



Receiving as an attraction for perpetrators of theft crimes (decision study: Number 81/pid.B/PN.kbu)

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ARTICLE INFO

Keywords:

Crime;
Law;
Stolen Goods;
Theft.

Article history:

Received Apr 3, 2025;
Revised Apr 10, 2025;
Accepted Apr 20, 2025;
Online Apr 30, 2025.

ABSTRACT

The phenomenon of shoplifting in Indonesia, which can occur in various conditions and based on its elements, and the importance of government strategies to reduce this problem. One of the issues raised was about receiving goods. Article 480 of the Criminal Code not only describes the legal challenges faced in upholding justice, but also illustrates the need to immediately address the socio-economic factors that drive individuals such as Mr. Gunadi Saputra to commit criminal acts, so that a comprehensive government strategy is needed including stricter law enforcement, which reflects the legal, social, and economic challenges faced by society. This study aims to analyze the application of Article 480 of the Criminal Code in the context of decision Number 81/Pid.B/2024/PN KBU, as well as the factors that make storing attractive for theft perpetrators. The method used is normative juridical, focusing on the analysis of laws and regulations and related literature. The results showed that the criminal acts committed by Mr. Gunadi Saputra as the backbone of the family were influenced by economic needs, a less supervising environment, and available opportunities. Therefore, a comprehensive approach is needed which includes strict law enforcement, public education, and improving economic welfare to create a safer and fairer environment for all.

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1. Introduction

Indonesia is a developing country where many things need to be done well over time. The economy of the general public is the most crucial factor. This can be seen from the level of knowledge of the community that must always be considered to be optimal. In addition, there are many obstacles that exist in the economic sector in Indonesia and also the level of security that is still a public concern. Increasing needs and economic demands that make people tend to be frustrated about how to meet these needs (Damayanti, 2024). So that the increasing demands that need to be met by the community, of course, can pressure the community to be able to commit criminal acts which can later cause harm to others.

Crime can be interpreted as the main basis in imposing punishment on individuals who have committed criminal acts, based on a person's responsibility for the actions he has committed (Priska Khairunnisa, 2024). However, before that, it is necessary to understand the prohibitions and threats associated with an action. Economic growth and increasing needs have caused the general public to become increasingly frustrated with how to fulfill their needs. As a result, more and more needs must be met by the community, but it can also encourage people to commit criminal acts which will certainly cause harm to others (Reza Nofia et al, 2025).

Crime is defined in a broad sense, as a useful foundation to assist criminal offenders in resolving a criminal case based on individual responsibility for their criminal acts, namely based on the principle of legality. This principle states that no action can be prohibited and subject to criminal sanctions if it is not clearly regulated in the legislation (Fikriya Aniqah et al, 2024). Criminal extortion refers to receiving, storing, or selling goods that are known or reasonably suspected of originating from a criminal offense, such as theft (Kadek et al, 2022) (Kadek Gesa et al, 2022).

In a legal context, criminal defense is considered a form of protection that helps the continuation of criminal activity because it provides a reason for criminal protection to continue to commit criminal acts. Which helps in the continuation of criminal activities because it gives criminals a reason to continue to engage in criminal acts. The existence of a market for the proceeds of crime means there is an opportunity to profit from their illegal activities (Dryan et al, 2024). Against this backdrop, theft is not only detrimental to victims of theft, but also disrupts the security and order of society as a whole.

The existence of a black market and the distribution of stolen goods play an important role in the recurrence of theft in society, because this market provides an incentive for criminals to continue stealing in order to gain profit from the sale of stolen goods. In law, receiving serves as a protection that makes perpetrators feel safe to continue criminal activities, because there are channels ready to receive goods from crime. With the existence of a market for stolen goods, perpetrators are not only encouraged to do evil, but also believe that the risks taken can be paid off with profits, thus disrupting the security and order of society.

The crime of smuggling regulated in Article 480 of the Criminal Code, where one of the elements of smuggling is the element of intent (*dolus*), shows that the perpetrator can often be considered feasible to deny that the goods in his possession came from a criminal offense, and it can rarely be proven that he really knew the origin of the goods. This intentional element can be interpreted as another element, namely that the goods were obtained through a criminal offense (Dian Putri et al, 2025).

The criminal offense regulated in Article 480 paragraph (1) is divided into two categories. First, it covers activities such as buying, renting, receiving in exchange, receiving in pledge or gift (without necessarily intending to seek profit) of an object that is known or reasonably suspected to have been obtained from a criminal offense. Second, it includes activities such as selling, exchanging, pawning, carrying, storing, or hiding goods with the aim of obtaining profits that are known or reasonably suspected to have been obtained from a criminal offense (Pou, 2022).

The crime of shoplifting, as regulated in Book II of the Criminal Code, specifically examines Article 480 of the Criminal Code. One of the elements of brokering that is often proven by the Public Prosecutor in daily trial practice is the element of *culpa*, which means that the perpetrator of brokering can be considered to have suspected the origin of the goods from the crime, and it can rarely be proven that the collector actually knew about it (the origin of the goods) (Yusriana, 2023). In this context, it should be noted that the intention to gain profit is an element inherent in all forms of collection (Dimas et al, 2023).

Offenses within the meaning of Article 480 paragraph (1) of the Criminal Code include the purchase, rental, exchange, acceptance of pledge, and gift of an object derived from a criminal

offense or for profit, the sale, rental, exchange, pledge, transportation, storage, or concealment of an object derived from a criminal offense. This shows that there are several relevant elements, including objective elements such as buying, renting, exchanging, receiving a pawn, receiving a gift, as well as acts to obtain profit by selling, renting, exchanging, pawning, transporting, storing, or concealing an object obtained from a criminal offense and ownership. In addition, there are also subjective elements that include knowledge and assumptions that the perpetrator should have (Hartama et al, 2024).

The provisions regarding the criminal offense of deprivation of liberty mentioned in Article 480 paragraph (1) of the Criminal Code contain several elements that need to be understood, namely: Subject element: refers to the term "whoever", which indicates that any person involved in this criminal offense can be sanctioned. The element of action consists of two categories, namely: a. Acts involving the purchase, rental, exchange, acceptance as a pawn or acceptance as a gift; b. Acts carried out with the expectation of profit, such as the sale, rental, exchange, pawn, transportation, storage, or concealment of goods.

Furthermore, the object element refers to the object or goods involved in the offense. The mental element in relation to the object: refers to the knowledge or suspicion of the offender that the object was obtained through the offense. It should be noted that the offenses listed in Article 480(1) of the Penal Code, such as the act of purchase and other acts, are restrictive in nature, i.e. only these acts fall within the scope of the prison offense. In other words, acts other than those mentioned cannot be considered as acts punishable by imprisonment under the applicable law (Firyal Azelia et al, 2025).

In addition, in the context of misunderstanding or misunderstanding of the elements of reasonable suspicion, it can provide a loophole for the accused to defend themselves, by claiming that they should not have committed the crime or be considered involved in the crime of receiving bribes, thereby reducing the possibility of them being sentenced. Therefore, it is important for the justice system to provide a clear and comprehensive explanation of the elements contained in Article 480 of the Criminal Code, so that investors can fully understand the law of their actions and to ensure that the judicial process is fair and transparent.

The crime of theft is one of the important elements in the context of the act of storing (Deri et al, 2024). Therefore, before we discuss further about what is meant by theft, it is important to understand the origin of the word "theft" in Indonesian. This word comes from the root "curi," which then undergoes an affixation process with the addition of the affix "pe" in front and the suffix "an" behind. Thus, the word "theft" contains a meaning that refers to the process or manner in which the act of stealing is carried out.

In the Indonesian Dictionary, the term "stealing" is defined as the act of taking someone else's property illegally (Sekar, 2022). This definition confirms that theft is an act that violates the law and ethics, in which the perpetrator attempts to acquire another person's goods or property without the permission or consent of the owner. With this understanding, we can more clearly see the relationship between theft and theft in a legal context. Theft is an offense against property and is a formal offense (formeel delict), namely an offense that is considered to have been fully accomplished by the commission of a prohibited act, and is a normal formed prohibition or verbod, as in Article 362 of the Criminal Code which includes a prohibition to steal (Suhendar, 2020).

Theft is also defined as an act that meets the criteria set out in Article 362 of the Criminal Code. In this article, theft is explained as the act of taking goods, both physical and non-physical, in whole or in part, which belong to another person. This action is carried out intentionally and with the intention of possessing the goods illegally. Perpetrators of theft are subject to sanctions in the form of imprisonment with a maximum of five years or a fine of up to IDR 900,000 (nine hundred thousand rupiah).

The legal basis for the crime of storing can be found in Article 481 of the Criminal Code, which regulates storing as a habit. This indicates that the act of shoplifting must be committed at least twice, because if it only occurs once, then the act is not regulated by Article 481 of the Criminal Code, but is regulated by Article 480 of the Criminal Code. In addition, brokering is also regulated under Article 482 of the Criminal Code, which classifies brokering as a minor criminal offense. Based on Supreme Court Regulation No. 2 of 2012, the value limit for petty theft is set at around IDR 2,500,000, which carries a maximum sentence of three months' imprisonment (Ardiansyah et al, 2024).

Actions related to shoplifting can occur in various conditions and based on the elements, so a government strategy is needed to reduce this phenomenon. One example of a case that can be classified as an act of shoplifting in a legal context is that regulated in Article 480 of the Criminal Code. Therefore, it is very important to understand and analyze the crime of extortion within the legal framework applicable in Indonesia. Extortion, as an act involving the receipt or possession of goods that are known or should be suspected to have been obtained from the proceeds of crime, has significant legal implications. An in-depth analysis of the crime of extortion includes not only an understanding of the definition and elements contained in Article 480 of the Criminal Code, but also how it is applied in Indonesian legal practice. By understanding the legal context and existing provisions, we can better evaluate the social and legal impacts of the crime of storing as well as the law enforcement efforts made to tackle this problem. Particularly through the application of Article 480 of the Criminal Code. It is not only a legal issue, but also reflects the social and economic challenges faced by society. As such, efforts to tackle shoplifting must involve a holistic approach, including strict law enforcement, public education, and improved economic welfare, in order to create a safer and fairer environment for all.

Therefore, receiving goods as an attraction for perpetrators of theft has become an increasingly relevant issue in the legal context, especially after Decision Number 81/Pid.B/2024/PN.KBU which explains how the practice is not only beneficial as a separate crime, but also as a motivating factor for perpetrators of theft to commit acts in the hope of gaining profit from the stolen goods. Based on this, this study will discuss further how Article 480 of the Criminal Code is applied in overcoming theft of goods in judicial practice by examining Decision Number 81/Pid.B/2024/PN.KBU, as well as what factors cause the practice of brokering or receiving goods to become an attraction for perpetrators of theft.

2. Method

The research method used in this research is normative juridical. According to Soerjono Soekanto, a normative legal approach is legal research conducted by examining library materials or secondary data as the basic material for investigation. This approach is carried out by examining laws and regulations and literature relevant to the problem under study (Mamudja, 2021). The purpose of this research is to analyze the application of the law to the results of detention activities, both by statutory provisions (positive law) and by judges as law enforcement officials who are authorized to hear and decide cases. This research also considers the criminal elements and other relevant factors in the decision-making process.

Court studies can assess the consistency of legal policies in the analysis with the application of legal norms by judges. Normative legal methods allow researchers to examine regulations and literature to understand the application of legal elements in previous conclusions, as well as identify patterns or inconsistencies. The criteria for assessing the judge's considerations in Decision No. 81/Pid.B/2024/PN.Kbu which reflect the principle of substantive justice include: first, compliance with the principle of justice to protect all parties. Second, the strength of clear and logistical legal arguments and third, the application of legal norms that are consistent with applicable provisions. With these criteria, research can reach the extent of the impact that reflects substantive justice in criminal law.

One of the theories relevant to this research is the theory of punishment. These theories include absolute theory, which is also called retributive theory; relative theory, which is often referred to as utilitarian theory or utility theory; and combined theory, which is a combination of absolute theory and relative theory. The absolute theory focuses on the purpose of punishment, which is to create punitive consequences for offenders by emphasizing the retaliatory aspect. In this case, it is important to balance between criminal offenses and criminal sanctions without considering whether the sanctions are appropriate for the offender (Siti Nabilah et al, 2023)

3. Analysis and Results

3.1. Application of Article 480 of the Criminal Code in overcoming the stolen goods in court practice (study of decision no.81/Pid.B/2024/PN. Kbu)

Crime in this context is an action that can have a negative impact on individuals and groups (Budi Handoyo et al, 2024). One example is the crime of stolen goods, which causes other people or organizations to suffer losses on stolen assets or goods. Therefore, critical thinking and in-depth analysis of the cause and effect of criminal acts that can result in such losses are needed (Ditha, 2023). For the perpetrators of the crime of storing, the motivation behind this criminal act generally focuses on the effort to obtain or gain profit, either for themselves or for others, through unlawful means (Hasudungan Sinaga, 2024).

As stipulated in Article 55 of the Criminal Code. Storing is one of the factors that can trigger criminal offenses, because many stolen goods are resold with the aim of obtaining profits, both in the form of money and goods (Fransiskus Putra et al, 2024). This is in accordance with the provisions stipulated in Article 480 Paragraph 1 of the Criminal Code, which highlights the importance of understanding the relationship between brokering and other criminal offenses. Therefore, before a case is decided based on the applicable law, it is necessary to analyze it to reach a decision, including in decision No. 81/Pid.B/2024/PN. Kbu. The following is an explanation of decision No. 81/Pid.B/2024/PN. Kbu.

Chronology of the Case, on Thursday, January 25, 2024, at approximately 02.00 WIB, at the warehouse of PT Paramitra Mulya Langgeng Wood Pellets located in Tulung Buyut Village, Hulu Sungkai Subdistrict, North Lampung Regency, the witness Merza Johanda Bin Zainal together with the witness Fajar Antoni Bin Rustam Efendi (who are charged separately) entered the warehouse through the front door. They then cut a cable using a 14 kilogram hacksaw. After successfully taking the cable, Fajar Antoni and Merza took it home to disassemble it and extract the copper. Furthermore, on Monday, January 28, 2024, at approximately 08.00 WIB, at the home of the Defendant Gunadi Saputra Bin Japarudin in Negara Ratu Village, North Sungkai District, North Lampung Regency, Merza and Fajar came carrying sacks of copper. They offered the copper to the Defendant without valid proof of ownership, and Merza asked, "Mr. Gun, how much is the copper per kilo?" The Defendant replied, "I accept Rp.70,000 (Seventy Thousand Rupiah) per kilogram," then immediately took the sack of copper, weighed it 14 kilograms, and gave Rp.980,000 (Nine Hundred Eighty Thousand Rupiah) which was then taken by Merza. The cable containing copper was planned to be resold by the Defendant to a collector at a price of Rp.98,000, - (Ninety Eight Thousand Rupiah) per kilogram, so that the Defendant obtained a profit of Rp.28,000, - (Twenty Eight Thousand Rupiah). The actions of the Defendant who purchased 14 kilograms of copper-filled cable for Rp.70,000 (Seventy Thousand Rupiah) per kilogram from Merza and Fajar were known or should have been suspected to have originated from the crime of smuggling.

Based on this, the decision made by the judge based on considerations and the testimony of witnesses who have been sworn in is as follows: The defendant Gunadi Saputra Bin Japarudin was found legally and convincingly guilty of committing the crime of "extortion" in accordance with the only charge filed. Therefore, he was sentenced to imprisonment for 7 (seven) months. The period of arrest and detention that has been served by the defendant will be fully deducted from the sentence imposed. In addition, the defendant remains in detention during the trial

process. The evidence in the form of a 14 kg copper coil belonging to PT Paramitra Mulya Langgeng will be returned to the prosecutor to be used in the case of the defendant Merza Johanda Bin Zainal and his colleagues. Finally, the defendant was ordered to pay court costs of Rp. 5,000.00 (five thousand rupiah).

The above decision is based on the crime of smuggling which is regulated in Article 480 of the Criminal Code. All elements of the criminal offense in Article 480 paragraph (1) of the Criminal Code were fulfilled, so the defendant was found legally and convincingly guilty of committing a criminal offense in accordance with the single charge. The wording of Article 480 paragraph (1) states: "Whoever buys, rents, exchanges, accepts a pawn, receives a gift or sells, rents, exchanges, pawns, transports, stores, or conceals an item which is known or suspected to be the proceeds of a criminal act of smuggling shall be punished with imprisonment for a maximum period of 4 years or a maximum fine of Rp.900,000 (nine hundred thousand rupiah)."

Based on this, it is proven that Article 480 Paragraph (1) of the Criminal Code has been applied in case No. 81/Pid.B/2024/PN. Kbu. In this context, a prison sentence of 7 months was imposed on the defendant. This shows that the application of the law has been carried out properly, in accordance with the considerations presented by the judges.

3.2. Factors That Cause Theft to Become an Attraction for Theft Perpetrators

In the Republic of Indonesia, which is a state of law based on Pancasila and the 1945 Constitution, justice, truth, legal certainty, and order in the implementation of the legal system are fundamental matters to ensure life in society, nation and state. In addition, these main aspects are very important issues in efforts to create an atmosphere of prosperous, safe and peaceful life (Hany et al, 2024). To realize this, institutions that are tasked with organizing effective justice are needed (Safa'at et al, 2024). One of the institutions that plays a role in upholding the truth in order to achieve justice, order and legal certainty is the judiciary, as regulated in Law No. 4 of 2004 concerning Judicial Power. Each judicial body has certain authority in deciding cases or disputes in certain fields.

Regarding the role and position of judges in the criminal justice process, Soerjono Soekanto identified two main functions that must be carried out by judges. These functions are very important to ensure that the judicial process runs fairly and in accordance with applicable laws and regulations. Therefore, understanding the functions and position of judges in the context of law enforcement and justice in the criminal justice system is very important, especially their ideal and actual functions. These functions, as far as they relate to the independence of judges, are contained in Article 1 of Law No. 4/2004 on Judicial Power, which states that judicial power is an independent power to administer justice in order to uphold law and justice based on Pancasila, for the implementation of the rule of law of the Republic of Indonesia (Kira, 2023).

In the context of law enforcement, judges have a very important role or influence in sentencing. They are expected to ensure justice in the criminal process to ensure legal certainty and the criminal process itself. In enforcing criminal law, judges in Indonesia have independence or freedom which means full autonomy and no interference from the judicial power. This includes three aspects, namely (1) free from interference from any power; (2) clean and integrity; (3) professional. Basically, this freedom is an inherent characteristic of every judicial institution (Kossay, 2024).

In decision number 81/Pid.B/2024/PN. Kbu, the judge is expected to act fairly in making decisions, especially in terms of sentencing the perpetrator. The decision taken by the judge must reflect the principles of justice and be based on the judge's conscience and personal beliefs, as well as in line with the values of Pancasila. In this context, the value of justice becomes the benchmark for implementing regulations so that every action taken has a strong legal basis. The parties involved in the implementation of these activities are also expected to refer to the applicable regulations when carrying out their activities. In addition to legal certainty, justice

and legal expediency are other important aspects that must receive equal attention. These two aspects must complement each other in order to create an effective and just legal system.

Every judge in the decision must be in accordance with the applicable law or what is being applied. In addition, in this trial decision, the judge must pay attention to the progress that has been made and the objectives of the witness that have been described in detail. Therefore, the decision can provide consideration that is good and not subjective (Permanasari, 2021). One of the factors that encourage a person to commit the crime of grand theft is because the perpetrator does not know that the goods he buys are the result of a criminal offense (Sumardiyono et al., 2024).

The low price of goods can also be seen as one of the causes of the crime of storing. The urgent need for life causes some people to be involved in the criminal act of extortion. In addition, environmental factors also play an important role in triggering the crime of extortion, where the lack of supervision from the community and family towards the perpetrator makes the perpetrator often associate with people involved in criminal acts, especially extortion, so that the risk of being caught by the authorities is small. Based on decision No. 81/Pid.B/2024/PN.Kbu, there are several factors that have contributed to the crime of theft committed by Mr. Gunadi Saputra. First, the economic needs of the family are one of the main reasons, considering that Mr. Gunadi is the backbone of the family. This was stated in the criminal charges filed by the public prosecutor, which stated, "After hearing the request of the Defendant, which basically requested that the Defendant be given leniency on the grounds that the Defendant has family dependents as the backbone of the family."

Secondly, economic factors also play an important role (Aulia et al., 2024), where the defendant may feel pressured to make ends meet, so he decides to sell the goods from the crime. Many individuals who are trapped in economic limitations tend to commit crimes in order to fulfill their financial needs. This is particularly evident in the Kotabumi area of North Lampung, where access to money and income is difficult. Third, environmental factors also have a significant influence (I Ketut Seregig, 2024). In this case, a lack of supervision from the community towards the Defendant, as well as an unhealthy way of socializing, could have influenced the Defendant's decision to become involved in the crime of smuggling. An unsupportive environment and lack of social control can create conditions that allow criminal acts to occur.

Fourth, the opportunity factor also contributes to the actions taken by the defendant (Hartono et al., 2024). With the opportunity that arose, coupled with the lack of supervision in the company environment and its surroundings, the Defendant felt that he had the opportunity to commit the crime of storing. In this context, opportunity is one of the factors that influenced the Defendant's decision to engage in the criminal act. The author concludes in this discussion that the criminal acts committed by Mr. Gunadi Saputra as the backbone of the family were influenced by various factors, including urgent economic needs, environmental conditions that lacked supervision, and opportunities that existed due to weak control around him. This shows that social and economic factors play an important role in encouraging individuals to engage in criminal acts, so there needs to be more attention from the community and government to create a safer and more supportive environment.

4. Conclusion

The conclusion of the study on the application of Article 480 of the Criminal Code in dealing with stolen goods, particularly in the context of Decision No. 81/Pid.B/2024/PN.Kbu, shows that the Indonesian legal system has made a strong effort to address the crime of stolen goods. In this case, the actions of the defendant who purchased copper that was known or should have been suspected to have originated from the crime of deprivation of liberty fulfilled all the elements of the criminal offense stipulated in Article 480 (1) of the Criminal Code. The judge's decision to sentence the defendant to seven months' imprisonment reflects the obligation to

comply with the law and provide a deterrent effect to criminals, as well as protect the interests of the community from the negative impact of crime.

The contribution of the decisions reviewed in strengthening the deterrent effect for perpetrators of economic crimes can be seen from the application of strict sentences, such as in Decision No. 81/Pid.B/2024/PN.Kbu, where the defendant was sentenced to seven months in prison. This sentence confirms legal obligations and serves as a deterrent for perpetrators of crimes, as well as protecting the interests of society. This decision also reflects the balance between protecting the individual rights of the defendant and the need for society for legal certainty by considering the evidence comprehensively. Thus, the criminal justice system in Indonesia not only punishes offenders, but also prevents future violations, creating a safer environment.

In addition, the application of Article 480 of the Criminal Code in this case also emphasizes the importance of thoroughly analyzing each detention case before the court. By considering the available evidence and testimonies, the judge can make a fair decision in accordance with the applicable laws and regulations. This shows that the criminal justice system in Indonesia is not only designed to punish offenders, but also to prevent the recurrence of similar offenses in the future. Therefore, consistent and firm application of the law in dealing with extortion is an important step in maintaining public safety and order.

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