

ABSTRAK

TINJAUAN YURIDIS PENEGAKAN HUKUM PENCURIAN KENDARAAN BERMOTOR DALAM KEADAAN MEMBERATKAN

(Studi Putusan Nomor 325/Pid.B/2025/PN Gns)

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Pencurian kendaraan bermotor dengan pemberatan merupakan tindak pidana yang diatur dalam Pasal 363 KUHP dengan ancaman pidana penjara paling lama tujuh tahun. Kejahatan ini menjadi salah satu permasalahan serius di Indonesia, sebagaimana ditunjukkan oleh data Badan Pusat Statistik yang mencatat sebanyak 20.973 kasus pada tahun 2024. Tingginya angka tersebut dipengaruhi oleh berbagai faktor, antara lain kondisi ekonomi yang sulit, tingginya tingkat pengangguran, serta kemudahan akses dalam melakukan kejahatan. Penelitian ini membahas bagaimana penegakan hukum pencurian kendaraan bermotor dalam Putusan Nomor 325/Pid.B/2025/PN Gns dan dasar pertimbangan hakim dalam menjatuhkan putusan Nomor 325/Pid.B/2025/PN Gns.

Penelitian ini merupakan penelitian hukum normatif-empiris yang menggunakan pendekatan yuridis normatif dan yuridis empiris. Data yang digunakan terdiri dari data primer berupa hasil wawancara dengan penyidik Polsek Trimurjo dan Hakim Pengadilan Negeri Gunung Sugih, serta data sekunder yang mencakup Putusan Nomor 325/Pid.B/2025/PN Gns, peraturan perundang-undangan, dan literatur hukum pidana yang relevan. Analisis data dilakukan secara kualitatif.

Hasil penelitian menunjukkan dua hal pokok. Pertama, penegakan hukum dalam perkara ini telah berjalan dengan cukup baik berdasarkan lima faktor menurut Soerjono Soekanto. Pasal 363 ayat (1) ke-3 dan ke-5 KUHP diterapkan secara tepat, sinergi antara kepolisian, kejaksaan, dan pengadilan berjalan sesuai KUHP, meskipun faktor sarana dan fasilitas masih menjadi hambatan akibat terbatasnya personil penyidik dan tidak adanya kamera pengawas di lokasi kejadian. Faktor masyarakat justru menjadi kekuatan utama, sementara nilai budaya Piil Pesenggiri dan sakai sambayan terbukti masih hidup sebagai kontrol sosial di tengah masyarakat Lampung Tengah. Kedua, dasar pertimbangan hakim didasarkan pada aspek sosiologis, filosofis, dan teori pertanggungjawaban pidana. Hakim mempertimbangkan keresahan masyarakat akibat perbuatan terdakwa, namun juga memperhatikan usia terdakwa yang masih muda dan belum pernah dihukum. Selain

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itu, terdakwa dinilai mampu bertanggung jawab, melakukan perbuatan dengan sengaja, dan tidak memiliki alasan pemaaf, sehingga dijatuhi pidana penjara selama 1 tahun 6 bulan. Saran untuk kepolisian perlu meningkatkan manajemen penyidikan dengan memanfaatkan teknologi informasi dan memperkuat koordinasi lintas satuan, tidak hanya berfokus pada penambahan personel. Bagi hakim senantiasa menerapkan teori pertanggungjawaban pidana secara cermat.

Kata Kunci: Penegakan Hukum, Pencurian Kendaraan Bermotor, Pertimbangan Hakim.

ABSTRACT

A JUDICIAL REVIEW OF LAW ENFORCEMENT ON MOTORCYCLE THEFT UNDER AGGRAVATING CIRCUMSTANCES

(Case Study of Decision Number 325/Pid.B/2025/PN Gns)

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Aggravated motor vehicle theft is a crime regulated by Article 363 of the Indonesian Criminal Code, which carries a maximum penalty of seven years' imprisonment. This crime is a serious problem in Indonesia, as evidenced by data from the Central Statistics Agency (BPS), which recorded 20,973 cases in 2024. This high figure is influenced by various factors, including difficult economic conditions, high unemployment rates, and easy access to crime. This study examines the enforcement of motor vehicle theft laws in Decision Number 325/Pid.B/2025/PN Gns and the judge's considerations in issuing Decision Number 325/Pid.B/2025/PN Gns.

This research is a normative-empirical legal study using both normative and empirical juridical approaches. The data used consisted of primary data in the form of interviews with investigators from the Trimurjo Police and the Gunung Sugih District Court Judge, as well as secondary data including Decision Number 325/Pid.B/2025/PN Gns, laws and regulations, and relevant criminal law literature. The data analysis was conducted qualitatively.

The results of the study indicate two main points. First, law enforcement in this case has proceeded quite well based on the five factors outlined by Soerjono Soekanto. Article 363 paragraph (1) points 3 and 5 of the Criminal Code were applied appropriately, and synergy between the police, prosecutors, and courts was

accordance with the Criminal Procedure Code (KUHAP). Although facilities and infrastructure remained a barrier due to limited investigative personnel and the absence of surveillance cameras at the scene. Community factors were the primary strength, while the cultural values of Piil Pesenggiri and sakai sambayan were proven to remain alive as social controls within the Central Lampung community. Second, the judge's considerations were based on sociological, philosophical, and theoretical aspects of criminal responsibility. The judge considered the public unrest caused by the defendant's actions, but also took into

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account his young age and prior convictions. Furthermore, the defendant was deemed capable of taking responsibility, committed the act intentionally, and had no excuses, and was sentenced to one year and six months in prison. Recommendations for the police include improving investigation management by utilizing information technology and strengthening cross-unit coordination, rather than solely focusing on additional personnel. The judge also emphasized the need to carefully apply the theory of criminal responsibility.

Keywords: Law Enforcement, Motorcycle Theft, Judge's Considerations.