# ABSTRAK

Penelitian ini bertujuan untuk menganalisis pertimbangan hukum hakim dalam menjatuhkan putusan terhadap tindak pidana pencurian serta mengkaji apakah putusan tersebut telah memenuhi unsur keadilan bagi korban maupun terdakwa dalam perkara Nomor 209/Pid.B/2025/PN Jmb. Metode penelitian yang digunakan adalah yuridis normatif dengan teknik deskriptif kualitatif yang bersumber pada data sekunder, termasuk bahan hukum primer berupa putusan pengadilan dan bahan hukum sekunder berupa literatur terkait. Data dianalisis secara kualitatif dengan penalaran induktif untuk menarik kesimpulan dari fakta-fakta hukum yang terungkap di persidangan.

Hasil penelitian menunjukkan bahwa Majelis Hakim menyatakan terdakwa Kindrawati terbukti secara sah dan meyakinkan melakukan tindak pidana pencurian melanggar Pasal 362 KUHP karena mengambil uang tunai dan mata uang asing milik majikannya sebesar Rp30.000.000,-. Pertimbangan hakim didasarkan pada terpenuhinya unsur-unsur objektif dan subjektif, di mana penyalahgunaan posisi kepercayaan sebagai asisten rumah tangga menjadi faktor yang memberatkan, sementara pengakuan jujur dan pengembalian barang bukti menjadi faktor yang meringankan. Hakim menjatuhkan pidana penjara selama 10 bulan, yang lebih ringan dari tuntutan jaksa selama 1 tahun.

Penelitian ini menyimpulkan bahwa putusan hakim telah memenuhi syarat formal dan keadilan prosedural, namun masih terdapat kelemahan dalam aspek keadilan substantif karena hakim kurang menguraikan konteks kesukarelaan pengembalian barang dan dampak psikologis korban. Disarankan agar hakim lebih teliti dalam merumuskan kronologi hukum dan mengelaborasi pertimbangan sosiologis terkait relasi kepercayaan dalam kasus serupa. Penguatan *ratio decidendi* diperlukan agar putusan tidak hanya berfokus pada pemenuhan unsur normatif, tetapi juga mencerminkan keadilan yang berimbang bagi semua pihak.

**Kata Kunci:** Tinjauan Yuridis, Pencurian, Pertimbangan Hakim, Pengembalian Barang, Putusan Pengadilan Negeri Jambi.

# ABSTRACT

This research aims to analyze the judge's legal considerations in rendering a verdict on the crime of theft and to examine whether the decision has fulfilled the elements of justice for both the victim and the defendant in case Number 209/Pid.B/2025/PN Jmb. The research method used is normative legal research with a descriptive qualitative technique sourced from secondary data, including primary legal materials such as court decisions and secondary legal materials such as related literature. The data were analyzed qualitatively with inductive reasoning to draw conclusions from the legal facts revealed during the trial.

The research results indicate that the Panel of Judges declared the defendant, Kindrawati, legally and convincingly proven to have committed the crime of theft violating Article 362 of the Criminal Code for taking cash and foreign currency belonging to her employer totaling IDR 30,000,000. The judge's considerations were based on the fulfillment of objective and subjective elements, where the abuse of her trusted position as a domestic worker became an aggravating factor, while her honest confession and the return of evidence became mitigating factors. The judge imposed a prison sentence of 10 months, which was lighter than the prosecutor's demand of 1 year.

This research concludes that the judge's decision has met formal requirements and procedural justice; however, there are still weaknesses in the aspect of substantive justice because the judge lacked elaboration on the context of the voluntariness of the returned goods and the psychological impact on the victim. It is suggested that judges be more thorough in formulating legal chronologies and elaborating sociological considerations related to trust relationships in similar cases. Strengthening the ratio decidendi is necessary so that the decision does not only focus on fulfilling normative elements but also reflects balanced justice for all parties.

*Keywords: Juridical Review, Theft, Judge's Consideration, Restitution of Goods, Jambi District Court Decision.*