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Legal Analysis of Criminal Liability for Theft of State-Owned Enterprise Assets: A Study of Pekanbaru District Court Decision Number 1008/Pid.B/2025/PN Pbr

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ABSTRACT

This research is motivated by the phenomenon of crimes against state vital infrastructure components, which are frequently subjected to minimalist sentencing decisions by judicial institutions, thereby undermining the protection of public strategic assets. The primary problem in this study centers on the anomaly of sentencing disparity in Decision Number 1008/Pid.B/2025/PN Pbr. In this case, the criminal act of dismantling the bolts of a transmission tower owned by PT PLN was only punished with a criminal sanction of one year and ten months of imprisonment. The objective of this research is to dogmatically analyze the offender's criminal liability based on Article 363 section (1) point 5 juncto Article 64 section (1) of the Penal Code, and to criticize the rationality of the judge's reasoning applying the rehabilitative theory (verbeteringstheorie) to an adult offender. Utilizing the normative juridical research method with a case and statute approach, legal materials were analyzed qualitatively and normatively through deductive syllogistic reasoning. The research results indicate that the public prosecutor successfully proved all elements of aggravated theft and of a continuous act. However, a systemic failure was discovered, originating in the public prosecutor's low criminal demand, which was subsequently exacerbated by the judge's logical-reasoning fallacy in manipulating the profile of the 37-year-old defendant as a young individual to justify leniency. The research conclusion affirms that the application of the rehabilitative theory to a mature adult executing a premeditated crime repetitively injures public justice and undermines the deterrent function of criminal law. The implications of this research demand a paradigm shift for law enforcement officers and the issuance of specific prosecution guidelines to ensure maximum protection of national vital objects.

Keywords: *Criminal Liability; Infrastructure Theft; Rehabilitative Theory; Sentencing Disparity; SOE Assets.*

INTRODUCTION

Property crime constitutes a form of criminal act that persistently threatens public order. In its development, offender orientation is no longer limited to low-value conventional objects. Currently, the target of crime has shifted toward the unlawful appropriation of high-value physical goods, including electronic devices and strategic infrastructure components. This shifting trend in property crime requires law enforcement agencies to implement strict, effective enforcement measures to ensure legal certainty in society (Jumaris et al., 2025). The decisiveness of law enforcement officers serves as the primary foundation to reduce crime rates targeting tangible facilities.

The phenomenon of theft targeting technological facilities and public infrastructure carries significantly broader negative implications compared to the criminal act of personal property theft. The forcible taking of physical devices supporting public services, such as the theft of signal transmitters or other vital components, directly paralyzes connectivity and disrupts the stability of public services (Amsori et al., 2023). Such destructive actions indicate that the resulting losses are not merely material to the entity owning the goods; rather, they directly affect the cessation of the fulfillment of fundamental rights for the broader public that heavily relies on the operation of these facilities.

The context of physical infrastructure protection becomes highly crucial when the object constitutes a part of vital state instruments. State-Owned Enterprises (SOEs) such as PT PLN hold a constitutional mandate to manage separated state wealth for the benefit of the general public's livelihood. Therefore, all physical SOE Assets, including transmission towers or High-Voltage Overhead Power Lines, are essentially state wealth that must be absolutely protected. Any form of vandalism or theft of these assets constitutes an act that harms public finances and injures the state's ability to provide basic services to its citizens (Susanto, 2023).

The status of SOE Assets as state wealth necessitates specific legal treatment to deter offenders. Criminal acts that attack or harm state finances and strategic assets cannot be equated with ordinary property offenses. Crimes with specific characteristics that threaten the integrity and stability of public assets require extraordinary, uncompromising law enforcement (Alwandani et al., 2024). The strictness of criminal sanctions is the most rational instrument to prevent massive state losses resulting from acts of vandalism or premeditated theft.

Although the normative foundation demands maximum protection for state assets, the reality of law enforcement in the courtroom occasionally demonstrates a contradictory judicial direction. This juridical problem is precisely evident in the Pekanbaru District Court Decision Number 1008/Pid.B/2025/PN Pbr. The decision adjudicated a criminal act of continuous theft committed by an adult male, where the legal construction of his actions normatively fulfilled the classification of aggravated theft. The object of the crime in this case consisted of dozens of angle irons supporting a transmission tower owned by PT PLN. This case poses a factual threat to the security of the electricity infrastructure, potentially triggering regional energy system failures if not addressed with appropriate legal assertiveness.

Analysis of the handling of this case reveals an academic gap that requires further examination. Judicial practice is frequently confronted with a tension between the obligation to provide legal certainty through maximum sanctions and the need to exercise judicial discretion in assessing mitigating circumstances for the offender (Nasrullah, 2020). In this case, the judge instead applied a rehabilitative approach with the philosophical foundation of rehabilitative theory (*verbeterings theorie*) to reduce the criminal sanction for the offender of vital asset theft. Previous studies have extensively highlighted the effectiveness of law enforcement in physical theft (Amsori et al., 2023; Sihite & Suhendar, 2023; Halida & Sasongko, 2024; Tarigan et al., 2024; Jumaris et al., 2025) and the urgency of protecting state assets (Susanto, 2023; Alwandani et al., 2024; Hidayat & Handayati, 2024; Sari & Zainsyah, 2026); however, a literature gap remains in dogmatically criticizing the erroneous application of this leniency theory to an adult offender who executed a premeditated, continuous crime against national vital objects.

Based on the background and this academic gap, this research is conducted with two primary objectives. First, this research aims to prove and analyze normatively and juridically the fulfillment of the elements of continuous theft based on Article 363 section (1) point 5 *juncto* Article 64 section (1) of the Penal Code within Decision Number 1008/Pid.B/2025/PN Pbr, to reaffirm the qualification of the act as aggravated theft. Second, this research aims to criticize the rationality of the judge's legal reasoning, which failed to maximize the imprisonment period due to a disproportionate application of rehabilitative theory to an adult offender profile. The theoretical benefit of this research is to enrich the scientific literature of material criminal law dogmatics, specifically regarding the application of sentencing theories to infrastructure crimes. Meanwhile, its practical benefit is expected to serve as a prescriptive guideline for law enforcement officers to prioritize deterrent effects and maximum protection of state vital objects when adjudicating similar cases in the future.

METHOD

This research constitutes normative legal research focusing on the examination of positive legal norms, criminal law principles, and court decisions (Qamar & Rezah, 2020). The primary approaches utilized to analyze the issues encompass the statute approach and the case approach. The statute approach is applied to examine the material criminal provisions within the Penal Code, specifically regarding the qualification of the offense of aggravated theft and the instrument of concurrence in continuous acts. Meanwhile, the case approach is utilized to dissect the anatomy of legal facts and the application of law by the panel of judges in adjudicating the case of theft of state-owned vital facilities.

The legal materials employed in this research are divided into primary legal materials and secondary legal materials (Sampara & Husen, 2016). Primary legal materials consist of authoritative regulations, such as the Penal Code, and jurisprudential documents, such as Decision Number 1008/Pid.B/2025/PN Pbr. Secondary legal materials include academic literature, criminal law doctrines, and previous scientific publications relevant to the discourse on physical property crimes and sentencing theories. Both classifications of legal materials complement each other to construct a logical and solid prescriptive argumentation.

The collection of legal materials is conducted through document review or library research. The researcher inventories, classifies, and systematizes all legal documents that directly relate to protecting national essential assets. The focus of document retrieval is on discovering theoretical foundations that can serve as assessment parameters to evaluate the accuracy of the panel of judges' legal reasoning.

All collected data is subsequently reduced to extract essential information from trial narratives that are irrelevant to the primary research problem.

The data analysis stage is conducted using the qualitative-normative method, based on deductive syllogistic reasoning (Irwansyah, 2020). To address the first research objective, the researcher will construct the objective and subjective elements of Article 363 section (1) point 5 *juncto* Article 64 section (1) of the Penal Code as the major premise. These normative elements are then juxtaposed with the material facts of the trial as the minor premise, specifically the offender's action of unbolting the tower structure using previously prepared mechanical instruments. This analytical step aims to test the precision of legal application in proving the qualification of a continuous act possessing an aggravated dimension.

The subsequent analysis process is directed to address the second research objective through a critical evaluation of the *ratio decidendi* or the logical reasoning basis of the panel of judges. This evaluation centers on tracing the anomaly in the judge's application of rehabilitative theory (*verbeteringstheorie*) as the basis for mitigating the criminal sanction. The researcher will dissect the fallacy of logical reasoning in assessing mitigating circumstances, particularly the contradiction between the offender's biological adulthood and the imposed pretext of youthful rehabilitation. This analysis is specifically designed to uncover the systemic failure of law enforcement officers to maximize criminal sanctions for premeditated crimes targeting the electricity infrastructure.

The series of analyses from these two ultimately culminates in the process of conclusion. Conclusion drawing is conducted prescriptively to generate a final assessment of the accuracy of criminal liability and the existence of sentencing disparity in the case. The outcome of this deduction is projected to enable the formulation of law enforcement recommendations more oriented towards protecting the public interest. Through these methodological stages, the research is guaranteed to proceed objectively and measurably, and to provide a new theoretical foundation for future criminal justice.

RESULTS AND DISCUSSION

A. Criminal Liability for the Offender of PT PLN Vital Asset Theft in Pekanbaru

Criminal liability for electricity infrastructure theft requires strict proof of the elements of the offense by the public prosecutor, which is subsequently assessed by the panel of judges. Based on the document of Decision Number 1008/Pid.B/2025/PN Pbr, the defendant, Yose Luki Eka Putra, faced an indictment for his action of dismantling the transmission tower facility. This judicial process centered

on the public prosecutor's success in proving the qualification of the defendant's acts, who was indicted for violating the provisions of Article 363 section (1) point 5 *juncto* Article 64 section (1) of the Penal Code. This legal construction specifically targets the proof of theft qualified by aggravating circumstances in the form of destruction and committed as a continuous act.

The first essential element successfully proven by the public prosecutor and considered in the decision is the element of taking any property that wholly or partially belongs to another person. Trial facts revealed that the defendant deliberately removed dozens of supporting angle irons from the transmission tower site without PT PLN's permission. The act of physically transferring property from the lawful owner's possession into the offender's control constitutes an absolute manifestation of the completion of a criminal act of theft (Sihite & Suhendar, 2023). The unilateral possession of these state assets confirms the fulfillment of the objective element of unlawful transfer of rights.

The object of the crime in this case cannot be reduced in meaning to merely ordinary metal; rather, it is a vital instrument supporting the stability of public services. The angle irons taken by the defendant were structural reinforcement components of the High-Voltage Overhead Power Lines. The removal of these supports posed a risk of deformation to the infrastructure that distributes electrical energy to the broader public. Therefore, the defendant's acts factually attacked two legal interests simultaneously, namely the property rights of the state-owned enterprise and the public's right to the security of strategic infrastructure.

The aggravating qualification in this criminal act was convincingly argued by the public prosecutor, based on the element of breaking, cutting, or climbing, or the use of false keys. Based on the material facts stipulated in the decision, the defendant did not merely take freely lying goods; instead, he had to unbolt the tower structure's locks using a mechanical tool in the form of a wrench. The act of detaching permanently installed components using this specific auxiliary tool is, by definition, a form of destruction or dismantling (Halida & Sasongko, 2024). The use of mechanical force to breach the goods' physical defenses led the judge to conclude that the defendant's act was of a seriousness exceeding that of ordinary theft.

Besides the objective element of destruction, the fulfillment of this aggravating qualification was also supported by the quality of the defendant's malicious intent. Trial facts noted that the wrench used to unbolt the structures was not found by chance at the crime scene but was deliberately prepared and brought by the defendant from his home. The preparation of this instrument constituted a strong indicator of mature planning prior to the execution of the crime. This

structured subjective intent to breach the security of state assets reinforced the rationality of qualifying his act as a crime warranting an aggravation of sanctions.

The anatomy of the defendant's crime became increasingly complex with the proven element of a continuous act (*voortgezette handeling*) as regulated in the provisions of Article 64 section (1) of the Penal Code. Trial facts detailed that the defendant dismantled the tower irons twice, namely in early July and on July 21, 2025. The close time span between the incidents and the similarity of the modus operandi indicated the existence of a single decision of will underlying the series of acts (Adistyawan et al., 2024). This unity of intent became an absolute requirement in the public prosecutor's proof so that the panel of judges could consolidate these two independent criminal events into a single legal construction of a continuous act.

The construction of this continuous act also confirmed the presence of a repetitive and premeditated economic motive. Based on testimonies at trial, the stolen goods from both incidents were transported and sold by the defendant to a scrap collector for financial gain. The chain of crime connecting the destruction of vital facilities to commercial transactions demonstrated that the defendant's act was driven by a strong orientation toward self-enrichment (Santoso et al., 2025). This repetitive motive affirmed that the defendant's action was not a situational lapse but rather a criminal act targeting the vulnerability of state assets to facilitate rapid cash turnover.

Dogmatically, the public prosecutor successfully proved all elements of the criminal act perfectly, both from the aspect of vital facility destruction and the continuity of the criminal intent. This proof was subsequently considered by the panel of judges, which declared the defendant's act legally and convincingly proven. Nevertheless, the material success of law enforcement against this highly destructive crime ultimately culminated in a highly minimalist sentencing decision, namely imprisonment for one year and ten months. The disparity between the gravity of the premeditated crime that damages state assets and the leniency of the imposed sanction raises a fundamental juridical issue regarding the rationality of the judge's reasoning, which requires further dogmatic dissection through an analysis of sentencing theories.

B. Criticism of the Application of Rehabilitative Theory in Sentencing the Offender of State Asset Theft

The public prosecutor's success in proving all elements of Article 363 section (1) point 5 *juncto* Article 64 section (1) of the Penal Code is evidently not directly proportional to the severity of the sanction imposed at the end of the trial.

Decision Number 1008/Pid.B/2025/PN Pbr records an extremely anomalous disparity when juxtaposed with the maximum criminal threat of the law. The article carries a maximum threat of seven years of imprisonment, yet the actual sanction imposed on the destroyer of state assets falls far short of this maximum (Tarigan et al., 2024). This remarkably wide gap between the normative threat and the reality of the criminal sanction imposition proves a shift in the orientation of law enforcement officers in assessing the danger level of a crime.

This sentencing disparity and anomaly are rooted in a systemic failure originating from the prosecution phase. Based on the decision document in the sentence demand section, the public prosecutor submitted only a demand for two years' imprisonment for the defendant. This demand, situated far below the median value of the law's maximum threat, indicates the failure of the prosecution institution to formulate the danger posed by crimes targeting vital objects owned by state-owned enterprises. The weakness of this sentence demand became the primary catalyst for sentencing disparity, as judges generally use the prosecutor's demand parameters as an initial reference before adjudicating a case (Hamdi, 2024).

This weakness in the prosecution phase should have been corrected by the panel of judges through their discretionary authority. The judge possesses absolute independence to impose a heavier sanction than the prosecutor's request, in order to achieve substantive justice, if the trial facts demonstrate a high level of danger (Sari & Zainsyah, 2026). Instead of executing a prescriptive correction to protect the public interest, the panel of judges affirmed this weakness and further reduced the sanction to one year and ten months of imprisonment. This determination of criminal sanction from the prosecutor's minimalist standard indicates that the judge was also trapped in the simplification of infrastructure crime handling.

To justify the imposition of this minimal criminal sanction, the panel of judges constructed a *ratio decidendi* resting on highly artificial rehabilitative reasoning. The panel of judges in writing considered the mitigating circumstances in the form of the defendant's status, who was deemed still young, thus expected to rehabilitate his behavior in the future. This reasoning manifests the absolute adoption of the rehabilitative theory without testing its empirical coherence in the field. Utilizing the pretext of youth as a protective factor to mitigate criminal sanctions for a destructive offender constitutes a logical fallacy in the legal discovery process (Fitriiono et al., 2023).

The application of this young-age pretext is a legal fiction when juxtaposed with the material facts in the decision file itself. Based on the official identity listed on the first page of the decision, the defendant Yose Luki Eka Putra was

born in May 1988. This biological fact mathematically confirms that the defendant was 37 years old when committing the theft and was facing the judicial process. Categorizing a fully mature adult male as a young individual to mitigate a criminal sanction constitutes a denial of national legal adulthood standards (Irwan et al., 2025).

This logical fallacy in portraying the defendant's biological and psychological profile automatically undermines the validity of the chosen sentencing theory's dogmatic foundation. The philosophical foundation for rehabilitating and reforming behavior should be applied proportionately to juvenile offenders or to impulsive offenders acting without rational calculation (Hendartin et al., 2025). The defendant in this case is a fully mature adult who executed a premeditated crime, brought mechanical dismantling equipment from home, and repeated his act on two separate occasions. Granting rehabilitation privileges to a repetitive criminal offender possessing rational maturity diametrically contradicts the deterrence principle that should be firmly enforced (Darma & Dinata, 2025).

Indications of rationalizing this ultra-light sentencing decision become increasingly systematic as legal terminology assertions disappear from the decision text. The panel of judges entirely omitted the doctrinal qualification in the form of the word 'aggravation' in the primary reasoning of proving the article's elements, although the fact of utilizing mechanical dismantling tools had been declared proven. The omission of this aggravation label is strongly suspected to be an implicit argumentative maneuver to diminish the essential danger of the defendant's crime. By framing the crime as an ordinary property offense, the court presented an argumentative alibi to justify the minimal criminal sanction (Simanjuntak et al., 2025).

This judicial decision also establishes an omission regarding the macro dimension of state losses. The stolen supporting angle irons cannot be valued solely by the weight of the metal on the black market; rather, they are vital instruments supporting the High-Voltage Overhead Power Lines owned by a state entity. The theft of these strategic assets directly diminishes public wealth and endangers infrastructure stability (Susanto, 2023). Imposing a sanction of less than two years for a destroyer of state facilities will undermine the authority of criminal law as the state's coercive instrument and simultaneously possess the potential to eliminate the deterrent effect for other property crime offender groups in the future (Fathonah et al., 2023; Saragih & Markoni, 2025).

Comprehensively, the analysis of this decision reveals an end-to-end systemic failure in law enforcement protecting vital state assets. The public prosecutor's failure to maximize the sentence demand was exacerbated by the panel of judges'

ratio decidendi, which manipulated the age limit of adulthood to apply a misdirected leniency theory. The dogmatic fallacy in providing rehabilitation tolerance for a mature adult deliberately destroying assets has created a sentencing disparity that injures public justice. Ultimately, the judicial instrument in this case failed to represent its role as the protector of national strategic infrastructure.

CONCLUSIONS AND SUGGESTIONS

Based on the series of normative juridical analyses elaborated previously, this research concludes that all elements of the criminal act of aggravated theft committed continuously, as indicated in Article 363 section (1) point 5 *juncto* Article 64 section (1) of the Penal Code, have been perfectly fulfilled. The public prosecutor successfully proved, materially, that the defendant's act of taking dozens of transmission tower supporting angle irons owned by PT PLN involved unbolting them utilizing a previously prepared wrench. The series of acts committed twice within a close time span dogmatically confirms the existence of a unity of intent and a premeditated decision of will. Although all aggravating factors and continuous acts were convincingly proven at trial, these legal facts are not directly proportional to the quality of the sanction imposed, which culminated in an ultra-light sentencing decision.

This research also concludes that there is a systemic failure and a logical reasoning fallacy in the law enforcement process in this case, stemming from the public prosecutor's low criminal demand and the panel of judges' weak legal reasoning. The panel of judges was trapped in a legal fiction by granting leniency based on the rehabilitative theory to the defendant, who was deemed still young, whereas identity facts indicated the defendant was thirty-seven years old. The error in portraying the defendant's biological profile and the omission of the aggravation qualification in the decision narrative prove that the court failed to perceive the destructive dimension of the crime against national vital infrastructure. The application of the rehabilitative theory to a mature adult committing repeated premeditated crimes against state assets constitutes a sentencing anomaly that injures public justice and undermines the authority of criminal law as a deterrent instrument.

Based on these conclusions, several strategic suggestions and recommendations are proposed as tangible follow-ups to improve the criminal justice system. Academically, a paradigm reconstruction is required for law enforcement officers to no longer view the theft of state vital assets merely as conventional property crimes, but rather as crimes threatening wide-scale public safety. The Attorney General's Office needs to issue firmer prosecution guidelines to ensure maximum penalties for perpetrators of strategic infrastructure destruction and to ensure optimal protection of state wealth. Public prosecutors must courageously formulate severe sentence demands to provide a strong foundation for judges when imposing deterrent sentences.

Furthermore, the Supreme Court is recommended to exercise stricter supervision and guidance regarding judges' *ratio decidendi*, particularly regarding the use of subjective and fictitious mitigating circumstances. Judges must be encouraged to prioritize the protection of the public interest over individual leniency not based on accurate facts of the defendant's profile. Policy-wise, the government needs to consider strengthening specific regulations protecting national vital objects that set a higher minimum sentencing limit to minimize decision disparities. Consistent and firm law enforcement is an absolute prerequisite for creating a deterrent effect on other criminal groups while simultaneously safeguarding the sustainability of national energy services from the threat of infrastructure destruction by irresponsible parties.

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