



A Legal Analysis of Aggravated Theft: A Case Study of a Burglary at a Public Figure's Home

Article	Abstract
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Introduction

As social beings, humans are constrained by laws that specify what they are and are not allowed to do while interacting with other humans and creatures.¹ Simply put,

¹ Firdaus Firdaus, Dora Tiara, and Wira Okta Viana, "Criminal Liability for Defendants Who Commit Crimes in the Field of Medical Practice," *Jurnal Ilmiah Ekotrans & Erudisi* 4, no. 1 (June 18, 2024): 52–61, <https://doi.org/10.69989/6zpd6k62>.

a thief can be defined as someone who commits theft. Although the Legal Dictionary does not provide an explicit definition of the term “thief,” it explains that theft is the act of taking another person’s property without consent or through unlawful means with the intent to unlawfully take possession of that property. Under Indonesian criminal law, the crime of theft is regulated by several provisions in the Criminal Code (KUHP), namely Article 362 of the KUHP regarding ordinary theft, Article 363 of the KUHP regarding aggravated theft, Article 364 of the KUHP regarding petty theft, Article 365 of the KUHP regarding theft accompanied by violence, and Article 376 of the KUHP, which governs theft offenses occurring within the family.² As mentioned in the articles above, the crime of aggravated theft occurred at the home of Surya Utama, also known as Uya Kuya.

Uya Kuya’s home sustained damage due to a mob storming the property on Saturday, August 30, 2025, at 11:00 PM WIB. The house is located in the Duren Sawit area of East Jakarta. Based on a video uploaded by Antara, Uya Kuya’s (a PAN politician) home was ransacked by hundreds of people. They carried off various items, such as tables, cabinets, chairs, televisions, clothing, and electronic devices. Even his pets were not spared by the mob, who took them away as well.³ This incident captured the public’s attention after a video circulated showing a mob storming Uya Kuya’s house, tearing down the fence, and breaking into the second floor to loot the contents. In the footage, the mob can be heard shouting “destroy” amid the sounds of the house being smashed.⁴ This incident constitutes a criminal offense.

Criminal acts are a form of “deviant behavior” inherent in every society and threaten the social order, both at the individual and collective levels. In line with this, Ancel states that criminal acts are “a human and social problem,” while Alper refers to them as “the oldest social problem”—a phenomenon that has consistently captured public attention across eras and nations. Criminal acts serve as the fundamental basis for imposing criminal penalties on individuals who have committed criminal offenses, based on their accountability for the actions they have taken.⁵

Criminal law holds a special position within the field of law, distinct from public law and private law due to its nature as the law of sanctions (*bijzonder sanctie recht*). Criminal law imposes specific sanctions for violations of legal norms, whether of a private or public nature. Sanctions in criminal law are always imposed for violations of legal norms, and every norm requires a sanction to maintain its order. Unlike other areas of law, in criminal law, liability cannot be transferred to another party; every individual must be held accountable for their own actions, without being able to shift that responsibility to others, including family members.⁶

² Erwin Ubwarin Fredza Glen Salamena, Elsa Rina Maya Toule, “Modus Operandi Tindak Pidana Perdagangan Orang Yang Berkedok Asisten Rumah Tangga,” *Tatohi: Jurnal Ilmu Hukum* 3, no. 9 (2023): 903–16, <https://doi.org/10.47268/palasrev.v1i2.12045>.

³ Dede Leni Mardianti, “Rumah Uya Kuya Dijarah Massa: Harta Benda Hingga Kucing Peliharaan Diangkut,” *Tempo*, 2025, <https://www.tempo.co/politik/rumah-uya-kuya-dijarah-massa-harta-benda-hingga-kucing-peliharaan-diangkut-2064954>.

⁴ Fajara Widhiyanto, “Tersangka Penjarahan Rumah Uya Kuya Jadi 12 Orang,” *Investortrust*, 2025, <https://investortrust.id/national/78127/tersangka-penjarahan-rumah-uya-kuya-jadi-12-orang>.

⁵ Lusiani Silalahi and Tri Reni Novita, “Tinjauan Yuridis Tindak Pidana Pencurian Dengan Pemberatan Yang Dilakukan Secara Berlanjut Putusan Nomor 1271/Pid.B/2023/PN Lbp,” *Mahkamah : Jurnal Riset Ilmu Hukum* 1, no. 4 (September 28, 2024): 11–28, <https://doi.org/10.62383/mahkamah.v1i4.163>.

⁶ Fredza Glen Salamena, Elsa Rina Maya Toule, “Modus Operandi Tindak Pidana Perdagangan Orang Yang Berkedok Asisten Rumah Tangga.”

Therefore, when deciding a case under their jurisdiction, a judge must do so based on sound judicial judgment, not arbitrary considerations. Judges play a very important role in resolving legal issues that arise in society, particularly those resolved through the legal system via court proceedings. Judges are the symbol of the judicial system, possessing the authority to uphold the law by resolving various legal issues brought before the court through the rulings they issue. Thus, judges must be able to resolve these legal issues by upholding the values of truth through the paradigm they adhere to. To ensure these values are realized in the enforcement of the law, before a judge renders a decision, the judge must verify the facts and events, as well as the evidence presented by the parties during the trial, so that concrete facts or events are established that guide the judge's conviction regarding the truth.⁷ This is similar to the judge's reasoning in ruling on criminal cases: Judgment No. 589/Pid.B/2025/PN.Jkt.Tim, Judgment No. 590/Pid.B/2025/PN.Jkt.Tim, and Judgment No. 593/Pid.B/2025/PN.Jkt. Tim, Judgment 595/Pid.B/2025/PN.Jkt.Tim, and Judgment 596/Pid.B/2025/PN.Jkt.Tim. In addition, one of the cases was resolved through restorative justice (RJ).

Therefore, the author will discuss the *modus operandi* and resolution of the criminal offense that occurred at Uya Kuya's home. Previous research on the *modus operandi* has been conducted by several researchers. One such study, conducted by Anton Hendrik Samudra, analyzed the *modus operandi* and challenges in combating online fraud. Research conducted by Jenifer Jequeen Andrasthea Pangau et al., which discusses the legal framework for aggravated theft under Article 363(3) of the Criminal Code.⁸ Meanwhile, the author will discuss cases of aggravated theft that have been adjudicated in six court decisions.

Method

The type of research used in this study is qualitative research, which is a research procedure that produces descriptive data in the form of written or spoken words from individuals and observable behavior.⁹ Therefore, the data required is limited to secondary data in the form of primary, secondary, and tertiary legal materials. According to Soerjono Soekanto and Sri Mamudji, normative legal research is legal research conducted by examining literature (secondary data), which includes research on legal principles, legal systematics, horizontal and vertical legal synchronization, comparative law, and legal history.¹⁰ The research approach used is the normative approach, which examines legislation, legal doctrines, and court decisions that have attained final and binding legal force.¹¹ The normative approach is further broken down into several methods; however, this study employs three specific approaches: the statutory approach, which examines

⁷ Aditya Yuli Sulistyawan dan Aldio Fahrezi Permana Atmaja, "Arti Penting Legal Reasoning Bagi Hakim Dalam Pengambilan Putusan Di Pengadilan Untuk Menghindari 'Onvoldoende Gemotiveerd,'" *Jurnal Ius Constituendum* 6 (2021).

⁸ Jenifer Jequeen Andrasthea Pangau, Jemmy Sondakh, and Harly Stanly Muaja, "Pencurian Dalam Keadaan Yang Memberatkan Berdasarkan Pasal 363 Ayat (3) Kitab Undang-Undang Hukum Pidana (KUHP)," *Lex Privatum: Jurnal Fakultas Hukum UNSRAT* 15 (2025). dengan kesimpulan yaitu: 1. Pengaturan tindak pidana pencurian dalam keadaan memberatkan menurut Pasal 363 ayat (2

⁹ Lexy J Moleong and Tjun Surjaman, "Metodologi Penelitian Kualitatif," 2014.

¹⁰ Sigit Sapto Nugroho and Anik Tri Haryani, *Metodologi Riset Hukum*, Lakeisha, Klaten, 2020.

¹¹ Sidi Ahyar Wiraguna, "Metode Normatif Dan Empiris Dalam Penelitian Hukum: Studi Eksploratif Di Indonesia," *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum* 3, no. 3 (November 30, 2024), <https://doi.org/10.59818/jps.v3i3.1390>.

laws and regulations relevant to the issue under discussion or analysis; and the case approach, which examines court decisions that have attained final and binding legal force.¹² The case approach is a method that examines court decisions that have become final and binding.¹³

Result and Discussion

1. The Judge Rationale

Legal considerations, both formal and substantive, encompassing both written and unwritten law. As provided for in Article 5(1) of Law No. 48 of 2009 on Judicial Power (Judicial Law). Second, legal considerations must also be directed toward the achievement of justice. One of the fundamental purposes of the law is to realize justice. Therefore, the principle of justice must be a central element in every judicial decision. The judiciary was established with the aim of upholding the law and justice; thus, through fair decisions, it is hoped that order, tranquility, and peace can be fostered in social life.¹⁴

Judges, as officials presiding over a trial, must act fairly in deciding a case. The decisions made by judges must provide legal certainty, benefit, and justice for all parties involved. A court is prohibited from refusing to examine, hear, and decide a case brought before it on the grounds that the law is unclear or nonexistent; rather, it is obligated to examine and adjudicate the case. This is explicitly stated in Article 10(1) of the Judiciary Law. Judges and their duties are regulated in Article 28 of the Judiciary Law, which states that judges are obligated to explore, follow, and understand the legal values and sense of justice that exist within society. In determining the severity of a sentence, the judge must also take into account the defendant's good and bad character.¹⁵

To render objective decisions that provide a basis for resolving the disputes brought before the judge, several steps must be taken, including a thorough examination and evaluation of all evidence presented during the trial. Additionally, the judge must be able to utilize various legal sources to apply, interpret, or create law and incorporate these into the considerations set forth in the judicial decision. In Indonesia, this is emphasized in Article 50(1) of Law No. 48 of 2009 on Judicial Power, which states that a court decision must not only include the reasons and basis for the decision but also cite specific provisions of the relevant laws and regulations or unwritten sources of law upon which the adjudication is based. According to Arief B. Sidharta, the facts and provisions of positive law upon which a ruling is based must be explicitly stated in the reasoning of the ruling. In legal terminology, the reasoning that sets forth the factual grounds and legal basis for the ruling is referred to as "motivering."¹⁶

Furthermore, according to Satjipto Rahardjo, judges, as enforcers of the law, must explore

¹² Bachtiar Bachtiar, *Metode Penelitian Hukum* (Pamulang Tangerang Selatan: Unpam Press, 2019).

¹³ Bachtiar.

¹⁴ Rasji dan Harry Harmono, "Problematika Pertimbangan Hukum Oleh Hakim Dalam Mewujudkan Keadilan Di Masyarakat," *Rewang Rencang: Jurnal Hukum Lex Generalis*. 5 (2024), <https://doi.org/https://doi.org/10.56370/jhlg.v5i10.939>.

¹⁵ Sulistiani Sulistiani, Hafrida Hafrida, and Yulia Monita, "Dasar Pertimbangan Hakim Dalam Memberikan Putusan Lepas (Onslag) Terhadap Pelaku Tindak Pidana Korupsi," *PAMPAS: Journal of Criminal Law* 4, no. 1 (February 6, 2023): 62–73, <https://doi.org/10.22437/pampas.v4i1.25352>.

¹⁶ Tim Penulis, *Memotret Pertimbangan Putusan Hakim Dari Berbagai Perspektif*, Pertama (Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2024).

and understand the living law within society. This is so that judges can render decisions that are in accordance with the law and the public's sense of justice. When determining the severity of a sentence, judges must also consider the defendant's positive and negative character traits. This must be taken into account because an individual's personal circumstances must be evaluated to impose a punishment that is proportionate and as fair as possible. Such personal circumstances can be ascertained through testimony from witnesses or people in the defendant's social circle, medical experts, and so on. Given the importance of such high-quality considerations, it is no surprise that in a number of countries, the principle of well-reasoned deliberation is even enshrined in their constitutions. In Dutch, this principle is referred to as "motivering vonnis."¹⁷

2. Criminal Liability

Criminal liability refers to the legal condition under which a person may be held accountable for conduct that violates criminal law.¹⁸ In this sense, liability is not merely a formal consequence of committing an unlawful act, but a normative judgment that the person can fairly be blamed and subjected to criminal consequences. In general, issues in criminal law concern criminal acts, criminal liability, and sentencing. Therefore, a general understanding of the concept of liability—known as "toerekeningsvatbaarheid" in Dutch and "criminal responsibility/liability" in English—is essential for legal practitioners, particularly judges. The definition of criminal liability is a person's accountability for the criminal act they have committed; specifically, the person is held accountable for the criminal act they have committed. According to S.R. Sianturi, criminal liability is intended to determine whether a person can be held criminally liable for the act they have committed.¹⁹

Reviewing Simons' formulation, a "strafbaarfeit" must consist of a human act; that act must be unlawful (wederrechtelijke); it must be committed by a person who is criminally accountable (toerekeningsvatbaar); and that person must be subject to prosecution. Holding someone accountable under criminal law means applying the punishment that objectively exists for a criminal act subjectively to the perpetrator. Holding someone accountable under criminal law means applying the punishment that objectively exists for a criminal act subjectively to the perpetrator. Criminal liability is determined based on the perpetrator's culpability and not merely on the fulfillment of all elements of a criminal offense. Thus, culpability is regarded as the determining factor in criminal liability and is not viewed merely as a mental element of a criminal offense.

"Criminal liability" consists of two words: "criminal," meaning a crime, and "liability," meaning obligation or responsibility. In Indonesian, "criminal liability" cannot be translated as "pertanggungjawaban kejahatan" but is instead rendered as "pertanggungjawaban pidana"; thus, these two terms have distinct meanings and purposes, and a thorough interpretation is necessary to identify the elements contained within the terms "tindak pidana" and "pertanggungjawaban." However, because these terms have long been in use within society and have become a matter of

¹⁷ Penulis.

¹⁸ Natalia et al., "Criminal Liability and the Non Punishment Principle for Trafficking Victims in Indonesia," *Jurnal IUS Kajian Hukum Dan Keadilan* 14, no. 1 (April 27, 2026): 107–21, <https://doi.org/10.29303/ius.v14i1.1820>.

¹⁹ Serlika Aprita Evy Febryani, Dian Puspa Iwari, "Pertanggungjawaban Pidana Sebagai Dampak Penuntutan Terhadap Korporasi Akibat Pailit," *Collegium Studiosum Journal* 7 (2024): 1–10.

common understanding, the essence of criminal liability is that it is a form of responsibility that determines whether a person is acquitted or punished for a crime they have committed.

In the context of criminal law, the concept of criminal liability plays a crucial role as the basis for determining whether a person can be sanctioned for their actions. Criminal liability, which involves the relationship between an unlawful act and the perpetrator, evolves alongside the dynamics of society and the ever-changing needs of the law. Essentially, the theory of criminal liability aims to ensure that only individuals or entities that have a causal relationship with and are at fault for a criminal act can be subject to sanctions.

According to Roeslan Saleh, criminal liability refers to an act deemed reprehensible by society, for which the perpetrator must be held accountable. By holding the perpetrator accountable for this reprehensible act, the question arises as to whether the act itself is also reprehensible or whether the perpetrator is not reprehensible. In the former case, the perpetrator is certainly subject to criminal punishment, whereas in the latter case, the perpetrator is certainly not subject to criminal punishment.

3. The Crime of Aggravated Theft

The criminal offense of theft under the Criminal Code (KUHP) falls under the category of crimes against property, as regulated in Articles 362 through 367 of the KUHP. The criminal offense of theft can be divided into basic theft, aggravated theft, and mitigated theft. In contrast to the basic form, aggravated theft is defined as a criminal act that, in addition to containing the elements of basic theft as stipulated in Article 362 of the KUHP, also contains additional elements that are exhaustively listed in the criminal definition as aggravating factors. Similarly, the criminal offense of theft in the mitigated form contains additional elements in the form of factors that serve to mitigate the offense.²⁰

Aggravated theft is a criminal offense regulated under Article 363 of the Criminal Code. According to Sudradjat Bassar, theft as defined in Article 363 of the Criminal Code falls under “special theft,” meaning theft committed in a specific manner or under specific circumstances, thereby making it a more serious offense punishable by a higher maximum sentence—namely, more than five years’ imprisonment. Therefore, the criminal offenses of theft regulated in Articles 363 and 365 of the Criminal Code are classified as “special theft,” because such theft is committed in specific ways. The appropriate term, as defined in the Criminal Code, is “aggravated theft,” because this term makes it clear that, due to its nature, the theft is subject to a more severe criminal penalty.

The text of Article 363 of the Criminal Code is as follows:

- (1) The following offenses are punishable by imprisonment for a maximum of seven years:
 1. Theft of livestock;
 2. Theft committed during a fire, explosion, flood, earthquake, or seaquake; a volcanic eruption; a shipwreck; a ship running aground; a train accident; civil unrest; a rebellion; or a state of war;

²⁰ Lusiani Silalahi and Tri Reni Novita, “Tinjauan Yuridis Tindak Pidana Pencurian Dengan Pemberatan Yang Dilakukan Secara Berlanjut Putusan Nomor 1271/Pid.B/2023/PN Lbp.”

3. Theft committed at night in a house or enclosed yard containing a house, by a person whose presence there is unknown to or not consented to by the rightful owner;
 4. Theft committed by two or more persons;
 5. Theft in which, in order to gain entry to the premises where the crime is committed, or to reach the stolen property, the offender breaks in, cuts through, or climbs over a barrier, or uses a forged key, a forged order, or a forged official uniform.
- (2) If the theft described in paragraph 3 is accompanied by any of the circumstances described in paragraphs 4 and 5, the offender shall be subject to imprisonment for a maximum of nine years²¹

The criminal offense of theft under the Old Criminal Code and the New Criminal Code has not, in fact, undergone any significant changes. In terms of the interpretation of the crime of theft in the Old Criminal Code and the New Criminal Code, the elements of the offense remain the same. In the Old Criminal Code, the crime of theft is regulated in Article 362, while in the New Criminal Code, it is regulated in Article 476. The elements of the offense in both remain the same, namely:

- a. The “any person” element refers to the subject of criminal law, which is an individual or entity that has rights or obligations under the law. The “any person” element in criminal offenses stipulated in both the Old Criminal Code and the New Criminal Code is similar: it refers to an individual who commits a material act for which they can be held accountable.
- b. Taking an item means moving the item from its original location to another location. This element of taking an item is satisfied if the subject of the criminal act of theft does so, whether in whole or in part.
- c. With the intent to possess: the perpetrator of the criminal act must have the intent to take the item or right without the owner’s authorization or permission.
- d. Unlawfully: This element refers to an act not based on authorization from the competent authority. In the case of the crime of theft, the element of unlawfulness is satisfied when the subject of the crime takes an item without permission from the owner or the competent government authority, thereby lacking legal standing for the act

The criminal offense of theft as defined in the old Criminal Code and the new Criminal Code is interpreted in the same way; there is no difference. However, there is a slight difference between the criminal offense of theft as defined in the old Criminal Code and that in the new Criminal Code. The difference lies in the inclusion of a new category of theft: theft of religious objects and antiquities.²²

²¹ Jenifer Jequeen Andrasthea Pangau, Sondakh, and Muaja, “Pencurian Dalam Keadaan Yang Memberatkan Berdasarkan Pasal 363 Ayat (3) Kitab Undang-Undang Hukum Pidana (KUHP).” dengan kesimpulan yaitu: 1. Pengaturan tindak pidana pencurian dalam keadaan memberatkan menurut Pasal 363 ayat (2)

²² Annisa Mulyadi, Azzhara Nikita Wahdah, Salma Elsa Anindya, Khairunnisa Syalsabila and Halim Manullang Aura Anisah, Rena Putri Nirwana, Joy Catherine Carina Tambunan, “Analisis Perbedaan Tindak Pidana Pencurian Pada KUHP (Kitab Undang- Undang Hukum Pidana) Baru Dan Lama,” *Media Hukum Indonesia* 2, no. 3032–6591 (2024): 95–103, <https://doi.org/https://doi.org/10.5281/zenodo.11541689>.

4. Resolution of a Case of Aggravated Theft at a Public Figure's Residence

a. Modus Operandi of the Aggravated Burglary at Uya Kuya's Home

Modus operandi, a Latin phrase meaning “method of operation,” refers to the distinctive characteristics or patterns of behavior we use to identify a person based on the way they commit a crime. Lexically, the term modus operandi is defined as the distinctive method or technique used by a criminal or group of criminals in committing illegal acts that harm others—whether before, during, or after the crime is committed.²³ This is how investigators begin the crucial process of narrowing down the list of potential suspects based on the extent to which the details of the crime align with their “modus operandi.” It is important to note that some characteristics of a modus operandi may change over time. However, the basic characteristics of a consistent method often remain, and can serve as reliable indicators for determining whether a suspect is linked to the case. There are some cases where the modus operandi is so distinctive and unique that it becomes the sole evidence needed to identify the perpetrator.²⁴

1) Judgment No. 589/Pid.B/2025/PN.Jkt.Tim

The incident began when Dimas Dwiki Rhamadani, a ShopeeFood online delivery driver, was waiting for an order around 10:55 p.m. At that time, he noticed a crowd of people on the street, so he followed them until he reached Uya Kuya's house. Upon arriving at Uya Kuya's house, he entered the yard and saw a gray cat, which he picked up. He then went inside the house and found a cat carrier near the bathroom, which he used to put the cat inside. He didn't just take the cat and the carrier; he also took other items, including a pair of white Converse sneakers and a black Bogo helmet. Afterward, he took everything he had taken back to his home. The next day at 9:00 a.m., he sold the cat to a neighbor for 1,300,000 to cover his daily expenses. As a result of this act, Dwiki has violated Article 363(1) and (3) of the Criminal Code.

2) Judgment No. 590/Pid.B/2025/PN.Jkt.Tim

This refers to the burglary that occurred at Uya Kuya's home, committed by three suspects: Suspect I, Reval Ahmad Jayadi; Suspect II, Anisa Safiti; and Suspect III, Warda Wahdatullah. This incident began when Perpetrator I saw a video status on WhatsApp uploaded by Perpetrator III, Warda Wahdatullah; Perpetrator I then asked Perpetrator III where she was, to which Perpetrator III replied that she was in front of Uya Kuya's house, located at Jalan Statistik No. 1 F, RT 15 RW 7, Pondok Bambu Village, Duren Sawit Subdistrict, East Jakarta.

Upon learning this, Suspect I, Reval Ahmad Jayadi, went to the FBR Guard Post in the BKT Duren Sawit area, where he met Jojon. Around 9:00 p.m., Suspect I, Reval Ahmad Jayadi, asked Jojon to drive him to Jl. SMP 135, while Jojon turned back. Suspect I, Reval Ahmad Jayadi, walked from Jl. SMP 135 toward Jl. Statistik, which is near Uya Kuya's house. Upon arriving at the location, Suspect I, Reval Ahmad Jayadi,

²³ Muhammad Rezza Kurniawan dan Pujiyono, “Modus Operandi Korupsi Pengadaan Barang Dan Jasa Pemerintah Oleh PNS,” *Jurnal Law Reform* 14, no. 1 (2018).

²⁴ Anonim, “Criminal Justice: What Is a Modus Operandi?,” University of Greater Manchester, 2022, <https://greatermanchester.ac.uk/blogs/criminal-justice-what-is-a-modus-operandi>.

saw that there were already many people there—about 100 people had entered the house—and he even heard shouts of “Come on in!” Suspect I, Reval Ahmad Jayadi, then entered the house.

After entering the house, Suspect I, Reval Ahmad Jayadi, saw a 60-inch LG TV that had been detached from its bracket. Suspect I, Reval Ahmad Jayadi, then carried the TV out of the house and past the fence; once outside, he saw Suspect III, Warda Wahdatullah, and Suspect II, Anisa Safiti. Suspect I, Reval Ahmad Jayadi, asked Suspects II and III for help carrying the TV, and the two of them approached him. The three of them then carried the TV toward a Honda Beat motorcycle, with Suspect I holding the center of the TV and Suspects II and III holding the sides. Upon reaching the parking lot, Suspect III rode the motorcycle while Suspect I sat in the back, holding onto the TV. The sequence of events described above indicates that Perpetrator I took advantage of the commotion at Uya Kuya’s house to steal a 60-inch LG TV. Perpetrator I and Perpetrator III transported the TV to a repair shop owned by Perpetrator I’s older brother, located at BKT, Duren Sawit, East Jakarta. His older brother knew that the TV did not belong to Perpetrator I, and he had initially refused to let the TV be left at his repair shop. Subsequently, there was no discussion between Perpetrator II and Perpetrator III regarding what to do with the TV.

3) Judgment No. 593/Pid.B/2025/PN.Jkt.Tim

Judgment No. 593 states that Razib Pratama and Muhammad Reynaldi violated Article 363(1)(4) of the Criminal Code; the incident occurred at 6:00 a.m. WIB on August 31, 2025. The incident began when Defendant II was in front of a mosque near his home and saw a large crowd of people gathered there. He then asked the group about the commotion and learned that they were heading to the home of Surya Utama, also known as Uya Kuya.

Subsequently, Defendant I arrived at the mosque and met Defendant II. Defendant II then shared the information he had just received and invited Defendant I to go to Uya Kuya’s house to help take valuables from the residence. The two of them then headed to Uya Kuya’s house on a Honda motorcycle with license plate number B-5800-TUP, which belonged to Defendant II. Upon arriving at the scene, Defendant II noticed two outdoor air conditioning units—one a Daikin and the other a Panasonic—and asked Defendant I if he wanted to take both units; Defendant I agreed to take them. After that, Defendants I and II immediately carried the outdoor units toward the motorcycle, and Defendant II then rode the motorcycle with the two outdoor units stacked between him and Defendant I. The air conditioners were taken with the intent to sell them and make a profit. It is therefore understandable that the *modus operandi* employed by Defendants I and II involved taking advantage of the chaos during the riots to steal two outdoor air conditioners, one a Daikin and the other a Panasonic.

4) Judgment No. 594/Pid.B/2025/PN.Jkt.Tim

Judgment No. 594 states that Alan Krisna Wisnu Panuntun has been found guilty of violating Article 363(1)(3) of the Criminal Code. The incident occurred while

the defendant was sitting with friends in front of his house; one of his friends was using the TikTok app and viewed an account belonging to the witness Mulyadi. At that time, the account was live-streaming from the location of Mr. Ahmad Syahroni, who was being approached by a crowd taking items from his home. During the live stream, a comment was posted sharing the address of Surya Utama's home. This prompted the defendant to immediately head to Surya Utama's home to take items of economic value. After the defendant arrived at Uya Kuya's home around 11:00 PM WIB, he immediately entered the house and saw three pairs of shoes—branded "Before Five," "Vans," and "Alpabones" (sports shoes). Therefore, it is clear that the modus operandi of the criminal act committed by the defendant took place during the riots.

5) Judgment No. 595/Pid.B/2025/PN.Jkt.Tim

Judgment No. 595 found that Ridwan Prayogo had violated Article 363(1)(3), which pertains to aggravated theft. The incident began when the defendant, Ridwan Prayogo, was at home and received a message from Suci Ayu around 11:10 p.m. WIB, stating that a crowd had gathered at the home of Surya Utama—better known as Uya Kuya—to take items without permission. Upon receiving this news, the defendant, Ridwan Prayogo, immediately went to Uya Kuya's house together with Suci Ayu. Upon arriving at the scene, the defendant, Ridwan Prayogo, immediately entered the house to take items, an act he had intended beforehand. Once inside the house, the defendant took a pair of Louis Vuitton high heels and five Lokian glasses without the owner's permission. These items were later to be sold for profit. It is clear that the modus operandi in this incident was to take advantage of the crowd to steal the items.

6) Judgment No. 596/Pid.B/2025/PN.Jkt.Tim

Ruling No. 596 states that Muhammad Hafiez Abrar violated Article 363(1)(3), which pertains to aggravated theft. The incident occurred at 10:30 p.m. while Muhammad Hafiez Abrar and Alfi Syahri were sitting around; at that time, they noticed a crowd heading toward the home of Surya Utama, also known as Uya Kuya. The two then followed the crowd on foot, as the location was close to the defendant's residence. Upon arriving, the defendant Muhammad Hafiez Abrar entered Uya Kuya's house and spotted a long gray sofa; he then dragged the sofa out of the house. The defendant and Alfi Syahri subsequently carried the sofa to the defendant's residence. Additionally, the defendant instructed Alfi Syahri to remain at the scene to guard an iron cat cage. Therefore, the modus operandi in Judgment No. 596 involved taking advantage of the crowd gathered at Uya Kuya's house to obtain or take items without the owner's permission.

Based on the descriptions of the six judgments above, it can be understood that the modus operandi used by the defendants was to take advantage of the opportunity presented by the riots to take items of economic value without the owners' permission.

b. Resolution of a Case of Aggravated Theft at a Public Figure's Residence

The concept of criminal liability relates to the process of determining whether a perpetrator can be subject to sanctions, which significantly influences judges.²⁵ In line with this, criminal liability is a legal mechanism for determining whether a person can be punished for their actions. According to Sudarto, criminal liability requires the presence of fault (*schuld*) on the part of the perpetrator. Fault consists of the element of accountability, the existence of a mental connection between the perpetrator and the act (intent or negligence), and the absence of exculpatory grounds. Fault is the primary basis for criminal liability. Fault can take the form of intent (*dolus*) or negligence (*culpa*).²⁶

As criminal liability for the crime of theft is regulated in Article 362 of the Criminal Code (KUHP), which states that theft is the act of taking property—whether in whole or in part—belonging to another person, with the intent to unlawfully possess it.²⁷ The crime of theft is one of the most frequently occurring crimes and falls under the category of property crimes. Aggravated theft is regulated under Article 363 of the Criminal Code. Aggravating circumstances in the crime of theft occur when the theft is committed under certain conditions, such as being committed at night, committed jointly by two or more persons, committed by breaking in or climbing, or committed in a closed house or premises. These circumstances demonstrate the seriousness of the act and increase the criminal penalties for the perpetrators.²⁸

Take, for example, the burglary that occurred at Uya Kuya's home on Saturday, August 30, 2025; this incident caused a stir among local residents, who did not expect the residence to be the target of a burglary.²⁹ The theft was committed not by a single person but by several individuals; therefore, criminal liability must be established for the offense committed. This is evident in six rulings by the East Jakarta District Court, Judgment No. 589/Pid.B/2025/PN.Jkt.Tim, Judgment No. 590/Pid.B/2025/PN.Jkt.Tim, Judgment No. 593/Pid.B/2025/PN.Jkt.Tim, Judgment No. 594/Pid.B/2025/PN.Jkt.Tim, Judgment No. 595/Pid.B/2025/PN.Jkt.Tim, Judgment No. 596/Pid.B/2025/PN.Jkt.Tim.

These rulings are not without sound reasoning; before rendering a decision, a judge must consider and strive to ensure that the ruling to be issued does not give rise to new legal disputes. A ruling must be comprehensive and must not give rise to new legal issues.³⁰ A judge's reasoning is one of the most important aspects in ensuring that a ruling embodies the principles of justice (*ex aequo et bono*) and legal certainty, while also serving the interests of

²⁵ Sanusi, Irma Maulida, and Dessy Ika Putri, "Penegakan Hukum Dalam Tindak Pidana Penipuan Penawaran Kerja Berbasis Media Elektronik (Whatsapp)," *HUMANI (Hukum Dan Masyarakat Madani)* 14, no. 1 (2024): 133–43.

²⁶ Andry Syafrizal Tanjung Cut Ade Irma Handayani, Redyanto Sidi, "Pertanggungjawaban Pidana Terhadap Pelaku Pencurian Dengan Pemberatan (Studi Putusan Nomor 776/Pid.B/2025/ PN Medan)," *Judge: Jurnal Hukum* 6, no. 2775–4170 (2026): 1706–10, <https://doi.org/https://doi.org/10.54209/judge.v6i09.2251>.

²⁷ Rio Ferdika et al., "Dampak Tindak Pidana Pencurian Terhadap Ketertiban Hukum Dan Masyarakat," *Parlementer : Jurnal Studi Hukum Dan Administrasi Publik* 2, no. 4 (December 31, 2025): 106–13, <https://doi.org/10.62383/parlementer.v2i4.1443>.

²⁸ Cut Ade Irma Handayani, Redyanto Sidi, "Pertanggungjawaban Pidana Terhadap Pelaku Pencurian Dengan Pemberatan (Studi Putusan Nomor 776/Pid.B/2025/ PN Medan)."

²⁹ Muhammad Ahsan Nurrijal, "Kronologi Penjarahan Rumah Uya Kuya Di Duren Sawit Jaktim," *Detik Hot*, 2025, <https://hot.detik.com/celeb/d-8088953/kronologi-penjarahan-rumah-uya-kuya-di-duren-sawit-jaktim>.

³⁰ Nur Iftitah Isnantiana, "Legal Reasoning Hakim Dalam Pengambilan Putusan Perkara Di Pengadilan," *Islamadina: Jurnal Pemikiran Islam* XVIII (2017): 41–56.

the parties involved; therefore, the judge's reasoning must be approached with thoroughness, care, and precision.³¹ Judges must be able to analyze and process the data obtained during the trial, whether from documentary evidence, witness testimony, allegations, admissions, or oaths revealed in court. Thus, the ruling to be handed down can be grounded in a sense of responsibility, justice, wisdom, professionalism, and objectivity.³²

Consequently, the judge's reasoning also applies to the rulings on aggravated theft cases that have been issued by the judge in Judgment No. 589/Pid.B/2025/PN.Jkt.Tim, Judgment No. 590/Pid.B/2025/PN.Jkt.Tim, Judgment No. 593/Pid.B/2025/PN.Jkt.Tim, Judgment No. 594/Pid.B/2025/PN.Jkt.Tim, Judgment No. 595/Pid.B/2025/PN.Jkt.Tim, Judgment No. 596/Pid.B/2025/PN.Jkt.Tim. According to the Criminal Code, theft is defined as the unlawful taking of another person's property with the intent to possess it in violation of the owner's rights. The essential elements of theft include the existence of another person's property, the act of taking that property, the intent to possess it, and the act being committed without right or unlawfully.³³ Meanwhile, aggravated theft.

Based on these rulings, the defendants were proven legally and convincingly guilty of committing the criminal offense of aggravated theft under Article 363(1), (3) and (4) of the Criminal Code. The elements of each criminal act of aggravated theft—whether charged under Article 363(1), (3), Article 363(1), (4), or Article 363(1), (3) and (4)—are as follows:

No	Article	Judgment
1	Article 363 (1) 3	1. Judgment No. 589/Pid.B/2025/PN.Jkt.Tim. 2. Judgment No. 594/Pid.B/2025/PN.Jkt.Tim 3. Judgment No. 595/Pid.B/2025/PN.Jkt.Tim 4. Judgment No. 596/Pid.B/2025/PN.Jkt.Tim
2	Article 363 (1) 4	Judgment No. 593/Pid.B/2025/PN.Jkt.Tim
3	Article 363 (1) 3 & 4	Judgment No. 590/Pid.B/2025/PN.Jkt.Tim

1. Any Person

The element of "any person" as a legal subject refers to a human being; this can be inferred from the wording of the article and the nature of the punishment, which consists of imprisonment and a fine—punishments that can only be imposed on a person. Similarly, M.v.T. explains that an act can only be committed by a human being.³⁴ According to Simons, as cited by Lamintang, the perpetrator of a criminal offense is the person who commits the offense in question—that is, a person who, with the intent specified by law, causes a consequence not intended by the law or has committed a prohibited act or failed to perform an act required by law—in other words, the person

³¹ Hambali Thalib & Muhammad Rinaldy Bima Arifyansyah Nur, "Penerapan Asas Legalitas Dalam Penegakan Hukum Pelaku Tindak Pidana Narkotika Berdasarkan Ketentuan Minimum Khusus," *Journal of Lex Generalis* 2 (2021): 1827–39.

³² Arifyansyah Nur.

³³ Rio Ferdika et al., "Dampak Tindak Pidana Pencurian Terhadap Ketertiban Hukum Dan Masyarakat."

³⁴ dan Budiyo Isma Jati Puspo, Setya Wahyudi, "Tindak Pidana Pencurian Dengan Pemberatan Yang Dilakukan Oleh Anak Secara Bersama-Sama (Studi Putusan Nomor: 6/Pid.Sus/2018/Pn Pbg)," *Soedirman Law Review* 2 (2020): 652–63, <https://doi.org/https://doi.org/10.20884/1.slr.2020.2.4.110>.

who fulfills all elements of a criminal offense as defined by law, including both subjective and objective elements, regardless of whether the decision to commit the criminal act arose from the person themselves or was instigated by another party.³⁵ Based on the facts presented in court, the public prosecutor has brought the following defendants: Dimas Dwiki Rhamadani, Reval Ahmad Jayadi, Anisa Safitri, Warda Wahdatullah, Razib Pratama, Muhammad Reynaldi, Alan Krisna Wisnu Panuntut, Ridwan Prayogo, and Muhammad Hafiez Abrar.

2. Taking an Item

“Taking” means bringing an object into one’s possession or bringing it absolutely under one’s actual control; in other words, at the time the perpetrator commits the act, the object must not yet be in his or her possession.³⁶ An item that is wholly or partially owned by another person, with the intent to possess it unlawfully or in violation of rights. The items taken are as follows:

No	Judgment	Items
1.	Judgment Nomor 589/ Pid.B/2025/PN.Jkt.Tim	1. Cat 2. One silver metal cage 3. A pair of converse shoes 4. One black bogo helmet
2.	Judgment Nomor 590/ Pid.B/2025/PN.Jkt.Tim	1. One 60-inch LG television
3.	Judgment Nomor 593/ Pid.B/2025/PN.Jkt.Tim	1. One white Daikin outdoor air conditioner 2. One white Panasonic outdoor air conditioner
4.	Judgment Nomor 594/ Pid.B/2025/PN.Jkt.Tim	1. Three pairs of shoes, each a pair of “Before Five” brand shoes in a cream color with a pattern. 2. One pair of “Vans” brand shoes in dark blue. 3. One pair of “Alpabones” brand athletic shoes.
5.	Judgment Nomor 595/ Pid.B/2025/PN.Jkt.Tim	One pair of cream-colored Louis Vuitton high heels with brown latching Five glass lokian cups
6.	Judgment Nomor 596/ Pid.B/2025/PN.Jkt.Tim	One gray sofa One metal cage

3. Partially or Entirely Owned by Others

With regard to items “belonging to another person,” Simons, as cited in Lamintang, argues that it is not necessary for the identity of that “other person” to be known with certainty; rather, it is sufficient that the perpetrator knows that the items taken do not belong to him or her. Just as the items carried by the defendants belonged to Suya Utama or Uya Kuya.

³⁵ dan Haryanto Dwiartmodjo Haryo Wicaksono, Budiyo, “Penerapan Pasal 363 KuHP Tindak Pidana Pencurian Dalam Keadaan Memberatkan (Tinjauan Yuridis Terhadap Putusan Pengadilan Negeri Cilacap Nomor 235/Pid.B/2015/PN.Clp),” *Soedirman Law Review* 3 (n.d.): 150–60.

³⁶ Haryo Wicaksono, Budiyo.

3. With the Intent to Possess Property Illegally

“Unlawful” generally refers to an act that violates the law or infringes upon rights; the phrase “with the intent to unlawfully possess property” is manifested in the perpetrator’s will, desire, or purpose to unlawfully possess the property. “Unlawful” here is defined as the act of possessing property that the perpetrator intends to possess without having the right or authority to do so. The perpetrator must be aware that what they are taking belongs to someone else.³⁷

4. Theft Committed at Night in a House or on Enclosed Grounds Containing a House, By a Person Whose Presence There is Unknown to or not Consented to by the Rightful Owner

According to Article 98 of the Criminal Code, “nighttime” refers to the period between sunset and sunrise.³⁸ Based on the legal facts presented in court, the aggravated theft offenses were committed at night: Judgment No. 589 was committed at 10:55 p.m. WIB, Judgment No. 590 was committed at 11:00 p.m. WIB, Judgment No. 594 was committed at 11:00 p.m. WIB, Judgment No. 595 was committed at 11:10 p.m. WIB, and Judgment No. 596 was committed at 10:30 p.m. Of the six judgments, the crimes of aggravated theft were committed at night as defined in Article 363(1)(3) of the Criminal Code. Meanwhile, one ruling was issued in the morning, based on Article 363(1)(4) of the Criminal Code.

However, there was one ruling in which the public prosecutor filed a single charge based on Article 363(1)(3) and (4) of the Criminal Code, namely Ruling No. 590/Pid.B/2025/PN.Jkt. Tim. The elements of the crime of aggravated theft are: the element of “any person,” the element of “taking,” the element of “committed at night,” and the element of “committed by two or more persons.” The above explanation demonstrates that Defendants I, II, and III have fulfilled the elements of the crime of aggravated theft based on Article 363(1)(3) and (4) of the Criminal Code. However, upon further examination of the three defendants mentioned above, the crime of aggravated theft involves participation, specifically by Defendants II and III. Complicity itself is regulated under Article 55 of the Criminal Code; the provisions of Article 55(1)(1) of the Criminal Code, as the provision on complicity, require that the respective roles of each perpetrator in the aggravated theft offense be explained or disclosed. Thus, the actions taken by each participant can be assessed, and the respective roles of each perpetrator can be determined. Based on the decision in question, Defendants II and III participated by carrying or moving the items from inside the house to the parking lot, where Defendant III’s motorcycle was located. Subsequently, Defendant III rode the motorcycle while Defendant I held the TV in the back. Consequently, Defendants II and III can be classified as accomplices or *medeplichtigen*. Meanwhile, in Case No. 593, which involved two perpetrators, Defendant II can therefore be classified as a co-perpetrator.

In the case involving Uya Kuya regarding the aggravated theft that occurred at his home, one case was resolved through a restorative justice approach. As reported by *detiknews*, Uya Kuya visited the East Jakarta Metro Police Station to request restorative justice for an elderly woman, identified only by the initial R, who had taken an air conditioner from his ransacked home. The

³⁷ Haryo Wicaksono, Budiyo.

³⁸ Isma Jati Puspo, Setya Wahyudi, “Tindak Pidana Pencurian Dengan Pemberatan Yang Dilakukan Oleh Anak Secara Bersama-Sama (Studi Putusan Nomor: 6/Pid.Sus/2018/Pn Pbg).”

police subsequently facilitated mediation for this restorative justice process.³⁹ The middle-aged woman was known to work as a parking attendant and was reported to have taken the air conditioner from the home of the celebrity, who is also a member of the House of Representatives.⁴⁰ Uya stated that he observed the suspected perpetrator living with her grandchild, who has a disability. Uya acknowledged that this action was purely his own personal initiative as the victim. She also consulted with the police to ensure that the request for restorative justice was legally valid. According to the police, the victim has the right to pursue an amicable resolution in certain cases. In this case, the requirements for restorative justice appear to have been met. This was the suspect's first criminal offense, and the amount of the loss was relatively small. Additionally, the victim demonstrated good faith by choosing restitution over punishment.⁴¹

Resolution through restorative justice—as an alternative to resolving criminal cases within the criminal justice system—focuses on shifting from punitive measures to a process of dialogue and mediation involving the perpetrator, the victim, the families of the perpetrator and victim, and other relevant parties. The aim is to jointly reach an agreement on a fair and balanced resolution of criminal cases for both the victim and the offender, prioritizing restoration to the original state and rebuilding positive relationships within the community.⁴² Restorative justice, as stipulated in Attorney General's Regulation No. 8 of 2021 on Criminal Proceedings Based on Restorative Justice, involves the victim, the suspect, and the public prosecutor—as an instrument of state authority with the power to dismiss a case in the interest of the law. On the other hand, the discontinuation of prosecution based on restorative justice, as stipulated in Article 2 of the Attorney General's Regulation on Restorative Justice, is carried out based on the following principles: (a) justice; (b) the public interest; (c) proportionality; (d) criminal punishment as a last resort; and (e) speed, simplicity, and low cost.⁴³

Conclusion

Based on the explanation above, this study can be summarized as follows: The *modus operandi* refers to the method of committing the crime in Judgment No. 589/Pid.B/2025/PN.Jkt.Tim, Judgment No. 590/Pid.B/2025/PN.Jkt. Tim, Judgment No. 593/Pid.B/2025/PN.Jkt. Tim, Judgment No. 594/Pid.B/2025/PN.Jkt.Tim, Judgment No. 595/Pid.B/2025/PN.Jkt.Tim, and Judgment No. 596/Pid.B/2025/PN.Jkt. Tim, namely by taking advantage of the chaos caused by the mass disturbance at the home of Surya Utama, also known as Uya Kuya, to unlawfully take property belonging to Surya Utama, also known as Uya Kuya. The resolution of the cases against the perpetrators was essentially in accordance with the provisions of Article 363(1)(3) and (4) of the Criminal Code, as all elements of the criminal offense were proven based on the

³⁹ Jabbar Ramdhani, "Uya Kuya Pilih Jalan Damai Bagi Nenek Terduga Penjarah Rumahnya," Detiknews, 2025, <https://news.detik.com/berita/d-8095098/uya-kuya-pilih-jalan-damai-bagi-nenek-terduga-penjarah-rumahnya>.

⁴⁰ Anonim, "Uya Kuya Ajukan Restorative Justice Atas Ibu Terduga Penjarah Rumahnya," CNN Indonesia, 2025, <https://www.cnnindonesia.com/hiburan/20250903200611-234-1269865/uya-kuya-ajukan-restorative-justice-atas-ibu-terduga-penjarah-rumahnya>.

⁴¹ Satrio Dwi Haryono, "Arti Restorative Justice Uya Kuya Ke Terduga Pelaku Penjarahan," Tirto.id, 2025, <https://tirto.id/arti-restorative-justice-uya-kuya-ke-terduga-pelaku-penjarahan-hhaQ>.

⁴² Willa Wahyuni, "Mengenal Restorative Justice," Hukumonline, 2022, <https://www.hukumonline.com/berita/a/mengenal-restorative-justice-lt62b063989c193/>.

⁴³ Deni Setya Bagus Yuherawan dan Ribut Baidi, "Restorative Justice: Implementasi Kebijakan Pemidanaan Dalam Sistem Hukum Pidana Indonesia," *Indonesia Criminal Law Review* 2 (2023).

facts presented in court and the judge's deliberations. Furthermore, the application of restorative justice mechanisms in one of the cases demonstrates that non-punitive resolutions remain possible as long as they meet applicable legal requirements and continue to take into account the interests of the victims, the perpetrators, and the objectives of justice.

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