

# Prosecutorial Evidence Efforts in Juvenile Violent Theft Cases: A Case Study at the Medan District Prosecutor's Office

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## ABSTRACT

This study discusses the efforts of the Public Prosecutor to provide evidence in a case of theft with violence committed by a minor at the Medan District Attorney's Office based on Decision Number 49/Pid.Sus-Anak/2025/PN.Mdn. The method used is normative juridical with a library approach through primary and secondary legal materials analyzed qualitatively. The results of the study indicate that the main causes of this crime include economic factors, low education, unemployment, victim negligence, bad company, and a consumptive lifestyle. The Public Prosecutor faced obstacles in the form of difficulty in presenting witnesses, low public legal awareness, and the child's uncooperative attitude. In providing evidence, statements from witnesses, the defendant, and valid evidence were submitted in accordance with Article 184 of the Criminal Procedure Code. The judge assessed that all elements of Article 365 paragraph (2) of the Criminal Code in conjunction with Law No. 11 of 2012 had been fulfilled, so the defendant was found guilty and sentenced to 1 year and 6 months. This research emphasizes the importance of the quality of evidence in order to achieve legal certainty, justice, and benefits, especially in cases of children who commit crimes.

**Keywords:** Public Prosecutor, Theft with Violence, Minors, Evidence, Judge's Considerations.

## I. Introduction

As a nation governed by the rule of law, Indonesia is obligated to protect its citizens to ensure a safe and prosperous life. Therefore, criminal procedure law, which regulates arrest, detention, legal aid, sentencing, and protection for perpetrators and victims, is key to achieving justice. The Prosecutor's Office plays a central role as a liaison between investigations and trials, with the Public Prosecutor (JPU) acting as the dominus litis, the controller of the case process and possessing a monopoly on prosecution. The prosecutor has the authority to refer cases to court, draft indictments, prepare evidence, prepare charges, and file rebuttals or other legal remedies. The panel of judges can only issue a verdict if the prosecutor proves the charges with at least two valid pieces of evidence. The Criminal Procedure Code (KUHP) serves as a formal basis that guarantees legal certainty, expediency, and justice. However, in reality, law enforcement practices still frequently violate human rights, such as torture of suspects, arbitrary detention, and unfair trials for the poor. In criminal trials, evidence is key to determining the defendant's guilt. A prosecutor's indictment accusing the defendant of a non-criminal act, such as theft with violence, must be legally proven

so the judge can impose a sentence based on their conviction and minimal evidence. If there are reasons to exclude the sentence, the defendant can be acquitted. Theft with violence (Article 365 of the Criminal Code) remains rampant despite clear penalties, indicating that many cases remain unresolved. In society, the rise in crime encourages individuals to adapt or commit deviant acts, so the law, as a social subsystem, plays a role in maintaining stability and order. Law enforcement officials, particularly the police and detective units, need to carefully handle cases of theft with violence because the penalties are more severe than ordinary theft, which legally involves taking someone else's property without permission.

Theft with violence is regulated in Article 365 of the Criminal Code and is subject to a maximum prison sentence of nine years. The elements listed in Article 365 paragraph (1) of the Criminal Code are factors that aggravate the punishment, because this crime is considered more serious than the basic form of ordinary theft. The act of taking goods, either partially or completely, belonging to another person without the owner's permission is considered a criminal act of theft. This act is qualified as a *delict met formale omschrijving*, namely a crime formulated formally, where what is prohibited and punished is the act of taking itself. The crime of theft arises from inequality in the ownership of necessities, economic limitations, and the pressure of deprivation, which drives individuals to act deviantly. The methods of theft vary, from traditional methods to modern methods with sophisticated technology and more planned strategies. Theft cases frequently occur in various locations and are often difficult to reach by the law. It is also not uncommon for thefts to occur at certain times, especially at night, because this situation is considered more vulnerable. In community life, harmony is the foundation for creating shared security and comfort. This harmony will foster a sense of peace among individuals, regardless of differences in language, clan, or religion. Sibarani stated that peace, as part of local wisdom, is at the core of values such as politeness, honesty, solidarity, commitment, gratitude, and a positive mindset. Thus, local wisdom plays a role as a source of good character in social interactions, thereby creating a peaceful atmosphere.

For the younger generation, local wisdom serves to shape character and preserve the legacy of goodness. In Medan, North Sumatra, the community has implemented local wisdom values, particularly in maintaining harmony within families and among residents of different religions. One of the most prominent is politeness. Politeness is understood as behavior that observes norms, customs, morals, and culture in community life. This attitude fosters respect for both fellow residents and guests from outside the region. People typically ask the guest's origin or surname, then address them according to the *dalihan na tolu* system. This fosters intimacy and strengthens social harmony. Currently, violent theft is one of the crimes with a significantly higher number of cases compared to other crimes. Theft no longer considers the victim or the time of the crime. This high number of cases poses a threat to public order and security and can hinder community development. Every crime is naturally based on specific factors. Therefore, law enforcement needs to analyze the causes of crime. Factors such as urbanization, social inequality, population density, isolation in cities, and even domestic problems are triggers for crime, including theft.

In a legal context, criminal procedure law is often referred to as formal criminal law. This law contains regulations regarding the procedures for law enforcement in cases of suspected violations of substantive criminal law. Substantive criminal law itself contains prohibitions or orders accompanied by sanctions. Therefore, criminal procedure law functions to regulate the procedures and mechanisms for law enforcement when violations of criminal norms occur. Violent theft is a crime that has long been detrimental and disturbing to society. Therefore, the public needs to be prevented from committing theft, especially violent theft. Legally, violent theft is a crime that causes social unrest. According to Simons, violence involves the use of physical force that cannot be considered trivial, thus categorizing the act as violence. In relation to the law of evidence, the evidentiary process is carried out to provide clarity regarding the legal standing of the parties in a dispute. The arguments presented are intended to help judges obtain an objective picture in determining the rightness or wrongness of an act. The evidentiary process also regulates valid evidence, based on law, that judges can use when deciding criminal cases.

## II. Research Method

This research focuses on and objects the crime of theft with violence as stated in Decision Number 49/Pid.Sus-Anak/2025/PN Mdn. The type of research used is normative juridical legal research, namely an approach that emphasizes the study of legal principles, laws and regulations, harmony between regulations, and legal concepts relevant to the research topic. Practically, this approach is carried out through a literature study or literature study, where all data obtained is analyzed qualitatively to uncover and understand the problem based on the accuracy of the available data. The data used in this study is secondary data, sourced from library materials. The data includes primary legal materials, such as laws and regulations, as well as secondary legal materials, in the form of books, journals, and legal research results related to the topic of discussion. The author collected all data through a literature review, by examining various written sources such as books and laws and regulations that are related to the formulation of the problem being studied.

## III. Results and Discussion

### 3.1. Factors Causing the Occurrence of Criminal Acts of Theft with Violence and Obstacles Faced by Public Prosecutors in Proving Criminal Acts of Theft with Violence Committed by Minors at the Medan District Attorney's Office.

#### a. Factors Causing Violent Theft

Under Article 362 of the Criminal Code, theft is the act of taking all or part of another person's property with the intention of unlawfully controlling it. This act is considered a threat to property rights and public safety. Perpetrators of theft can be sentenced to a maximum of five years in prison or a fine of up to sixty rupiah. In practice, the crime is considered complete once the item is taken, without waiting for the perpetrator to transport it away or use it. However, theft does not arise in a vacuum. Various factors often motivate someone to commit this act. These factors include:

#### 1) Economic Factors

Poverty and economic constraints are the primary factors driving theft. People without stable employment or from poor families often resort to stealing to meet basic needs, even for their families. In these circumstances, moral considerations and legal awareness are often ignored, leading to theft being viewed as closely linked to structural poverty.

#### 2) Education Factor

Education shapes a person's mindset, attitudes, and legal awareness. However, limited funding, support, and access prevent many children from receiving a proper education, making them more vulnerable to deviant behavior such as theft. This lack of education ultimately increases the likelihood of criminal activity.

#### 3) Unemployment Factor

Unemployment is a major cause of increased theft, as a lack of income drives some people to seek shortcuts. Theft is often chosen as a quick way to make money, despite the potential for loss and life-threatening consequences. Therefore, unemployment has not only economic consequences, but also social and legal consequences.

#### 4) Victim Negligence Factor

The victim's negligence contributes to theft, such as leaving a vehicle unattended, not locking the house, or wearing jewelry outside. While not a justification for theft, this negligence makes it easier for the perpetrator to commit the crime. Unfortunately, this factor is rarely considered in legal practice or in the public eye.

5) Social factors or social environment

The social environment greatly influences a person's personality. Positive social interactions foster a rule-abiding personality, while negative environments can encourage deviant behavior, including theft. Therefore, the social environment is a crucial factor in strengthening or weakening an individual's self-control.

6) Lifestyle Factors

Changes in modern lifestyles have led to the rise of consumerist and materialistic behavior. Pressure to follow trends, even when they don't meet their financial means, leads some to resort to stealing. Consequently, this lifestyle is often linked to increased theft, particularly among teenagers.

Thus, although theft is explicitly regulated by Article 362 of the Criminal Code, social factors such as economic factors, education, unemployment, victim negligence, social environment, and lifestyle all play a role in contributing to the crime. This means that combating theft cannot be achieved solely through law enforcement; preventive measures can be implemented through improving welfare, education, job creation, and fostering moral development within the community.

b. Obstacles Faced by Public Prosecutors in Proving Criminal Acts of Theft with Violence Committed by Minors

Public prosecutors are required to carry out their duties, functions, and authorities in accordance with the Prosecutor's Office Law. Duties are the primary obligation of the position, while authority relates to relative and absolute jurisdiction. Through this, the institution can fulfill its purpose. Law Number 11 of 2021 emphasizes the crucial role of the Prosecutor's Office in strengthening national resilience. The Prosecutor's Office acts as a case manager (*Dominus Litis*) because only the Prosecutor has the authority to determine whether a case should be referred to court based on valid evidence. Prosecution is defined as the transfer of a case by the Public Prosecutor to the court for examination and determination by the judge. Therefore, the authority to prosecute rests with the Prosecutor. Law enforcement itself is an effort to translate the legal ideas of the legislators into reality, with the Prosecutor's Office occupying a central position as a liaison between investigations and trials and as an implementer of judges' decisions. Article 13 of the Criminal Procedure Code and Article 1 number 2 of Law Number 11 of 2021 affirm that the Public Prosecutor is a prosecutorial official authorized to conduct prosecutions and enforce judges' decisions. Thus, the authority to prosecute in criminal procedural law rests with the Prosecutor, who also acts as the implementer of legally binding decisions and exercises other authority in accordance with regulations.

When carrying out prosecutorial duties, prosecutors are positioned within the structure of the Republic of Indonesia's Prosecutor's Office as a government institution. However, in trial practice, several obstacles remain, including:

- 1) Difficulty in providing or delivering witness summons in court (P-37).
- 2) Then there is the problem of limited means of transportation as a means for witnesses to attend the trial; and
- 3) There is still low public legal awareness (fear of coming to be a witness);
- 4) Where the child or defendant is not cooperative in providing information (such as being convoluted) influenced by the wrong thinking of fellow prisoners in the detention center or prison who have undergone trial.

In the Indonesian legal system, the Prosecutor's Office is part of a legal subsystem that is interconnected and integrated to achieve the overall system's goals. In law enforcement, the Dutch term "proving" (*bewijs*) is used, meaning the act of providing certainty and the results of that action. According to Eddy OS Hiariej, proving is the act of presenting evidence to demonstrate the truth and convince the parties involved, while R. Subekti emphasizes proving as an effort to assure the judge of the truth of the arguments

in a case. In criminal law, proving is the core of the trial, with the aim of finding material truth. The evidentiary process begins at the investigative stage to assess the suitability of the case for further investigation and to identify the perpetrator. For the defendant and his legal counsel, the evidentiary process is intended to convince the judge to acquit the defendant, release him from the charges, and obtain a reduced sentence by presenting evidence supporting his position. The panel of judges uses evidence from both the prosecutor and the defendant as the basis for their decision. The Criminal Procedure Code (KUHP) applies a negative wettelijk system, in which the judge is required to consider both valid evidence and his or her own convictions. Article 183 of the KUHP stipulates that a sentence can only be imposed if there are at least two valid pieces of evidence and the judge is convinced the defendant committed a crime.

Criminal decisions reflect the quality of the judicial system in Indonesia. If the judicial system is implemented according to sound principles, the law is viewed positively; conversely, deviations actually undermine the authority of the law. Criminalization not only enforces substantive criminal law but also impacts social, political, economic, cultural, defense, and security issues, with the aim of creating order, justice, and legal certainty. In sentencing, judges consider the law, humanitarian values, the principle of justice, and the effectiveness of the punishment. However, these factors often give rise to disparities in decisions, where similar cases receive different sentences, thus creating legal uncertainty, injustice, and diminishing public trust in the judiciary. Sentencing by judges is part of the system. However, in practice, differences in interpretation between written rules and their application in court often occur. The freedom of judges in making decisions, combined with differences in cases, the background of the perpetrators, and the motives for the crimes, often lead to disparities in decisions even in cases that appear similar. Judges must be consistent with their legal school and understand its teachings. Unreasonably different sentencing for the same or comparable crimes can lead to serious problems. For example, theft with violence differs from other types of theft. The Criminal Code (KUHP) divides theft into four categories: ordinary theft, aggravated theft, petty theft, and theft with violence. Each element carries different legal consequences depending on its severity, as follows:

- 1) Impact on perpetrators of crimes:
  - a) The perpetrator loses respect for the law as a binding norm;
  - b) the creation of moral degradation or demoralization which weakens legal awareness;
  - c) The emergence of an attitude of rejection towards the rehabilitation process.
- 2) Impact on society:
  - a) public confidence in law enforcement has decreased;
  - b) Society considers that the principles of justice are no longer implemented objectively;
  - c) The perception arises that legal certainty is not guaranteed in law enforcement.

The term "sentencing" comes from the Dutch translation *straftoemeting*, but Andi Hamzah prefers the term "penalty" or "punishment," where the word "sentencing" is synonymous with a gift, while punishment is suffering. In English, sentencing is often translated as punishment, but according to Andi Hamzah, the more appropriate term is punishment. This topic is important in criminal law, although previously rarely discussed specifically. Only in the last decade has the study of sentencing developed, for example through Ch. J. Enschede's proposal to compile a handbook of sentencing practices and the 1969 congress in the Netherlands that discussed the issue with leading legal scholars. The crime of theft with violence remains a serious concern in law enforcement. Violence includes the use of excessive force, such as hitting, using a weapon, or other aggressive actions. This crime can be viewed from two perspectives: legally, as an act that violates criminal provisions; and socially, as a violation of socially respected norms.

### 3.2. The Public Prosecutor's Efforts to Provide Evidence in the Crime of Theft with Violence Committed by a Minor and the Judge's Considerations in Decision Number: 49/Pid.Sus-Anak/2025/PN.Mdn

#### a. The Public Prosecutor's Efforts to Prove the Crime of Theft with Violence Committed by Minors

Evidence plays a crucial role in criminal cases because it serves as the basis for judges in determining whether a crime has been proven and whether the defendant is guilty. However, the practice of providing evidence often creates serious problems for both the defendant and the public. Mistakes in evaluating evidence can result in disproportionate decisions and lead to disparities in sentencing when compared to similar cases. This creates a sense of injustice, even though the principle of justice demands equality before the law and a balance between positive norms and substantive justice. For the public, criminal decisions based on weak or inconsistent evidence can be controversial, especially if they differ significantly from similar decisions or conflict with living law. This situation undermines public trust because the law is viewed as merely a procedural formality. Therefore, the quality of criminal evidence determines not only legal certainty for the defendant but also the legitimacy of the judiciary and public respect for the law. Evidence must be conducted objectively, consistently, and based on substantive justice so that the law truly reflects certainty, justice, and expediency.

Differences in criminal sentences in similar cases pose a serious problem for public perception, as they can undermine public trust and encourage vigilantism. However, legally, variations in sentences do not have legal consequences as long as they do not exceed the maximum penalty stipulated in the law. This occurs because Indonesia does not yet have general sentencing guidelines, leaving judges free to determine the type, method, and severity of the sentence. Thus, disparities in sentences are a difficult consequence to avoid. Variations in sentences remain interesting to study, particularly regarding the Public Prosecutor's indictment. Misapplication of articles or excessive disparities can be considered unprofessional conduct, which can result in sanctions. Differences in sentences do not have legal consequences as long as the sentence remains within the maximum penalty. However, if the sentence exceeds the statutory provisions, it reflects the judge's unprofessionalism and can give rise to ethical and administrative liability. Differences in criminal sentences often lead to confusion for defendants, requiring judges to explain the reasons. In the crime of theft with violence, the penalty is more severe due to the presence of specific elements. Under Articles 363 and 365 of the Criminal Code, the elements of theft include: unlawful taking of property, the use of violence or threats, and the intent to seize another person's property. Furthermore, Article 365 of the Criminal Code also requires the presence of the robbery or theft, a close connection to the violence, the occurrence of loss or injury to the victim, and the imposition of a more severe penalty depending on the level of violence and its consequences.

Article 365 of the Criminal Code stipulates:

- 1) The maximum sentence is 9 years for perpetrators of theft accompanied by violence or threats of violence to facilitate theft, escape, or retain stolen goods.
- 2) The maximum penalty is 12 years if it is committed at night, at home or in a public place, together, by means of damage or deception, or causing serious injury.
- 3) The maximum penalty is 15 years if the act results in death.
- 4) The death penalty, life imprisonment, or a maximum of 20 years if the theft is committed together, causes serious injury or death, and is accompanied by other aggravating circumstances.

Based on the provisions of the Criminal Procedure Code (KUHAP), specifically Article 184 paragraph (1) of Law Number 8 of 1981, there are five types of valid evidence in criminal cases, namely witness statements, expert statements, letters, instructions, and statements from the defendant. The evidentiary system in Indonesian criminal procedure law applies the theory of negative evidence according to the Law (negative wettelijk bewijs) as stated in Article 183 of the KUHAP, which stipulates that a judge can only impose a sentence if there are at least two valid pieces of evidence and accompanied by the judge's certainty that a crime actually occurred and that the defendant committed it. Therefore, the criminal evidence process must

be based on a careful assessment of valid evidence according to the KUHP and its truth is believed by the judge.

In this case, the Public Prosecutor presented several pieces of evidence, including witness statements, the defendant's statement, and physical evidence to support the elements of the crime charged. Among all these pieces of evidence, witness testimony plays the most central role in explaining the occurrence of the crime. This is in line with Article 1 number 27 of the Criminal Procedure Code, which defines witness testimony as a statement regarding an event that the witness heard, saw, or experienced, accompanied by reasons underlying his or her ability. In addition, Article 185 paragraph (1) of the Criminal Procedure Code explains that witness testimony as evidence is only valid if presented in court. From this provision, it can be concluded that witness testimony is the most dominant and frequently used form of evidence in criminal cases. Almost every criminal proof process depends on witness testimony, although it must still be supplemented with other evidence to strengthen the judge's conviction. Thus, the role of witnesses is a key element in the process of law enforcement and proving criminal acts in Indonesia.

A witness's statement only has meaning as evidence if it is delivered directly in court, either orally or in writing. Therefore, a witness's statement outside of court cannot be used as evidence. To be a witness, a person must meet certain requirements. Formal requirements include: being at least 15 years old, being of sound mind, not having any family or marital relationship with the related party (unless otherwise stipulated by law), not having any employment relationship that could give rise to bias, being present at the trial, being sworn in according to one's religion, and providing oral testimony in the courtroom with at least two witnesses or supported by other evidence. Material requirements include: the testimony must be based on what the witness saw and heard, experienced personally, accompanied by reasons for his knowledge, not in the form of personal opinions or conclusions, consistent with the statements of other witnesses, and logical according to common sense.

In the case of theft with violence by a minor in the Medan District Court Decision Number 49/Pid.Sus-Anak/2025/PN.Mdn, the public prosecutor presented two witnesses, namely Bambang Suptianto and Maju Sihite. The statements of both of them became valid evidence because according to Article 1 number 27 of the Criminal Procedure Code, namely based on what the witness saw, heard, and experienced himself. This statement is valid to be used as evidence because it was given in court under oath according to the religion adhered to. In addition, evidence that also strengthened the evidence in court was the defendant's statement. According to Article 1 number 15 of the Criminal Procedure Code, the defendant is a person who has been given suspect status and is brought to court for examination. Based on Article 184 paragraph (1) letter e of the Criminal Procedure Code, the defendant's statement (*erkenntenis*) is included as valid evidence. Basically, this statement does not have to be a full confession; both denial, partial confession, or completeness remain at the judge's consideration.

The defendant's confession as evidence has certain conditions, namely:

- 1) The confession is directly related to the perpetrator of the crime being charged and stating that he is guilty.
- 2) The defendant's statement is confirmed in Article 189 of the Criminal Procedure Code, which states:
  - a) The defendant's statement is a statement that he made in court regarding the actions he committed, knew about, and experienced himself;
  - b) The defendant's statement outside the trial can only be used as evidence if it is supported by true evidence regarding the charges against him;
  - c) The defendant's statement was only used for himself;
  - d) The defendant's statement was insufficient to prove his guilt, which must also be provided through other evidence.

The defendant's statement is the main piece of evidence during the criminal case trial. As stipulated in Article 189 paragraph (1) of the Criminal Procedure Code, the defendant's statement is a statement given in court regarding actions he or she has committed, known, or experienced. In order for the statement to have valid evidentiary force, the defendant's statement must be made directly before the court, either in the form of a spontaneous explanation or in response to questions from the panel of judges, public prosecutor, and legal counsel, with the provision that the statement relates to actions personally experienced by the defendant. In the a quo case, from the witness statements given in court, the defendant Agung Bayu Samudra conveyed a confession confirming his actions as charged by the Public Prosecutor. The defendant did not deny either the contents of the indictment or the statements of the witnesses, so that his statement meets the requirements for valid evidence in Article 184 paragraph (1) of the Criminal Procedure Code. Therefore, the defendant's statement can be legally considered as part of the valid evidence in the trial of this case. In addition, the Public Prosecutor also submitted other evidence in the form of items of evidence to strengthen the evidence that had been presented in court. This evidence serves to support the validity and relevance of other evidence, as well as emphasize the connection between the two witnesses and the defendant's statement, which overall shows the existence of valid and convincing evidentiary value in this case with the following evidence:

- 1) 1 (one) sharp weapon of the corbek type
- 2) 1 (one) piece of white hoodie jacket
- 3) 1 (one) unit of black Honda Vario motorbike BK 4168 ALT
- 4) 1 (one) sheet of Letter number: FIF 22200/SK/7/6/2025 DATED 16 June 2025 issued by PT. Federal Internasional Finance
- 5) 1 (one) Fiduciary Guarantee Certificate Number: W2 000045825 AH.05.01 Year 2025 dated February 12, 2025 issued by the Ministry of Law of the Republic of Indonesia, North Sumatra Regional Office, Fiduciary Guarantee Registration Office.

Based on the results of the examination in court, clues were obtained from the correspondence between the statements of the witnesses and the perpetrator's child, and the evidence as clues given in court as follows: On Monday, June 16, 2025 at approximately 04.00 WIB, after the brawl, Anak and several of his friends (some of whom are fugitives) committed a robbery on the PDAM Tirtanadi road, Medan Sunggal. They cornered the victim who was riding a Honda Beat motorcycle alone. The victim was kicked until he fell, then the perpetrator threatened him with a sharp weapon and stole the victim's motorcycle. The stolen motorcycle was then taken to Helvet, sold, and the proceeds were divided, where Anak and Rivaldo Sihombing each received Rp200,000.

The victim suffered a loss of around Rp5,048,000 and reported the incident to the Medan Sunggal Police. The existence of evidence in a case is not an absolute requirement, but the evidence presented by the public prosecutor at the trial has an important role to strengthen the charges. With the existence of evidence, the judge gets confidence regarding the defendant's actions. In the description, it is concluded that the evidence provided by the Public Prosecutor in the crime of theft committed by a minor is in accordance with the provisions of Article 184 paragraph (1) of the Criminal Procedure Code, where the types of evidence are correct and valid, namely Witness Statements, Expert Statements, Letters, Instructions, and Defendant's Statements. In the trial, the Public Prosecutor has presented witness statements and the defendant's statements, and is supplemented by evidence to strengthen the proof of his charges and demands. Thus, it can be concluded that the Public Prosecutor in the case of the crime of theft with violence committed by a minor has used strong and valid evidence in accordance with the provisions of Article 184 paragraph (1) of the Criminal Procedure Code and has valid evidentiary value.

b. Judge's Considerations in Decision Number: 49/Pid.Sus-Anak/2025/PN.Mdn in the Case of the Crime of Theft with Violence Committed by a Minor

A judge has complete freedom to determine the severity of the sentence in a case under review. This freedom is independent and cannot be influenced by other parties to ensure that the court's decision is truly objective. However, the judge remains bound by provisions regarding minimum and maximum sentences and must base his decision on a sense of justice for the defendant and the public, with a responsibility to God Almighty. In the trial, the evidence presented in court is interconnected so that the judge can be confident that the defendant is the perpetrator of the crime. Conversely, if the evidence presented is not interconnected, this can raise doubts for the judge in making a decision. Every court decision must contain the legal basis for the decision. Article 14 paragraph (2) of Law No. 48 of 2009 requires judges to provide written reasons or opinions on the case being examined. Meanwhile, Article 1 number 11 of the Criminal Procedure Code explains that a court decision is a judge's statement delivered in an open trial, whether in the form of a sentence, acquittal, or release from legal charges. A defendant can only be punished if proven legally and convincingly in court. Therefore, the judge is obliged to describe the defendant's actions according to the trial facts and adjust them to the provisions of the applicable articles.

In deciding a case, the judge considers, based on legal facts, whether the defendant can be declared to have committed the crime that has been charged to him, with that decision No. 49/Pid.Sus-Anak/2025/PN.Mdn. The judge can make considerations. Considering, That the defendant has been charged by the public prosecutor with an alternative charge. Based on the legal facts, namely witness statements, letters, instructions and statements from children, all of which are facts revealed from the results of the trial examination as stated, a legal analysis will be presented, namely by connecting the truth of the facts of the act based on the factual analysis and then applying it to the elements of the criminal act articles charged to the children in this case: As is known, the criminal act charged against AGUNG BAYU SAMUDRA's child was made in an alternative form, namely: Article 365 paragraph (2) ke-1e and 2e of the Criminal Code in conjunction with Law No. 11 of 2012 concerning the Juvenile Justice System.

Until we will prove the charges which we believe have been proven against the children, namely the charges of Article 365 paragraph (2) ke-1e and 2e of the Criminal Code in conjunction with Law No. 11 of 2012 concerning the Child Justice System with the following elements:

- 1) The "Everyone" Element
- 2) The element of "intentionally and unlawfully taking something that is wholly or partially owned by another person"
- 3) The element "preceded or accompanied by violence or threats of violence against people,
- 4) The element "with the intention of providing or facilitating the theft, so that there is an opportunity for himself or his friends or for people who participate in the crime to escape, or so that the stolen goods remain in his possession"
- 5) The element "if the act is carried out on a public road, carried out by two or more people in partnership"

Because all elements of the first charge have been proven against Agung Bayu Samudra's son, the Panel is of the opinion that Article 365 paragraph (2) ke-1e and 2e of the Criminal Code in conjunction with Law No. 11 of 2012 concerning the Juvenile Justice System has been proven valid and convincing. The defendant was proven to have committed theft accompanied by violence or threats of violence to facilitate the theft, escape, or retain the stolen goods. Thus, the Judge concluded that all elements of the crime had been fulfilled. The elements of Article 365 paragraph (2) ke-1e and 2e of the Criminal Code have been fulfilled, so that the defendant is declared legally proven and convinced of committing a crime according to the alternative charge. Considering, that because the defendant remains in detention: Considering, that the evidence is in the form of 1 (one) sharp weapon of the corbek type, 1 (one) white hoodie jacket, 1 (one) black Honda Vario motorbike BK 4168 ALT, 1 (one) sheet of Letter number: FIF 22200/SK/7/6/2025 DATED June 16,

2025 issued by PT. Federal Internasional Finance, 1 (one) sheet of Fiduciary guarantee certificate Number: W2 000045825 AH.05.01 Year 2025 dated February 12, 2025 issued by the Ministry of Law of the Republic of Indonesia, North Sumatra Regional Office, Fiduciary Guarantee Registration Office. All of them are attached in the case file.

In imposing a criminal sentence upon the defendant, the court must first consider both the aggravating and mitigating circumstances surrounding the case. The aggravating factor in this instance lies in the fact that the child's actions have caused public unrest and disturbance within the community. Conversely, the mitigating circumstances include the child's acknowledgment and remorse for his actions, as well as the fact that he has never previously been subjected to any criminal punishment. Accordingly, if the defendant is to be sentenced, he must also bear the obligation of paying court costs. Based on these considerations, and by taking into account Article 365 paragraph (2) subparagraphs 1e and 2e of the Indonesian Criminal Code, Law Number 8 of 1981 concerning Criminal Procedure Law, and other relevant legal provisions, the panel of judges rendered the following decision: (1) declaring that the defendant, Anak Agung Bayu Samudra, has been legally and convincingly proven guilty of committing the criminal act of theft with violence; (2) sentencing the child to imprisonment for one year and six months; (3) determining that the period of detention already served shall be fully deducted from the total sentence; (4) ordering that the child remain in custody; (5) determining the evidences—consisting of one sharp weapon of the corbek type, one white hoodie jacket, one black Honda Vario motorcycle bearing registration number BK 4168 ALT, one letter numbered FIF 22200/SK/7/6/2025 dated June 16, 2025 issued by PT. Federal International Finance, and one fiduciary guarantee certificate numbered W2.00045825.AH.05.01/2025 dated February 12, 2025 issued by the Ministry of Law and Human Rights of the Republic of Indonesia, North Sumatra Regional Office, Fiduciary Registration Division—to be used in a separate case file under the name of Defendant Rivaldo Sihombing; and (6) charging the child with court costs amounting to Rp. 5,000.00 (five thousand rupiah).

In delivering such a verdict, judges are required to possess mastery of the procedural and technical aspects of the judicial process during trial proceedings. Their fundamental duty in criminal cases is to examine, adjudicate, and finally determine a fair and lawful verdict. Within this framework, the independence of the judiciary becomes a central pillar in ensuring that court decisions are rendered objectively, freely, and without external interference, upholding the law and justice in accordance with the values of Pancasila. As a manifestation of judicial independence, judges are accountable only to God Almighty and to the dictates of their own conscience, rather than to superiors or other parties such as public prosecutors. Even the Supreme Court, despite its supervisory function as the highest judicial body, may not intervene in the judge's freedom to examine and decide cases. Consequently, the process of decision-making in sentencing requires careful reflection, moral integrity, and a deep understanding of both the legal and social dimensions of the case. A judge's consideration should embody the factual essence of justice and truth, as well as the ethical and moral responsibility inherent in their role. In practice, judges commonly adopt two complementary perspectives in determining sentences: the normative approach, which emphasizes adherence to statutory provisions, and the sociological approach, which seeks to capture the social realities and human dimensions of justice. By integrating these two approaches, judicial decisions can better fulfill the ideals of substantive justice within the court of law.

#### IV. Conclusion

Violent theft committed by minors is influenced by various factors, such as poverty, low education, unemployment, victim negligence, bad social interactions, and a consumerist lifestyle. In practice, public prosecutors face evidentiary obstacles such as difficulty in presenting witnesses, low public legal awareness, and uncooperative behavior from children. These conditions have the potential to create legal uncertainty and injustice, as well as low public trust in the judiciary. Therefore, handling these cases must be carried out not only through law enforcement, but also through social, educational, and developmental approaches to achieve justice, certainty, and legal benefits.

In the case (Decision No. 49/Pid.Sus-Anak/2025/PN.Mdn), there are two important aspects, namely the public prosecutor's efforts to prove and the judge's considerations. The Public Prosecutor proved the charges by presenting statements from witnesses, defendants, and evidence. Witnesses Bambang Suprianto and Maju Sihite provided explanations in accordance with Article 1 number 27 of the Criminal Procedure Code. Defendant Agung Bayu Samudra also admitted his actions in court, while evidence in the form of a motorbike, sharp weapons, and ownership documents confirmed the existence of a crime. The conformity between the evidence showed that there was proven theft with violence. The judge in his consideration assessed that all elements of Article 365 paragraph (2) of the Criminal Code in conjunction with Law No. 11 of 2012 had been fulfilled, namely taking another person's property with violence, carried out on a public road, and together. The aggravating factor was that the defendant's actions made the community anxious, while the mitigating factor was that the defendant was still a child, was polite, admitted his actions, and had never been convicted. Based on that, the judge sentenced him to 1 year and 6 months in prison. Thus, this case shows that the Public Prosecutor succeeded in proving his charges legally, and the judge issued a verdict while still considering aspects of legal certainty and child protection.

In discussing the crime of theft with violence, the author proposes several suggestions: The government, both central and regional, is expected to take steps to create jobs and encourage business development to improve the community's economic level, considering that the main factor in theft is weak economic conditions. Furthermore, an evaluation of the legal provisions in the Criminal Code that regulate theft with violence is necessary, as the continued prevalence of such cases is also influenced by weaknesses in existing regulations. On the other hand, the police are advised to focus more on law enforcement on prevention rather than just prosecution, especially for crimes that often occur at night. With these efforts, it is hoped that the rate of theft with violence can be reduced and public safety can be more assured. Theft with violence by child perpetrators is influenced by economic factors, low education, unemployment, bad social circles, and a consumptive lifestyle. Prosecutors often face obstacles in proving the case due to the difficulty of presenting witnesses, low public legal awareness, and the uncooperative attitude of children. This can create legal uncertainty and reduce public trust in the judiciary. Therefore, handling it requires combining law enforcement with social, educational, and developmental approaches to achieve justice, certainty, and legal benefits.

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