabaya 2023

The case that is the focus of this study is the verdict number 660/Pid.B/2024/PN Sby, in which two defendants, Rizky Zakiri Hayatifanto and Ahmad Setijawan, were charged with violent theft at PT Warna Andalan. This case is interesting to study more deeply because it involves a number of important aspects of the judicial process, such as the collection and assessment of evidence, the trial process, and the judge's consideration in making a verdict⁴. The analysis of this verdict aims to further understand how the judicial system in Indonesia, particularly in the Surabaya City District Court, handles cases of theft with violence. By reviewing this decision, it is hoped that it can provide a clear picture of existing judicial practices, as well as identify strengths and weaknesses in the legal process applied.

The study also seeks to provide constructive recommendations for legal policymakers to improve the criminal justice system, especially in dealing with the crime of violent theft. Through an in-depth analysis, it is hoped that more effective strategies can be found to prevent and tackle this crime in the future, so that a safer and fairer environment can be created for the community.

B. Literature Review

In the study of cases of violent theft in court, various literature and previous research have made important contributions that are the basis for understanding this phenomenon. This literature review will discuss key concepts and findings from previous research that are relevant to the topic of analysis of violent theft case verdicts.

a) Criminal Law Theory

Criminal law has an important role in maintaining order and security in society by sanctioning individuals who commit criminal acts. In general, criminal law serves to protect individual rights and the public interest, prevent crime, and provide a deterrent effect to criminals.

⁴ See Direktori Putusan Mahkamah Agung Republik Indonesia. *Putusan Nomor 660/Pid.B/2024/PN Sby*. Jakarta: Mahkamah Agung, 2024.

According to , criminal law consists of two main components⁵:

1) Normative Rules:

- Definition of Criminal Offense: Normative rules identify and categorize acts that are considered criminal offenses. Each criminal act has specific elements that must be met to be considered a violation of the law. For example, in the case of theft by force, the elements that must be present include the intent to steal and the use of force or threat of violence.
- Sanctions: Normative rules also stipulate the sanctions or punishments that will be imposed on the perpetrators of criminal acts. These sanctions can be in the form of imprisonment, fines, or other penalties regulated by law.

2) Court Procedure:

- Investigation Process: This process involves collecting evidence and information related to criminal acts. Investigators have the duty to ensure that the evidence obtained is sufficient to support the charges.
- Prosecution: Once the investigation is complete, the public prosecutor will draft an indictment based on the available evidence and bring the case to court.
- Court Hearing: In a court hearing, the public prosecutor and defense attorney will present their case in front of the judge. This process includes listening to testimony, presenting evidence, and conducting cross-examinations.
- Verdict: Based on the evidence and arguments presented during the trial, the judge will decide whether the defendant is guilty or not, and determine the appropriate sanctions if the defendant is found guilty.

⁵ Rahmawati, Nur Aini. "Indonesian Criminal Law: Ultimum Remedium or Primum Remedium." *Recidivism: Journal of Criminal Law and Crime Management* 2, no. 1 (2013).

In the context of robbery by force, the criminal elements that must be proven include:

- Malicious Intent (Mens Rea): The defendant must have the intent to steal. This malicious intent indicates that the act of theft is carried out with full awareness and intentionality.
- Physical Acts (Actus Reus): The defendant must commit a physical act that supports his intention to steal, such as taking someone else's property. In the case of theft by force, this physical act also includes the use of force or threats of violence against the victim to facilitate the theft⁶.

Research, proving these two elements is crucial in the court process. In the absence of sufficient evidence to show the existence of mens rea and actus reus, the defendant cannot be found guilty of the alleged crime. This proof requires a thorough and fair process to ensure that the decisions taken by the court truly reflect truth and justice. Thus, criminal law theory not only regulates the definition and type of criminal acts, but also about how the criminal act must be proven and tried in the judicial system⁷.

b) Theft with Violence in Indonesian Law

Theft with violence is a form of criminal act that is specifically regulated in the Indonesian Criminal Code (KUHP). Article 365 of the Criminal Code expressly regulates this criminal act, stating that theft with violence involves the use of force or threats of violence against others to facilitate theft. Here is a more detailed description of these terms:

Article 365 of the Criminal Code: Definition and Elements. Article 365 of the Criminal Code explains that:

- 1) Theft: It is the act of taking someone else's property with the intention of unlawfully possessing the item.
- 2) Violence or Threat of Violence: In this article, theft by force involves not only the act of theft itself, but also the use of physical violence or threats of violence

⁶ Rahmawati.

⁷ Fauzi, Syaiful Rizal. "Investigation of Theft at the Purworejo Police Station." *Al-Hakim Journal: Student Scientific Journal, Sharia Studies, Law and Philanthropy* 11, no. 1 (2022): 43-64.

against the victim. The violence was carried out with the aim of:

- Facilitate theft.
- Defending stolen goods.
- Fleeing after committing a theft.
- Protect yourself or others involved in the theft from attempted arrest.

3) Legal Sanctions: Article 365 of the Criminal Code also stipulates heavier sanctions compared to ordinary theft regulated in Article 362 of the Criminal Code. The sanctions imposed in the case of theft with violence can be:

- Longer prison sentences.
- Larger fines.
- The combination of imprisonment and fines, depends on the severity of the crime and the impact it has on the victim.

c) *Criminal Law Studies and Their Application*

Criminal law studies have discussed the interpretation and application of Article 365 of the Criminal Code in court. Some of the key points that are often discussed in the literature and research include⁸:

1) Interpretation of Violence and Threat of Violence:

- How courts interpret acts of violence or threats of violence in the context of theft. For example, whether verbal threats without physical action can be considered threats of violence.
- The difference between the force used before, during, or after the theft and how this affects the punishment imposed.

2) Evidence in Court:

- The evidentiary process is necessary to show that violence or threats of violence did occur. This includes the type of evidence required, such as victim testimony, physical evidence, and recordings.
- The challenges faced by the public prosecutor in proving malicious intent (*mens rea*) and physical

⁸ Hartono, Tri Lestari. "Law Enforcement Against Theft with Violence (Study on the Medan Big City Resort Police)." *Journal of Retentum* 3, no. 1 (2021).

acts (*actus reus*) that meet the elements of theft with violence.

3) Implementation of Sanctions:

- Consistency in the application of sanctions by the courts. Research often evaluates whether there is a disparity in the sentences handed down for similar cases.
- Factors that affect the severity of the punishment, such as the level of violence used, the losses suffered by the victim, and the criminal history of the defendant.

d) Case Studies in Court

Research such as that conducted by shows how courts in Indonesia apply Article 365 of the Criminal Code in various cases. The study provides insights into court practice, including:

- a. How the judge decides a case of theft with violence based on the available evidence.
- b. The interpretation of the law used by the judge in deciding whether the defendant's actions met the elements of violent theft.
- c. Fairness and consistency in the verdicts handed down by the court.

Overall, Article 365 of the Criminal Code is an important legal basis in handling cases of violent theft in Indonesia. Through the analysis and study of the application of this article in court, researchers and legal practitioners can better understand how criminal law is applied in practice and how justice is upheld in cases involving violence⁹.

e) Analysis of the Court's Decision

Analysis of court decisions is an important approach in the study of law that makes it possible to understand how the law is applied in practice in court. This approach allows researchers to evaluate the consistency, compliance with the

⁹ Lubis, Nur Fadilah. "Criminal Law Policy on Aggravated Theft (Curat) and Violent Theft (Curas)." *Journal of Social and Science* 3, no. 3 (2023): 271–285.

law, as well as the level of fairness in the judgments handed down by judges. Here are some points to consider in the analysis of court decisions:

1) Evaluation of Legal Consistency

In the analysis of court decisions, it is important to evaluate the consistency of judges' decisions in similar cases. This includes:

- Whether the judgment rendered is consistent with the applicable law and the previous judgment in similar cases.
- Whether there is a consistent standard in determining punishment or release.

2) Law Enforcement and Victim Protection

The study of court decisions also provides insight into the effectiveness of law enforcement and the protection of victims' rights. These include:

- The extent to which the law is enforced in court decisions.
- Whether the rights of victims are properly considered in the judicial process.
- How punishment or compensation is determined to fulfill justice for the victim.

3) Compliance with Legal Procedures

The analysis of the court's decision also involves evaluating the legal procedures followed during the trial, including:

- Whether the investigation and prosecution process is carried out in accordance with the applicable legal procedures.
- Whether there is compliance with the principles of justice and human rights during the trial process.

4) Research in Indonesia

In Indonesia, research such as the one conducted by Ali has examined court decisions to evaluate the effectiveness of law enforcement and the protection of victims' rights. Such studies provide an in-depth understanding of:

- How the court process in Indonesia takes place in practice.

- Whether the court's decision reflects compliance with the law and the principles of justice.
- What factors influence the judge's decision in certain cases.

Analysis of court decisions has far-reaching implications, not only for legal practitioners, but also for policymakers and the general public. The results of this analysis can be used to:

- Increase compliance with the law and justice in the justice system.
- Increase protection of the rights of crime victims.
- Provide input for policymakers in improving the justice system.

Thus, the analysis of court decisions is an important tool in evaluating and improving the criminal justice system to achieve better justice in law enforcement.

f) Case Studies in District Court

A case study is an in-depth and detailed research approach to a particular event or phenomenon. Stating that case studies allow researchers to explore and understand the complexity of cases in a real context. In the context of the Surabaya City District Court, this case study will highlight how courts handle cases of violent theft, including the process of investigation, prosecution, and decision-making¹⁰.

By conducting a case study at the Surabaya City District Court, it will be possible to:

- 1) Understanding the Case Handling Process: Through the analysis of concrete cases, we can understand in detail how the process of handling cases of theft with violence is carried out from the investigation stage to decision-making by the judge.
- 2) Analyzing Influencing Factors: Case studies allow the identification of factors that affect the course of the

¹⁰ Achmad, Fajar Fikri. "The Role of Justice Collaborators in the Disclosure of Criminal Cases in Indonesia." *Journal of Education and Counseling (JPDK)* 4, no. 5 (2022): 7950–7958.

case, such as the available evidence, the legal strategies used, and the judge's considerations in deciding.

- 3) **Highlighting Challenges and Successes:** Concrete cases can reveal the challenges faced by the justice system in handling cases of violent theft, as well as the successes or shortcomings in the process.
- 4) **Providing a Comprehensive Overview:** By analyzing several cases, we can get a more comprehensive picture of how district courts handle cases of violent theft, including emerging patterns and differences in case handling.

g) Judge's Decision and Legal Considerations

Judges' decisions in criminal cases are often based on a variety of complex legal considerations, which include evidence adduced, testimony, and legal interpretation. According to Mertens (2013), these factors not only reflect the formal application of the law, but also the values of justice upheld by judges. Research on the verdicts in the Surabaya District Court can provide insight into how these considerations are applied in cases of theft by force.

- 1) **Evidence Submitted:** The judge's decision is influenced by the evidence presented during the trial, such as evidence, testimony, and other documentation. The judge will assess the validity and strength of this evidence in deciding whether the defendant is guilty or not.
- 2) **Testimony:** The testimony of witnesses is an important part of the court process. The judge must assess the credibility and relevance of the testimony in making the final decision.
- 3) **Legal Interpretation:** The judge interprets the law that applies to the case being decided. They consider various relevant aspects of the law and how they should be applied in the context of a particular case.
- 4) **Values of Justice:** The judge's decision also reflects the values of justice upheld. The judge considers not only the formal legal aspects, but also the aspects of justice,

such as the interests of the victim, humanity, and the social consequences of the verdict handed down.

- 5) Research on the decisions in the Surabaya District Court will provide an in-depth understanding of:
 - a) How does the judge consider the evidence presented in a case of theft by force.
 - b) The interpretation of the law used by the judge in deciding whether the defendant is guilty or not.
 - c) How the values of justice are reflected in these decisions.

The handling of cases of theft with violence has wide implications, both from a social and legal perspective. According to , an effective law enforcement policy must be able to provide a deterrent effect for perpetrators and protection for the community. In addition, the analysis of court decisions can also reveal weaknesses in the justice system that need to be improved to improve justice and legal certainty(Mubarok, 2023)¹¹.

Effective handling of these cases will provide a deterrent effect to the perpetrators of crime and at the same time provide protection for the community. Strict and appropriate punishment can be a deterrent to other potential offenders, while strong law enforcement ensures that victims get justice and recovery after becoming victims of crimes.

In addition, analysis of court decisions can also reveal weaknesses in the judicial system, such as disparities in the application of punishments, the length of judicial proceedings, or deficiencies in investigation and prosecution. By identifying these weaknesses, system improvements can be made to increase justice and legal certainty for all parties involved.

The implications of the analysis of court decisions can also lead to the need for legal reform and law enforcement. This reform could include changes to the law that are more in line with the needs of the times and improvements in the law enforcement process. Improvements in the justice system, adequate resource procurement, training for law enforcement

¹¹ Mubarok, Muhammad Iqbal. "Analysis of Factors Affecting Poverty Rates and Their Impact on Crime in Major Indonesian Cities (2014–2021)." Thesis. Universitas Pasundan, Bandung, 2023.

officials, and accelerating the judicial process are also part of this reform effort.

Justice in law enforcement is the key to maintaining public trust in the justice system. When people believe that the law is enforced fairly, a sense of security and justice in society can be realized. Therefore, handling cases of theft with violence is not only about punishing the perpetrators, but also providing legal certainty and protection for society as a whole. The study of the social and legal implications of handling cases of violent theft will provide important insights for policymakers, legal practitioners, and the general public to improve effectiveness and fairness in the criminal justice system.

C. Method

This study uses a qualitative descriptive approach using literature studies as the main data source. A descriptive approach is used to describe and analyze in detail the phenomenon studied, namely the handling of cases of theft with violence at the Surabaya City District Court. The following are the steps used in this research method:

1. Data Collection:
 - a) Data for this study was obtained through literature studies from various sources such as books, scientific journals, articles, research reports, and official documents related to the handling of criminal cases, especially cases of theft with violence.
 - b) The main sources of data are court rulings, legal articles, and related research that discusses law enforcement and criminal justice processes.
2. Data Selection:
 - a) Relevant and high-quality data are selected based on inclusion criteria, such as novelty, relevance to the research topic, and accuracy of the information.
 - b) The court decisions that are the focus of the research were selected based on cases of theft with violence at the Surabaya City District Court.

3. Data Analysis:
 - a) The collected data is analyzed qualitatively by reading, identifying patterns, and analyzing the findings that emerge.
 - b) The analysis is carried out by paying attention to the case handling process, legal considerations in the judge's decision, social and legal implications, and factors that affect the judicial process.
4. Interpretation of Findings:
 - a) The findings of the data analysis were interpreted to understand criminal justice practices related to violent theft cases at the Surabaya City District Court.
 - b) The social and legal implications of the findings are explored to provide a deeper understanding of the impact of law enforcement on society and justice.
5. Discussion and Conclusion:
 - a) The results of the analysis and interpretation of the data are discussed in depth to highlight the key findings and their implications.
 - b) Conclusions were drawn based on data analysis and discussion to present a comprehensive understanding of the handling of theft cases with violence at the Surabaya City District Court.

This qualitative descriptive research method is expected to provide an in-depth understanding of criminal justice practices and their implications in law enforcement related to violent theft cases in the region.

D. Result and Discussion

1. Case Background

The case analyzed was a case of theft with violence that occurred at PT Warna Andalan, a company located in Surabaya. In this case, two defendants, namely Rizky Zakiri Hayatifanto and Ahmad Setijawan, were charged and found guilty of stealing production machine cables weighing about 1000 kg. The defendants carried out this theft at night by taking advantage of the quiet situation and lack of supervision around the cable storage warehouse. To carry out their actions, they use specially

modified tools to assist them in dismantling the windows of the warehouse and entering the area undetected.

After successfully entering the warehouse, the defendants then took the cables of the production machine that had high economic value. This action caused significant losses to PT Warna Andalan, both in terms of the value of the stolen goods and disruption to the company's production process.

This theft incident attracted the attention of the authorities, who then conducted an investigation and managed to arrest the perpetrators. In the ongoing legal process, the defendants were brought before the Surabaya District Court, where incriminating evidence was presented, including testimony from the company's owner, Setya Achmad Supriyanto, as well as testimony from other witnesses and members of the police who arrested them. Taking into account all the evidence and testimony available, the court finally ruled that the defendants were guilty of the crime of theft with violence and imposed the appropriate punishment in accordance with the provisions of applicable law.

2. Judge's Considerations and Elements of Criminal Acts

In his consideration, the judge considered that the actions of the defendants, Rizky Zakiri Hayatifanto and Ahmad Setijawan, had met the elements of the criminal act as stipulated in Article 363 Paragraph (2) of the Criminal Code (KUHP) concerning theft with aggravation. The judge considered several important aspects of the case before handing down a verdict.

The defendants' actions are included in the category of theft with aggravation because they were carried out at night, when the situation was quiet and there was a lack of supervision at the scene. This aggravates the punishment compared to theft committed during the day or in brighter situations. The defendants broke the window of the warehouse to be able to enter it. This destructive act shows the existence of an element of violence or an attempt to damage property to carry out theft, which is one of the criteria for aggravation in the crime of theft.

The act of taking goods that did not belong to him with the intent to unlawfully possess showed that the defendants were

deliberately infringing on the property rights of others. This is an important element in establishing that the act constitutes theft.

The judge also considered the use of tools that had been modified by the defendants to dismantle the warehouse windows. The use of these special tools indicates careful planning and malicious intent to commit a criminal act. The judge considered the magnitude of the losses suffered by PT Warna Andalan, both in terms of the economic value of the stolen cables and the impact on the company's operations. The loss of around Rp 75,000,000 is a significant amount and aggravates the punishment for the defendants.

Although the defendants admitted their actions and showed remorse during the trial, the judge nonetheless considered that their actions had harmed the other party significantly. Such acknowledgment and remorse may provide some leniency in the verdict, but it does not erase the fact that a serious crime has occurred. Based on all the evidence, testimony, and elements that have been mentioned, the judge concluded that the defendants' actions clearly met the elements of the crime of theft with aggravation in accordance with Article 363 Paragraph (2) of the Criminal Code. Thus, the judge decides to impose a sentence that is appropriate to the level of the offense and the impact of the criminal act.

3. Evidence and Testimony

1) Physical Evidence

Stolen Cable Pieces: Cable pieces stolen from PT Warna Andalan's warehouse were used as the main evidence in the trial. These cables weigh about 1000 kg and are an important part of the company's production machinery. This physical evidence shows that there were indeed valuables that were taken illegally by the defendants.

Tools Used to Steal: Tools used by the defendants to dismantle warehouse windows were also adduced as evidence. The tools have been specially modified to assist in carrying out theft. This evidence strengthens the argument that the defendants carefully planned and prepared for the theft.

2) *Testimonials*

Setya Achmad Supriyanto, the owner of PT Warna Andalan, gave very important testimony in the trial. He detailed the losses suffered by his company due to the theft, which amounted to around Rp 75,000,000. This testimony provides a clear picture of the financial impact of the crime, as well as showing the economic value of the stolen cables.

Another witness, Setyo Aji, also gave supporting testimony. He provided additional information that helped describe the theft. The statement from Setyo Aji provides another perspective that strengthens the evidence that has been submitted.

The testimony of the police officers who arrested the defendants added to the weight of the existing evidence. The police officer explained the arrest and search process, as well as how they found the stolen pieces of cable and tools used by the defendants. This testimony shows the law enforcement process that was carried out and how the defendants were arrested based on the evidence found at the scene.

4. **Analysis of Evidence and Testimony**

Physical evidence in the form of pieces of cable and tools used to steal, as well as testimony from key witnesses, provided a solid basis for the court to find the defendants guilty. This evidence not only shows that theft did occur, but also provides an idea of how the crime was committed and its impact on the victim.

Testimony from the company owner, witnesses, and members of the police force were all consistent and mutually supportive, reinforcing the prosecutor's argument. This evidence and testimony allowed the judge to clearly understand the chronology of the events and establish that the defendants did indeed commit the theft with violence as charged. With this strong evidence and testimony, the court can make a decision that is fair and in accordance with applicable law.

5. Defendant's Defense

During the trial, the defendants, Rizky Zakiri Hayatifanto and Ahmad Setijawan, publicly admitted that they committed the crime of theft with violence at PT Warna Andalan. This confession was submitted before the judge and prosecutor, and was accompanied by an explanation of the role of each defendant in committing the theft. This recognition is considered the first step in showing a sense of responsibility for their actions.

The defendants showed deep remorse for the actions they had committed. They realized that their actions had caused significant losses to PT Warna Andalan and had the potential to damage their own reputation and career. In their statements, the defendants said that they felt guilty and regretted for violating the applicable laws and social norms.

As part of their defense, the defendants pleaded with the judge to grant leniency. The main reason given was the dependents of the family they had. Rizky Zakiri Hayatifanto and Ahmad Setijawan explained that they each have families that depend on them financially and emotionally. They argue that too severe punishment will have a great negative impact not only on themselves but also on their innocent family members.

The defendants also promised before the judge that they would not repeat the same act in the future. They are committed to living a better life and obeying the law after completing their sentences. This promise is conveyed as a form of their seriousness in improving themselves and do not want to repeat the same mistakes.

Even though the defendants admitted their actions, showed remorse, and pleaded for leniency, the judge still had to consider all aspects of the case. The defendant's confession and remorse can indeed have a positive impact on the judge's judgment, but it does not necessarily eliminate the fact that a serious crime has been committed. The judge must also consider the impact caused by the crime on the victim and the wider community. Taking into account all these factors, the judge finally decides on a sentence that is considered fair and proportionate, both to provide a deterrent effect to the defendants and to provide justice for the victim and the community.

6. Court Judgement

The Surabaya District Court, after considering all the evidence, testimony, and defense submitted, decided to sentence each defendant, Rizky Zakiri Hayatifanto and Ahmad Setijawan, to three years in prison. This sentence was imposed with the aim of providing a deterrent effect and upholding justice. The detention period that has been served by the defendants during the trial process will be deducted from the total prison sentence that must be served.

The court ordered that evidence in the form of pieces of cable used for production machines be confiscated to be destroyed. These cables are the result of the criminal act of theft committed by the defendants and are considered unfit to be returned or reused because they constitute evidence of a crime.

The motorcycle used by the defendants to flee after committing the theft was returned to the defendant Rizky Zakiri Hayatifanto. The return of the motorcycle shows that the vehicle was not considered part of the tool to commit a criminal act, but rather as a means of personal transportation that was not directly related to the violent act in the theft.

The court also ruled that the defendants were charged Rp 2,000 in case costs. These costs cover various administrative costs incurred during the trial process and are part of the penalties that defendants must bear as a result of the criminal acts they committed.

This court ruling reflects fair and proportionate law enforcement. By imposing a three-year prison sentence, the court seeks to provide a strong deterrent effect to the defendants and send a message to the public that the crime of theft with violence will be dealt with strictly in accordance with the applicable law. The confiscation and destruction of evidence demonstrates the court's commitment to ensuring that the proceeds of a criminal act cannot be reused, while the return of a motorcycle demonstrates careful consideration of personal belongings that are not directly related to the crime. The burden of case costs on the defendants is part of the court's efforts to fully enforce legal responsibility to the perpetrators of criminal acts.

7. Legal Analysis

The verdict in this case reflects the strict application of the law to the crime of theft with aggravation. The judge used a clear legal basis, namely Article 363 Paragraph (2) of the Criminal Code (KUHP), which regulates theft with aggravation. This article categorizes theft that is committed at night, by means of damage, or using special tools as a more serious criminal act than ordinary theft.

The judge in this verdict considered all the evidence presented during the trial. Physical evidence such as pieces of stolen cables and tools used to commit theft provide a solid basis for stating that a criminal act has occurred. In addition, the testimony of the victim, namely Setya Achmad Supriyanto, and other witnesses including members of the police who arrested the defendants, provided a complete picture of the chronology of the incident and the involvement of the defendants.

The confession of the act and the remorse shown by the defendants are also important considerations in this verdict. Although confession and remorse do not erase the crimes that have been committed, it does show the awareness and responsibility of the defendants for their actions. This recognition can be a factor that slightly mitigates the sentence, but it still does not detract from the fact that a criminal act has been committed and requires an appropriate punishment.

The imposition of a three-year prison sentence on each defendant is an attempt by the judge to provide a deterrent effect. This sentence is expected not only to teach the defendants a lesson not to repeat the same act, but also as a warning to the public that the crime of theft with aggravation will be dealt with strictly in accordance with the applicable law. This deterrent effect is important to prevent similar crimes in the future and maintain security and order in the community.

By imposing strict sentences, the court seeks to prevent similar crimes from occurring in the future. The application of strict and fair punishment is expected to reduce the crime rate by providing a strong message that every criminal act will be punished according to the severity of the offense. This is also expected to increase the sense of security in the community and strengthen public trust in the criminal justice system.

This ruling shows that Indonesia's criminal justice system is able to enforce the law firmly and fairly, considering all available evidence and testimony, and taking into account mitigating and incriminating factors for the defendant. The sentence imposed reflects efforts to provide a deterrent effect and prevent similar crimes in the future, so as to maintain security and order in society.

E. Conclusion

In the analysis of the verdict of the theft case with violence committed by Rizky Zakiri Hayatifanto and Ahmad Setijawan at the Surabaya District Court, there are several important points that can be concluded. First, the court succeeded in applying the law strictly in accordance with the provisions of Article 363 Paragraph (2) of the Criminal Code regarding theft with aggravation. The judge carefully considered all the physical evidence and testimony presented during the trial, including the confessions and remorse shown by the defendants.

The evidence adduced, such as the stolen cable and the tools used to commit the theft, as well as testimony from the victim and members of the police, provided a solid basis for the court to render a fair and firm verdict. The confession and remorse of the defendants are also considered, although it does not eliminate the fact that a serious crime has been committed.

The imposition of three years in prison to each defendant is an effort to provide a strong deterrent effect. This is expected to not only prevent the defendants from repeating similar acts in the future, but also provide a clear message to the public that the crime of theft with violence will be dealt with strictly in accordance with the applicable law.

In addition, this decision also shows the court's commitment to maintaining security and order in the community. By destroying the evidence in the form of cable cuts and returning the motorcycles used by the defendants, the court showed that all aspects of the crime had been considered and decided fairly. In conclusion, the verdict in this case reflects firm and fair law enforcement, which is expected to have a deterrent effect and prevent similar crimes in the future. This decision also shows that Indonesia's criminal justice system is able to enforce

the law by considering all relevant evidence and factors, as well as maintaining public trust in the justice system.

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None

G. Competing Interest

The authors state that there is no conflict of interest in the publication of this article.

H. Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

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