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Responsibility for the Crime of Motor Vehicle Theft With Aggravation

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ABSTRACT

In the Criminal Code, thefts of property with sufficient value or significance are governed by Article 363. Strong proof of the elements constituting the crime of theft must begin with proving the primary form of the crime, as the stipulation of the crime of theft is the crime of theft committed in a certain way and under certain circumstances and severe circumstances. committing a theft is a crime. This research aims to understand and analyze the characteristics of aggravated theft and motor vehicle theft as well as understand and analyze the accountability and law enforcement of perpetrators of the crime of aggravated motor vehicle theft. Normative legal research, which is a process of scientific research to seek truth from a normative perspective and based on scientific logic, was employed in this investigation. analytical procedures based on inductive reasoning, moving from a particular instance of a problem to its broader category. Based on the research results, the characteristics of the crime of theft at the Foresthreecoffee Cafe on Tuesday 11 May 2021 at around 15.15 WIB were the crime of theft with aggravation. The crime of theft with aggravation was committed by AR. The object of the theft carried out by suspect AR was a 2016 white Honda Beat motorbike in the name of LFL. Because all the elements of Article 363 paragraph (1) 5 of the Criminal Code have been fulfilled, AR is declared to have been legally and convincingly proven to have committed a criminal act as charged in the single indictment of the Public Prosecutor. The court decided to sentence AR to prison for 1 year and 6 months..

Keywords: theft-crime; motorized-vehicles; weighting.

INTRODUCTION

Indonesia is a developing country with a high population. Indonesia's population ranks fourth globally after China, India, and the United States. The population of Indonesia from 2010 to 2019 continues to increase, the population of Indonesia in 2010 was 238.5 million people while in 2019 the population of Indonesia reached 268.1 million people. The increase in population can result in competition for jobs. The unavailability of jobs will result in unemployment. An unemployed population is closely related to poverty. Unemployment arising from the unavailability of jobs

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and the high poverty rate are factors in motor vehicle theft (motorized vehicle theft).

There are several approaches to prevent vehicle theft. The use of electronic stickers, where the owner can use a smartphone to control the protection of the vehicle, is also possible.¹ This method is easy to implement and convenient to use. Nonetheless, data privacy and security are still a concern. Methods based on biometrics such as face, fingerprint, and iris are also proposed^{2,3,4}. Biometric techniques are relatively accurate and widely used in theft countermeasures. As such, they have been considered a reliable method. However, the application of such biometric techniques can still prove to be detrimental.^{5,6}

There are several factors that determine a criminal's decision about where to commit a crime, as has been shown in previous research. For example, criminals often target areas near or where they live^{7,8}. Characteristics of individuals such as age,^{9,10,11,12} Gender,¹³ ethnicity, and characteristics of the target area,^{14,15,16,17,18} surveillance cameras,¹⁹

¹ Knapik, P., Schoch, E., & Kargl, F. (2013). Electronic Decal: A Security Function Based on V2X Communication. 2013 *IEEE 77th Vehicular Technology Conference (VTC Spring)* (pp. 1-5). IEEE.

² Zhou, Z., Du, E. Y., Thomas, N. L., & Delp, E. J. (2011). A New Human Identification Method: Sclera Recognition. *IEEE Trans. Syst. Man Cybern.-A: Syst. Hum.*, 571-583.

³ Jain, A. L., Ross, A., & Pankanti, S. (2006). Biometrics: A Tool for Information Security. *IEEE Trans Inf. Forensics Secur.*, 125-143.

⁴ Jain, A. K., Ross, A., & Pankanti, S. (2004). An Introduction to Biometric Recognition. *IEEE Trans. Circuits Syst. Video Technol.*, 4-20.

⁵ Agashe, N. M., & Nimbhorkar, S. (2015). A Survey Paper on Continuous Authentication by Multimodal Biometric. *Int. J. Adv. Res. Comput. Eng. Technol.*, 4247-4253.

⁶ Tseng, P. Y., Lin, P. C., & Kristianto, E. (2023). Vehicle Theft Detection by Generative Adversarial Networks on Driving Behavior. *Engineering Applications of Artificial Intelligence*, 1-13.

⁷ Bernasco, W. (2009). A Sentimental Journey to Crime: Effects of Residential History on Crime Location Choice. *Criminology*, 389-416.

⁸ Wiles, P., & Costello, A. (2000). The 'Road to Nowhere': The Evidence for Traveling Criminals. Home Office Research Study.

⁹ Andresen, M. A., Frank, R., & Felson, M. (2013). Age and the Distance to Crime. *Criminology & Criminal Justice*, 1-20.

¹⁰ Levine, N., & Lee, P. (2013). Journey-to-crime by Gender and Age Group in Manchester, England. *Geotechnologies and the Environment*.

¹¹ Long, D., Liu, L., Xu, M., Feng, J., Chen, J., & He, L. (2021). Ambient Population and Surveillance Cameras: The Guardianship Role in Street Robbers' Crime Location Choice. *Cities*.

¹² Hirschi, T., & Gottfredson, M. (1983). Age and the Explanation of Crime. *American Journal of Sociology*, 552-584.

¹³ Levine, N., & Lee, P. (2013). *Op. Cit*

¹⁴ Bernasco, W., & Block, R. (2009). Where Offenders Choose to Attack: A Discrete Choice Model of Robberies in Chicago. *Criminology*, 93-130.

¹⁵ Kuralarasan, K., & Bernasco, W. (2021). Location Choice of Snatching Offenders in Chennai City. *Journal of Quantitative Criminology*, 673-696.

¹⁶ Brantingham, P. L., & Brantingham, P. J. (1981). Notes on the Geometry of Crime. *Environmental Criminology*, 27-54.

¹⁷ Daele, S. V., & Beken, T. V. (2011). Outbound Offending: The Journey to Crime and Crime Sprees. *Journal of Environmental Psychology*, 70-78.

¹⁸ Zhou, S., Deng, L., Kwan, M. P., & Yan, R. (2015). Social and Spatial Differentiation of High and Low Income Groups' Out-of-home Activities in Guangzhou, China. *Cities*, 81-90.

¹⁹ Long, D. et al. (2021). *Op. Cit*

and land use patterns have also been shown to influence offenders' site selection behavior.^{20,21}

Motor vehicle theft usually leads to specialization of the object or target of theft.²² Motor vehicle theft cases that occur are increasing that this can disturb the community. People who own motorized vehicles will feel anxious and worried about the safety of their motorized vehicles from the targets and reach of motor vehicle theft perpetrators. Judging from the existing cases, if no immediate efforts are made to overcome the emergence of crime in general and motor vehicle theft crime in terms of quantity, it will also develop in terms of methods and techniques.

Theft with aggravation or qualified theft is regulated in Article 363 of the Criminal Code. Because qualified theft is theft committed in certain ways and under certain aggravating circumstances, the proof of the elements of the crime of theft with aggravation must begin by proving the theft in its basic form. On Tuesday, May 11, 2021, at approximately 15.15 WIB at Cafe Foresthreecoffee at the address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City there was a crime of theft with aggravation. The suspect committed the crime of theft in Purworejo, Pasuruan City in 2016 by targeting 1 (one) unit of a white Honda Beat motorcycle. The loss was around Rp (11 million rupiah). Article 363(1) (a) (4e) of the Criminal Code and (5) aggravated theft suspect.

Crime analysis is essential to follow predictable patterns across locations and over time.²³ The investigation is a series of actions by investigators in the case and according to the method regulated in this law to seek and collect evidence with which the evidence makes light of the crime that occurred and to find the suspect. Concretely, it can be said that the investigation begins after the occurrence of a criminal offense to obtain information about what criminal offense has been committed, when the criminal offense was committed, where the criminal offense was committed, with what criminal offense was committed, how the criminal offense was committed, why the criminal offense was committed, and who the perpetrator is. Many studies examine crime from different perspectives to better understand and prevent it.

So, based on the description in the background of the problem above, the author will conduct research with the title "Responsibility for the Crime of Theft of Motor Vehicles (Motor Vehicle Theft) with Aggravation". This research aims to understand and

²⁰ Stucky, T. D., & Ottensmann, J. R. (2009). Land Use and Violent Crime. *Criminology*, 1223-1264.

²¹ Yue, H., Liu, L., & Xiao, L. (2023). Investigating the Effect of People on the Street and Streetscape Physical Environment on the Location Choice of Street Theft Crime Offenders Using Street View Images and a Discrete Spatial Choice Model. *Applied Geography*, 1-12.

²² Syani, A. (2009). *Sosiologi Kriminalitas*. Bandung: Remadja Karya.

²³ Zhou, B., Chen, L., Zhao, S., Zhou, F., & Pan, G. (2021). Spatio-temporal Analysis of Urban Crime Leveraging Multisource Crowdsensed Data. *Personal and Ubiquitous Computing*, 1-14.

analyze the characteristics of theft with aggravation and theft of motor vehicles. In addition, this study also aims to understand and analyze the accountability and law enforcement of perpetrators of the crime of theft of motor vehicles (theft of motor vehicles) with aggravation. The problem raised in this study is the criminal act of theft of motorized vehicles at Cafe Foresthreecoffee on Tuesday, May 11, 2021, at around 15.15 WIB. So, it is necessary to identify the characteristics of theft with aggravation and theft of motor vehicles as well as understand and analyze the responsibility and prosecution of the perpetrators of theft.

RESEARCH METHOD

The research method used in this research is normative legal analysis. Normative legal research or library legal research is legal research conducted by examining library materials or legal materials. The sources of legal materials used are primary legal materials (legal materials that are binding), secondary legal materials (legal materials that provide explanations of primary legal materials), and tertiary legal materials (legal materials that provide guidance or explanations of primary and secondary legal materials). Primary legal materials used in this research include:

1. Kitab Undang-Undang Hukum Pidana (KUHP).
2. Kitab Undang-Undang Hukum Acara Pidana (KUHAP).
3. Regulation of the Chief of the Indonesian National Police Number 14 of 2012 on the Management of Criminal Investigations.
4. Regulation of the Chief of the Criminal Investigation Agency of the Indonesian National Police Number 4 of 2014 on Standard Operating Procedures for the Supervision of Criminal Investigations.

DISCUSSION

Characteristics of the Crime of Theft with Aggravation and the Responsibility of the Perpetrator of the Crime of Theft of Motor Vehicles (Motor Vehicle Theft) with Aggravation

The word theft in Indonesian comes from the root word "steal" which is affixed with "pe" and suffixed with "an" to form the word "theft". The word theft means the process, the act of how stealing is carried out. Theft is an act that is very detrimental to others and also to many people, especially the people around us. Therefore, we must prevent theft that often occurs in everyday life, because sometimes theft occurs because of many opportunities. In the Indonesian Dictionary, it is stated that stealing is an act that takes other people's property by unauthorized means.

The offense of theft is one type of crime against individual interests which is a crime against property or wealth. The crime of theft in its principal form as regulated in Article 362 of the Criminal Code mentioned above consists of subjective elements and objective elements. The elements of the crime of theft according to Lamintang are:

1. Subjective element 'met het oogmerk om het zich wederrechtelijk toe te eigenen' or with intent to unlawfully possess the object;
2. Objective element
 - a. 'hij' or whoever;
 - b. 'wegnemen' or taking;
 - c. 'eeniggoed' or an object;
 - d. 'dat geheel of gedeeltelijk aan een ander toebehoort' or that partly or wholly belongs to another person.²⁴

In the crime of theft of motor vehicles at Cafe Foresthreecoffee, the characteristics of the crime committed are:

1. It is true that on Tuesday 11 May 2021 at approximately 15.15 hours at Cafe Foresthreecoffee at the address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City there was a crime of theft with aggravation.
2. The person who committed the crime of aggravated theft is AR, Male, 24 years old, Religion Islam, Occupation Private Employee, Education elementary school (graduated), Citizenship Indonesia, Tribe Java, address Dsn. Brongkol Rt. 02 Rw. 05 Ds. Cukurgondang Kec. Grati Kab. Pasuruan.
3. That the object of the theft committed by the suspect AR was 1 (one) unit of the motorcycle brand Honda Beat white color 2016 on behalf of LFL.
4. Suspect AR committed the theft of 1 (one) unit of motorcycle brand Honda beat white color in 2016 on behalf of LFL when Suspect AR passed on Jl. Panglima Sudirman Kel./Kec. Purworejo Pasuruan City right in the parking lot of Cafe Foresthreecoffe Suspect AR saw a parked motorcycle that no one was guarding, finally, Suspect AR with H riding 1 (one) a unit of Honda ADV 150 cc motorcycle Black color in 2019 owned by H, at that time AR was ridden by H from H's house which is located in Lemahireng Hamlet, Plososari Village Kec. Grati Kab. Pasuruan immediately stopped when he found 1 (one) unit of the motorcycle brand Honda Beat white color 2016 on behalf of LFL parked in front of the north side facing west on Jl. Panglima Sudirman Kel./Kec. Purworejo Pasuruan City right in the parking lot of Cafe Foresthreecoffe and immediately took 1 (one) unit

²⁴ Lamintang, P. A. F. (1989). *Delik-delik Khusus Kejahatan-kejahatan terhadap Harta Kekayaan*. Bandung: Sinar Baru.

- of motorcycle brand Honda Beat white color 2016 on behalf of LFL by damaging the ignition by using 1 (one) T key along with the T key with H.
5. Who had the first intention to commit the theft of 1 (one) unit of motorcycle brand Honda beat white color 2016 on behalf of LFL using AR with Dr. H sharing roles, for AR's role as an executor or who damaged the ignition lock using 1 (one) T key along with H's T key. And for the role of H as a person who has the first intention to steal 1 (one) unit of the motorcycle brand Honda Beat white color in 2016 on behalf of LFL which is parked in front of the north side facing west of Cafe Foresthreecoffee address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City as well as a person who supervises the surroundings and as a jockey in the theft of 1 (one) unit of motorcycle brand Honda beat white color in 2016 on behalf of LFL.
 6. The stolen goods that AR and H did were parked at Cafe Foresthreecoffee at the address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Kota Pasuruan in the form of 1 (one) unit of motorcycle brand Honda Beat white color 2016 on behalf of LFL, AR sold to M, Male, Private, Age ± 37 years, Unemployed Work, Address Dsn. Krajan Ds. Plososari Kec. Grati Kab. Pasuruan for Rp. 3,000,000, - (three million rupiah) on the same day, namely Tuesday, May 11, 2021, at approximately 18.00 WIB.

Law Enforcement of the Crime of Theft of Motor Vehicles (Motor Vehicle Theft) with Aggravation

The element of guilt is the main element in criminal responsibility. Criminal acts only point to whether the act is against the law or prohibited by law, whether a person who commits a criminal act is then punished depends on whether the person who commits the criminal act has the element of guilt or not. Criminal responsibility in the common law system is always associated with mens rea and punishment. Criminal responsibility has a relationship with society, namely the relationship between responsibility and society as a fungus, the function here is that responsibility has the power to punish so responsibility here has a social control function so that in society no criminal acts occur.

In addition, criminal liability in the common law system is related to mens rea, that criminal liability is based on a mental state, namely as a guilty mind. A guilty mind means a subjective mistake, i.e. a person is declared guilty because the maker is considered to have a wrong mind, so that the person must be held responsible. Criminal responsibility is the responsibility of the defendant for a criminal offense committed whether the defendant will be convicted or acquitted. According to Roeslan, criminal

responsibility is defined as the continuation of objective reproaches that exist in criminal acts and subjectively qualify to be punished for their actions.²⁵ Objective reproach means that the act committed by the suspect/defendant is indeed an act that is prohibited or against the law. Meanwhile, the subjective reproach refers to the suspect or defendant who committed the prohibited act. Even if the prohibited act has been committed by the defendant, if the defendant cannot be reproached because there is no fault in him, then criminal liability is impossible. In essence, criminal responsibility is a form of mechanism created to react to the violation of a certain act that has been agreed upon.²⁶

Criminal responsibility can generally only occur if the maker is at fault, so the law must first establish a criminal act. E. Y. Kanter and S R. Sianturi, explained: Criminal responsibility leads to the punishment of the actor, if he has committed a criminal offense and fulfills the elements that have been determined in the law. From the point of view of the occurrence of a prohibited action required, a person will be held accountable for these actions if the action is unlawful and there is no negation of the unlawful nature or justification for it. From the point of view of the ability to be held responsible, only a person who is capable of being held responsible can be held criminally liable.²⁷

The concept of criminal responsibility is concerned with the mechanisms that determine the punishability of the perpetrator, so it is particularly influential for judges. Judges must consider all of these aspects, whether formulated positively or negatively. The judge must consider it, even if the Public Prosecutor does not prove it. Conversely, when the defendant raises a defense based on grounds that remove guilt, the judge is obliged to go deeper into the matter. In this case, the judge is obliged to further investigate what the defendant argues are the special circumstances of the event, which he now puts forward as reasons for erasing his guilt. Furthermore, even if the defendant does not

²⁵ Saleh, R. (1983). *Perbuatan Pidana dan Pertanggungjawaban Pidana; Dua Pengertian Dasar dalam Hukum Pidana*. Jakarta: Aksara Baru.

²⁶ Huda, C. (2006). *Dari Tindak Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawab Pidana Tanpa Kesalahan*. Jakarta: Kencana.

²⁷ Kanter, E. Y. & Sianturi, S. R. (2002). *Asas-asas Hukum Pidana di Indonesia dan Penerapannya*. Jakarta: Stora Grafika.

The defendant may raise a defense based on an exculpatory ground, but it is important to note that this was not present at the time of the crime. The judge is still obliged to take into account that there is no excuse for the defendant's lack of guilt, even if the defense on that basis is not made.²⁸ In the crime of theft of a motor vehicle at Cafe Foresthreecoffee, the case analysis shows that the alleged criminal act committed by the suspect meets the criteria for "aggravated theft" in Article 363 Paragraph 4 Points 4 and 5 of the Criminal Code.

Article: 363 Paragraph 1 4the and 5^e of the Penal Code:

"By a maximum imprisonment of seven years shall be punished theft committed by two or more persons and for gaining entrance to the place where the crime is committed, or for reaching the property to be taken, by breaking, cutting or climbing in, or using false keys, a false order or a false costume.

- a. " whoever;
 - b. "takes property which wholly or partially belongs to another; c. with intent to possess it illegally;
 - c. with intent to possess the property unlawfully.
 - d. committed by two or more persons
 - e. in order to gain access to the place where the crime has been committed, or to reach the property taken, by means of breaking, cutting or climbing in, or by means of false keys, false orders or false costume".
1. Fulfillment of evidence on "whoever".
 - a. Witness statement:
 - 1) SG, Explaining:
The witness is a person who is a victim of the crime of aggravated theft.
 - 2) AP, Explained:
On Jl. Komandan Sudirman Kyle, the witness works as a cashier at Cafe Forestthree Coffee. Puto Keke. Theft of a 2016 white Honda Beat motorcycle from Purworejo, Pasuruan.
 - 3) JA, Explained:
The witness is the person who provided the information that led to the arrest of the suspect in the theft case.
 - 4) S, Explained:
The witness is the person who arrested the suspect as a suspect of theft.
 - 5) Suspect, explained
The suspect admitted to stealing a white Honda Beat motorcycle in 2016.

²⁸ Huda, C. *Op. Cit.*

Based on the discussion above, the element of "Whoever" is fulfilled with 2 valid evidence.

2. Fulfillment of evidence on "Taking that wholly or partly belongs to another"

a. Witness testimony:

1) SG, explained:

One unit of a white Honda Beat motorcycle in 2016 belonged to the owner of the internet cafe where SG worked but was given to Mr. SG to be the target of theft. Cafe Fores Threecoffee Cab Jl. Panglima Sudirman 52.

2) AP, explained:

The item that became the object of theft in the form of 1 (one) unit of the motorcycle brand Honda Beat white color 2016 belonged to the owner of the cafe where SG worked but the motorcycle was given to SG because it was an inventory item of Cafe Foresthreecoffee Cab. Jl. Panglima Sudirman No. 52 Kel. Purworejo Kec. Purworejo Pasuruan City and SG is the head of the Cafe appointed by the owner of Cafe Foresthreecoffee address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City.

3) JA, Explained:

The item that became the object of theft in the form of 1 (one) unit of the motorcycle brand Honda Beat white color in 2016 belongs to other people parked in front of the north side facing west of Cafe Foresthreecoffee address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City.

4) S, Explained:

That the item which was the object of theft in the form of 1 (one) unit of motorcycle brand Honda Beat white color in 2016 belonged to another person who was parked in front of the north side facing west of Cafe Foresthreecoffee address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City.

5) Statement of the suspect explained:

That the item which was the object of the theft was 1 (one) unit of Honda beat motorcycle in white color in 2016 which belonged to another person which was parked in front of the north side facing west of Cafe Foresthreecoffee at Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City.

Based on the discussion above, the element of "Taking which wholly or partly belongs to another person" is fulfilled with 2 valid evidence.

3. Fulfillment of the evidence on "with intent to possess the goods unlawfully".

a. Witness statement:

1) SG, Explained:

The intent and purpose of the two suspects taking the goods was for their benefit because the goods were taken without asking permission from the witness as the owner of the cafe where SG worked, but the motorcycle was handed over to SG because it was an inventory item of Cafe Foresthreecoffee Cab. Jl. Panglima Sudirman No. 52 Kel. Purworejo Kec. Purworejo Pasuruan City and SG is the head of the Cafe appointed by the owner of Cafe Foresthreecoffee address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City.

2) AP, Explained:

The intent and purpose of the two suspects taking the goods was for their use because the goods were taken without asking permission from SG.

3) JA, Explained:

That the intent and purpose of the two suspects took the goods was for their own benefit because the goods were taken without asking permission from the owner of the goods.

4) S, Explained:

That the intent and purpose of the two suspects took the goods was for their own benefit because the goods were taken without asking permission from the owner of the goods.

b. The suspect, explained

The suspect deliberately took 1 (one) unit of the motorcycle brand Honda beat white color 2016 for his benefit because the suspect took the goods without asking permission from the owner of the goods and the stolen goods were sold to other people to get money.

Based on the discussion above, the element "with the intention of possessing the goods against the right" is fulfilled with 2 valid evidence.

4. Fulfillment of evidence "committed by two or more persons".

a. Witness testimony:

1) SG, Explained:

The suspect committed the theft by two or more people 4 knowing through CCTV footage that I got from the PLN office that the perpetrators were 2 (two) men with the characteristics of the executor wearing long-sleeved clothes with black color and blue jeans and Bogo Helmet and jockey wearing long-sleeved clothes with black and white color and Bogo Helmet.

2) ADI PRATAMA, Explained:

The suspect committed the theft by two or more people knowing through CCTV footage obtained by SG from the PLN office that the perpetrators amounted to 2 (two) people of male gender who I did not know with the characteristics of the perpetrators. I do not know the characteristics of the executor wearing long sleeves with black color and blue jeans and Bogo Helmet and the jockey wearing long sleeves with black and white color and Bogo Helmet.

3) JA, Explained:

The suspect committed the alleged crime of theft with aggravation on Tuesday, May 11, 2021, at around 15.15 WIB at Cafe Foresthreecoffee at the address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City, together with a male ± 30 years old, private work.

4) S, explained:

The suspect committed the alleged crime of theft with aggravation on Tuesday, May 11, 2021, at approximately 15.15 WIB at Cafe Foresthreecoffee at the address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City, together with a Male ± 30 years old, Private Work.

b. The suspect, explained:

The suspect committed the theft of 1 (one) unit of a White Honda Beat motorcycle in 2016 together with a Male ± 30 years old, Private Work.

Based on the discussion above, the element of "committed by two or more persons" is fulfilled with 2 valid pieces of evidence.

5. Fulfillment of evidence on "to enter the place where the crime was committed, or to reach the property taken, by breaking, cutting or climbing, or by using false keys, false orders, or false costumes".

a. Witness statement:

1) SG, explained:

The suspect committed the theft by tampering with the steering wheel lock using a key other than an authorized key or T key.

2) AP, Explained:

The suspect committed the theft by tampering with the steering wheel lock using a key other than an authorized key or a T key.

3) JA, Explained:

The suspect committed the theft by damaging the steering wheel lock by using a tool in the form of 1 (one) T key along with the T key.

4) S, Explained:

The suspect committed the theft by damaging the steering wheel lock by using a tool in the form of 1 (one) T key along with a T key.

b. The suspect, explained:

The suspect committed the theft using a tool consisting of 1 (one) T-key and a T-key. H and several other figures attempted to steal a white Honda Beat motorcycle parked on the north side of Jl opposite West Cafe Fores Threecoffee several times throughout 2016. The suspect as an individual or perpetrator used a single T-key, and a child was responsible for tampering with the motorcycle's ignition.

Therefore, based on the evidence and testimony provided, the court found AR legally and convincingly guilty of committing the crime of "Theft under aggravating circumstances" as set out in the single charge. The court decided as follows:

1. Sentenced AR to 1 (one) year and 6 (six) months imprisonment;
2. Stipulate that the period of arrest and detention that has been served by the Defendant shall be fully deducted from the punishment imposed;
3. Stipulate that the Defendant shall remain in detention.

CONCLUSION

From the results of the research and discussion that the author has described, the author can conclude that: 1) On Tuesday, May 11, 2021, at around 3.15 pm at Cafe Foresthreecoffee at the address Jl. Panglima Sudirman Kel. Purworejo Kec. Purworejo Pasuruan City, there was a crime of theft with aggravation. AR committed the crime of theft with aggravation. The object of the theft committed by. AR suspect is 1 (one) unit of motorcycle brand Honda beat white color 2016 on behalf of LFL. 2) That because all elements of Article 363 paragraph (1) 5th of the Criminal Code have been fulfilled, AR was found legally and convincingly guilty of committing the crime as charged in the single charge of the Public Prosecutor. The court decided to sentence AR to 1 (one) year and 6 (six) months imprisonment.

Suggestions that the author can convey are: Socialization should be held to add security locks to make it difficult for the perpetrators of motor vehicle theft to act. The collectors of motor vehicle theft should be dealt with firmly so that motor vehicle theft

is not easy to sell stolen goods, considering that the perpetrators of motor vehicle theft tend to sell stolen goods.

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