

## ANALYSIS OF JUDGES' CONSIDERATIONS IN IMPLEMENTING CRIMINAL VERDICT FOR THE CRIMINAL ACT OF RECEIVING STOLEN GOODS (Study of Decision Number 155/Pid.B/20245/PN. Sei Rampah)

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### ABSTRACT

The regulation of receiving the proceeds of theft according to the law in force in Indonesia is regulated in Article 480 of the Criminal Code and the factors causing the receiving of the proceeds of theft are due to economic and financial factors. The economic life of the perpetrator who is less able both in terms of economy and education. Economic factors are the most important element and apply generally to almost every case of receiving the proceeds of theft, so this factor is not too tied to the perpetrator, time, and place. Based on the research results, it is known that efforts to overcome the reception of the proceeds of theft are pre-emptive efforts, repressive efforts, and preventive efforts. The judge's legal considerations in Decision Number 155 / Pid.B / 2024 / PN. Sei Rampah are that all elements of 480 paragraph (1) of the Criminal Code have been fulfilled and there are no justifications and excuses, so that they are found guilty, as well as aggravating and mitigating factors.

### 1. Introduction

The increasingly complex world today often gives rise to various serious problems that require immediate attention. Crimes such as theft of property will not thrive if there is no one to collect the stolen goods. It is impossible to always own and keep stolen goods, which is why the role of a receiver of stolen property is crucial.

These problems arise, both in the form of violations of social etiquette and legal regulations, creating phenomena that contradict moral and ethical principles, as well as legal regulations. These violations represent the reality of human existence, which cannot accept these rules in their entirety. If such issues are allowed to persist and receive insufficient attention, they can cause unrest in society and disrupt public order. One form of crime frequently encountered,



driven by the desire to fulfill material needs, is theft, embezzlement, fraud, and extortion, whether committed under duress or out of habit and ultimately used as a means of livelihood to meet daily needs. Etymologically, crime refers to actions such as stealing, robbing, deceiving, and so on. Sociologically, crime is viewed as antisocial behavior, contrary to social norms.

Receiving property, as a crime, is also a social phenomenon that grows and develops within society. In the Indonesian Criminal Code (KUHP), the offense of receiving property is classified as a crime against property, regulated under Articles 480, 481, and 482 of the KUHP.

One of the causes of the increase in the number of crimes involving receiving property in society is a lack of legal awareness, a lack of public knowledge of the law, and a lack of firm oversight by law enforcement officials. The crime of receiving goods, as stipulated in Article 480 of the Criminal Code, is one of the elements frequently proven by the Public Prosecutor (JPU) in everyday court practice, namely the element of culpa. This means that the recipient must reasonably suspect the origin of the goods through crime, and it is rarely possible to prove that the recipient knew this (the origin of the goods). In this case, "intent to gain profit" is an element of all receiving goods.

The crime of receiving goods is called a facilitating crime because the act of receiving goods encourages others to commit crimes that might not have been committed had there been no recipient willing to accept the proceeds of their crime. However, the definition of the crime of receiving goods in Chapter II of the Criminal Code as a facilitating crime is actually inappropriate, because receiving goods motivated by a desire for profit cannot be considered as an act of facilitating others to commit crimes.

## 2. Research Method

This research is descriptive in nature. Descriptive research aims to provide the most accurate data possible. In this case, it will describe the crime of motorcycle theft. This descriptive research begins with collecting data related to the discussion above, then compiling, classifying, analyzing, and interpreting the data to obtain a clear picture of the phenomenon under study.

The type of research conducted in this thesis utilizes a normative legal research method (normative juridical). The use of this normative legal research method is due to the fact that this research is conducted solely by examining library materials or secondary data. The secondary data in this study is the Decision of the Sei Rampah District Court, Decision Number 155/Pid.B/20245/PN, Sei Rampah.





The data in this study were obtained through secondary data, namely data collected through a study of library materials. Secondary data is data obtained from official documents, books related to the research object, and laws and regulations.

The data collection technique used to obtain secondary data was a literature study. This was to complement this research, ensuring it had clear and focused objectives and could be accounted for as a scientific work.

### 3. Results And Discussion

#### Results

A crime can result in harm to its victim, as there is always an underlying factor or cause that gives rise to the consequence. Using deductive logic, a crime can occur if an individual acts in a way that leads to legal consequences for the perpetrator, namely as a form of accountability for their actions.

For perpetrators of the crime of receiving stolen goods, the motive for committing the crime is more directed towards obtaining or profiting for themselves or others through "evil assistance." However, this "evil assistance" does not mean "assisting in committing a crime" (medeplichtigheid) as defined in Article 55 of the Criminal Code. Receiving stolen goods is classified as one of the triggers for people to commit crimes. It can be said that most stolen goods are actually resold for financial gain, as stipulated in Article 480 paragraph (1) of the Criminal Code.

The methods used by perpetrators to carry out these actions are called *modus operandi*. As time goes by, the *modus operandi* of criminals has also evolved, from traditional/simple to modern. Likewise, the crime of receiving stolen goods has also evolved.

In everyday life, people experience deviations from social norms, especially legal norms. These deviations from legal norms are referred to as crime. As a deviation from social norms, crime is a social problem, a problem that arises within society, where both the perpetrators and victims are members of the community itself.

In everyday life, economic factors play a crucial role in determining the direction of life. Changes and differences in socioeconomic well-being give rise to numerous conflicts that drive people to commit crimes. Poverty is closely related to the economic situation of a community and significantly influences the development of crime. Human life is inextricably linked to the economy, whether living in rural or urban areas. Due to economic pressures and a lack of





education, it's difficult for someone without a stable job to earn a decent income, so the easiest way is to commit theft.

Similarly, population density can lead to theft. For example, the hardships of rural life, coupled with the frustration of young people, lead them to migrate to cities en masse. As a result, cities become densely populated, leading to fierce competition among residents. Those without a good education and skills struggle to compete for decent jobs, leading to unemployment. To survive in the city without money and work, the easiest way is to steal and then sell the stolen goods to those willing to accept them.

Nowadays, technology is a tool that everyone must master. If not, they will be left behind. However, the reality is that technology is often misused, leading to crimes that harm society itself.

#### 4. Discussion

The rapid development of technology, particularly in the types and brands of motor vehicles, can drive the number of theft and vehicle fraud crimes occurring in society. With the advancement of human civilization, sophisticated equipment is readily available. This not only has a positive impact on humans, but also a negative impact that is difficult to avoid and can ultimately lead to changes in societal values. For example, the introduction of foreign films depicting the skills of someone committing theft can tempt viewers to imitate what they see.

Likewise, media coverage of theft and vehicle fraud cases directly and indirectly influences these crime rates, sometimes detailing how the perpetrators commit their crimes.

The rise in the crime of vehicle fraud has caused considerable public unrest due to the numerous factors contributing to the crime. Given these high rates, efforts to address these criminal factors are essential. Any effort to achieve effective long-term social order must be based on a theory of legitimate human behavior. Without it, it is difficult to achieve this social order through crime prevention, the guidance of lawbreakers, and the prosecution of those who violate the law. Therefore, before formulating how to prevent the crime of receiving the proceeds of theft, in addition to the nature of the crime mentioned above, the factors that cause it must also be examined. Only then can appropriate measures be taken to address the crime of receiving the proceeds of theft be determined.

Prevention involves providing education, not only through the development of knowledge and skills, but also through mental education through religious education, morality, and proper lifestyle practices. This direct guidance to the





community without neglecting environmental education, thereby contributing to the prevention of crimes that damage society itself.

Judges have the freedom to independently consider the severity of prison sentences for their decisions. This independence of judges is absolute and unimpeded by other parties. This ensures that court decisions are truly objective. The judge's discretion to determine the severity of a prison sentence must also be guided by maximum and minimum limits. This discretion must be based on a sense of justice for both the defendant and the community, and on a sense of responsibility to God Almighty. The evidence presented in court must be interconnected. This ensures the judge can prove that the defendant committed the crime. However, if the evidence presented in court differs from one another and is not related to the other, it can lead to uncertainty among the judge.

Every court decision must be accompanied by considerations that serve as the legal basis and rationale for the decision. This is stipulated in Article 14, paragraph 2 of Law Number 48 of 2009 concerning Judicial Power, which states: "In deliberations, each judge is required to submit written considerations or opinions regarding the case being examined, which shall constitute an integral part of the decision."

The person who received the proceeds of theft in this case was held accountable for not having any grounds established during the trial, either through evidence, to waive the sentence, thus deeming the defendant physically and mentally fit to commit the crime. Based on these reasons, the judge issued the verdict.

The sentence imposed on the perpetrator in case No. 155/Pid.B/2024/PN. Sei Rampah was six months' imprisonment, which was lighter than the 10-month prison sentence demanded by the Public Prosecutor. Based on the judge's verdict, the author disagrees, as the sentence was too lenient. It should have been more severe, as receiving the proceeds of theft, which is classified as a crime against property, is highly disturbing to the public. This case of receiving the proceeds of theft can have impacts on both the victim and the perpetrator. For the victim, receiving the proceeds of theft includes loss of property. In the author's opinion, the minimum sentence should be, as stipulated in Article 480 of the Criminal Code, a maximum of four years' imprisonment.

The defendant's sentence should be harsher because his actions caused public unrest. Furthermore, the victim experienced profound trauma from the theft of their property. For those who received the proceeds of theft, the consequences of their actions include the potential penalties outlined in Book 2 of the Criminal Code and the potential sanctions of society, including ridicule and social exclusion.





## 5. Conclusion

Factors contributing to the receiving of the proceeds of theft include economic and financial factors. The perpetrators' economic well-being is often poor, both economically and educationally. Economic factors are the most important and common element in almost every case of receiving the proceeds of theft, so they are not strictly tied to a specific perpetrator, time, or place.

Efforts to address the receiving of the proceeds of theft include preemptive, repressive, and preventive measures. Preemptive measures are those that prevent the crime in the first place. Repressive measures are those that address the crime after it has already occurred, and preventive measures are those that address the crime by imposing criminal sanctions on the perpetrator. This must be viewed as an urgent action that must be implemented immediately in collaboration with relevant agencies such as Non-Governmental Organizations (NGOs), government agencies, and the community.

Legal considerations of the judge in Decision Number 155/Pid.B/2024/PN. Sei Rampah is that all elements of 480 paragraph (1) of the Criminal Code have been fulfilled and there are no justifications or excuses, so that he is declared guilty, as well as aggravating and mitigating factors. The mitigating factors are that the defendant was frank and behaved politely during the trial, the defendant showed an attitude of regret for his actions. The aggravating factor is that the defendant's actions have disturbed the community.

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