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Lex Favor Reo and Judicial Reasoning in Grounding Cable Theft on the Jakarta–Bandung High-Speed Railway: Decision 1255/Pid.B/2025/PN Blb

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Abstract

The theft of grounding cables from the Jakarta–Bandung high-speed railway raises an issue of intertemporal criminal law: the offence occurred before Law Number 1 of 2023 on the National Criminal Code took effect, but the judgment was delivered afterward. This article examines the application in Decision Number 1255/Pid.B/2025/PN Blb of the Bale Bandung District Court and the judges' determination of the provision applicable to the defendant. It uses normative legal research with statutory, case, and conceptual approaches. The decision, legislation, and legal doctrines are analysed descriptively and analytically. The findings show that the defendant's conduct fulfilled elements of aggravated theft. The court applied Article 477 paragraph (1) letter f of the National Criminal Code because its alternative fine was considered more favourable than the penalty under Article 363 paragraph (1) point 5 of the former Criminal Code. However, the reasoning has weaknesses. The reference to a forced door contradicts the finding that the defendant entered through a drainage channel. The judgment fails to explain the choice of imprisonment in relation to the available fine, while its operative part does not clarify the adjustment of the charge's qualification. Nevertheless, the one-year prison sentence remains proportionate. This article contributes to criminal law scholarship by distinguishing the abstract advantage of a new provision (in abstracto) from its realisation at sentencing (in concreto). It argues that transitional judgments should expressly identify the method used to compare provisions under the lex favor reo principle and connect sentencing considerations to the type of penalty imposed.

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INTRODUCTION

The protection of transport infrastructure is no longer only a matter of engineering and

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investment; it is also a question of how criminal law responds to attacks on the components that keep modern technical systems safe. Decision Number 1255/Pid.B/2025/PN Blb of the Bale Bandung District Court offers a concrete illustration through the theft of grounding cables owned by PT Kereta Cepat Indonesia China (KCIC).[1] According to the facts recorded in the decision, the offence took place on 28 August 2025 at around 22.00 Western Indonesia Time (WIB) at DK 113+400 of the Jakarta–Bandung high-speed railway line, in the Inlet Tunnel 11 area, Gadobangkong Village, Ngamprah District, West Bandung Regency. The defendant took 51 type-B black grounding cables, each 35 centimetres long, and three type-C cables, each 70 centimetres long, causing a material loss of IDR 4,035,000. As one of Indonesia's flagship modes of modern transport, the Jakarta–Bandung high-speed railway (Whoosh) plays an important role in public mobility, so the theft of its supporting components concerns both the protection of property and the enforcement of criminal law.[2]

Grounding cables form part of the safety system of an electrical installation. A witness in the decision explained that, without these cables, current from lightning or static electricity cannot be properly conducted to the ground, potentially endangering train operations. The panel of judges treated this potential danger as an aggravating circumstance, particularly because it concerned transport safety and the lives of many people. Potential danger must nevertheless be distinguished from consequences actually proven at trial: there is no basis for concluding that the theft caused an accident or a suspension of railway operations without adequate supporting facts. The handling of such cases must therefore protect infrastructure while ensuring that the defendant's culpability and criminal liability are determined on the basis of proven facts and applicable law.

The case becomes doctrinally significant because it concerns the application of criminal provisions to conduct committed before the National Criminal Code entered into force. The defendant, Asep Suryana bin Nende (deceased), entered the railway corridor through a drainage channel, pulled the cables attached to the track wall until they came loose, and placed them in a sack. He admitted that he intended to sell the copper inside the cables to a scrap dealer to meet his personal needs. Security officers on patrol caught him on 29 August 2025 at around 10.24 WIB while inspecting the items he was carrying. The Public Prosecutor brought a single indictment under Article 363(1) point 5 of the old Criminal Code and demanded one year and six months' imprisonment. In its judgment of 29 January 2026, however, the panel imposed one year's imprisonment and based the sentence on Article 477(1)(f) of Law Number 1 of 2023 on the Criminal Code.[3] This divergence between the provision charged and the provision applied raises a question about the legal basis of the sentence during the transition to the national criminal law regime.

From a juridical standpoint, the application of criminal law requires coherence between the proven conduct, the elements of the offence, and the provision used as the basis

[1] Agus Setiyawan et al., "Analisis Yuridis Normatif Pemberatan Pidana Pencurian Di Malam Hari," *Viva Themis: Jurnal Ilmu Hukum Dan Humaniora* 9, no. 2 (2026): 1127–42, https://doi.org/10.24967/vt.v9i2.5796.

[2] Irhas Murad, Laurensius Arliman, and B Patmawanti, "Penerapan Unsur Pemberatan Oleh Penyidik Pada Tindak Pidana Pencurian Kabel Di Objek Ekowisata Bukit Cambai," *Ekasakti Legal Science Journal* 3, no. 1 (2026): 40–47, https://doi.org/10.60034/tabntb72.

[3] Fariz Rifqi Hasbi and Nopit Ernasari, "Rekonstruksi Kebijakan Hukum Pidana Terhadap Tindak Pidana Pencurian Benda Yang Membahayakan Keselamatan Publik," *Journal Justiciabelen (JJ)* 6, no. 2 (2026): 85–96, https://doi.org/10.35194/jj.v6i02.6194.

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for punishment. Article 12(1) of the National Criminal Code defines a criminal offence as conduct that is threatened with a penalty and/or measure by statutory regulation. In a grounding cable theft case, the analysis must focus on the act of taking property belonging to another with the intention of unlawfully possessing it, as well as on the manner of commission that grounds the aggravation.[4] The issue is closely connected to the *tempus delicti*: the conduct occurred in August 2025, whereas the National Criminal Code only took effect on 2 January 2026. Article 3(1) of the Code provides that where legislation changes after an offence has been committed, the new provision applies unless the old provision is more favourable to the offender or accomplice. Ulrich Beck's theory of the risk society offers a supporting perspective for understanding the relationship between modern technological progress and the emergence of collective risks, including the importance of protecting transport infrastructure components.[5] This theory serves only as a contextual lens and cannot replace the proof of the elements of the offence or positive law.

Existing scholarship provides a useful but incomplete foundation. Murad, Arliman, and Patmawanti examine the application of aggravating elements by investigators in cable theft cases and identify obstacles such as limited direct evidence, few witnesses, and weak coordination.[6] Rezvianti, Hendry, and Mandasia discuss the causes of, and responses to, electricity theft through field and library research; their work is relevant to law enforcement in the electricity sector, although its object differs from the theft of tangible cables.[7] Hasbi and Ernasari argue for a reconstruction of criminal law policy to strengthen public safety against the theft of objects that endanger the public. Azila, Assaori, and Efendi analyse sentencing for aggravated theft by comparing Article 363 of the old Criminal Code with its counterpart in Article 477 of the National Criminal Code, while Mutiara and Manurung assess the application of *lex favor reo* to cases decided during the transition to the National Criminal Code.[8] These studies show that aggravating elements and the transition to the new Code have begun to receive attention, but they have not yet been connected to the protection of transport infrastructure components within a single concrete judgment.

This article addresses that gap by examining the relationship between the change in the applicable Criminal Code, the proof of aggravating elements, and the determination of the basis for sentencing in a

[4] J Azila, S Assaori, and S Efendi, "Analisis Yuridis Terhadap Penjatuhan Sanksi Pidana Pencurian Dengan Pemberatan (Studi Putusan Nomor 43/Pid.B/2025/PN Mjy)," *SENTRI: Jurnal Riset Ilmiah* 5, no. 9 (2026): 4595–4608, https://doi.org/10.55681/sentri.v5i9.7252.

[5] Osa Milda and M Ruhly Kesuma Dinata, "Serial Theft from a Criminal Law Perspective: A Juridical Analysis and a Humanistic Legal Approach (Study of Decision No. 140/Pid.B/2024/PN.Kbu)," *Journal of Law Science* 8, no. 1 (2026), https://doi.org/10.35335/jls.v8i1.6782.

[6] Arfan Reano and Boedi Prasetyo, "Implementation of Punishment for Perpetrators of Aggravated Theft Based on the New Criminal Code," *Indonesian Journal of Law and Economics Review* 20, no. 4 (2025), https://doi.org/10.21070/ijler.v20i4.1397.

[7] Lucky Ratu Ierminda Hutasoit, Rahul Ardian Fikri, and Lidya Rahmadhani Hasibuan, "Criminal Liability for Perpetrators of the Criminal Offense of Theft with Aggravating Circumstances Based on Law Number 1 of 2023 Concerning the Criminal Code," *Jurnal Hukum Sehasen* 12, no. 2 (2026): 523–30, https://doi.org/10.37676/jhs.v12i2.12680.

[8] M H A A Damanik, I G Purba, and S Susilawati, "Pertanggungjawaban Pelaku Tindak Pidana Pencurian Dengan Pemberatan (Studi Putusan Nomor: 899/Pid.B/2024/PN Dps)," *Jurnal Hukum Al-Hikmah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 6, no. 2 (2025): 388–410, https://doi.org/10.30743/jhah.v6i2.11534.

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single decision concerning grounding cable theft. It asks two questions: first, how was criminal law applied to the theft of grounding cables on the Jakarta–Bandung high-speed railway in Decision Number 1255/Pid.B/2025/PN Blb; and second, how did the panel of judges determine the criminal provision applicable to the defendant? The article's contribution lies not in a different object or location of research, but in an integrated analysis of the application of criminal law and judicial reasoning during the transitional period. Conceptually, it distinguishes between the advantage offered by a new provision *in abstracto*, at the level of statutory penalties, and its realisation *in concreto*, at the stage of sentencing, and shows why this distinction matters for legal certainty and the quality of judicial reasoning.

METHODS

This study employs normative legal research, which focuses on examining legal norms through legislation, court decisions, doctrine, and relevant legal literature. According to Rizkia and Fardiansyah, normative legal research is conducted by examining library materials or secondary data consisting of primary, secondary, and tertiary legal materials as the basis of legal analysis.[9] Three approaches are used: the statute approach to examine the relevant criminal provisions; the case approach to examine the legal facts and judicial considerations in Decision Number 1255/Pid.B/2025/PN Blb; and the conceptual approach to understand the concepts of theft, aggravating elements, and the application of criminal law during the transition from the old Criminal Code to the National Criminal Code. These approaches are applied in an integrated manner: the statute approach examines the validity and consistency of norms, the conceptual approach builds evaluative standards from principles and doctrine, and the case approach examines the legally relevant facts, the reasoning, and the operative part of the decision.[10] This combination is commonly used in Indonesian normative legal research to assess the application of norms to concrete events.

The study uses three types of legal materials. Primary legal materials comprise.

Decision Number 1255/Pid.B/2025/PN Blb, Law Number 1 of 2023 on the Criminal Code, and other legislation relevant to the research problem. Secondary legal materials comprise legal books, scholarly journals, previous research, and expert opinions on theft, judicial considerations, and the application of criminal law. Tertiary legal materials comprise legal dictionaries, encyclopaedias, and other references that help explain legal terms. All materials were collected through library and document research by tracing, inventorying, and classifying them according to their relevance to the research questions. Materials were selected purposively, taking sources that relate directly to the object and focus of the research.

The collected materials were analysed qualitatively using a descriptive-analytical technique, by setting them out systematically and examining the relationship between legal norms, the facts in the decision, and the judges' arguments. The analysis focuses on comparing Article 363(1) point 5 of the old Criminal Code with Article 477(1)(f) of Law Number 1 of 2023, particularly in light of Article 3(1), which governs changes in legislation after an offence has been committed. The judicial considerations were then examined to assess the basis for selecting the applicable criminal provision and the

[9] Wafda Vivid Izziyana and Rahmat Dwi Putranto, *METODE PENELITIAN SO C IO-LEGAL DI INDONESIA*, n.d.
[10] Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Cetakan ke-15 (Jakarta: RajaGrafindo Persada, 2013).

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consistency of the proof of the elements of the offence. The scope of the analysis is limited to the parts of the decision available to the author; this limitation is noted where it affects the assessment. The results are presented descriptively to answer the two research questions.

RESULTS AND DISCUSSION

This section is organised into two subsections that correspond to the research questions. Subsection A addresses the application of criminal law to the theft of grounding cables on the Jakarta–Bandung high-speed railway, while subsection B addresses the judicial considerations in determining the criminal provision applied to the defendant. In each subsection, the findings from Decision Number 1255/Pid.B/2025/PN Blb are presented first and then analysed in light of legislation, doctrine, and previous research.

A. Application of Criminal Law to the Theft of Grounding Cables on the Jakarta–Bandung High-Speed Railway

1. Legal Facts and the Operative Part of the Decision

The decision shows that the case was examined and decided by the Bale Bandung District Court on the basis of the Public Prosecutor's single indictment. The facts revealed at trial show that the defendant's conduct took place on Thursday, 28 August 2025 at around 22.00 WIB and was only discovered on Friday, 29 August 2025 at around 10.24 WIB at DK 113+400 of the Jakarta–Bandung high-speed railway line, Inlet Tunnel 11, Gadobangkong Village, Ngamprah District, West Bandung Regency. The defendant entered the railway area through a drainage channel, pulled the cables attached to the track wall by hand until they came loose, collected them in a sack, and then used a utility knife (*cutter*) to strip the cables' plastic insulation. The items taken were 51 type-B grounding cables and three type-C cables containing copper, together with one 24–27 spanner, all belonging to PT Kereta Cepat Indonesia China (KCIC).[11]

The judgment was pronounced in a session open to the public on 29 January 2026, after the panel deliberated on 22 January 2026. The "Considering" (*Memperhatikan*) section of the decision refers to Article 477(1)(f) of Law Number 1 of 2023 on the Criminal Code, Law Number 1 of 2026 on Penal Adjustment, and Law Number 20 of 2025 on the Criminal Procedure Code. In the operative part, the defendant was declared lawfully and convincingly proven guilty of aggravated theft as charged in the single indictment and was sentenced to

one year's imprisonment. The period of arrest and detention already served was deducted in full, and the defendant was ordered to remain in detention. The cables seized as evidence were returned to the witness Faisal Alvin, Fixed Asset Staff of PT KCIC, whereas the spanner, the utility knife, and the sack were ordered to be destroyed. Court costs of IDR 5,000 were charged to the defendant. Table 1 compares the prosecutor's demand with the court's decision.

[11] Reny Halida and Dradjad Wahyu Sasongko, "Penerapan Unsur Tindak Pidana Dengan Pemberatan Berdasarkan 363 Ayat (1) Ke-4 Dan Ke-5 KUHP: Studi Kasus Putusan No. 65/Pid.B/2012/PN.Pwr," *Advokasi Hukum & Demokrasi* 2, no. 1 (2024): 41–57, https://doi.org/10.61234/ahd.v2i1.61.

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Table 1. Comparison of the Public Prosecutor's Demand and the Panel's Decision

Aspect	Public Prosecutor's Demand	Panel's Decision
Legal basis	Article 363(1) point 5 of the old Criminal Code	Article 477(1)(f) of Law Number 1 of 2023
Form of indictment	Single indictment	Proven as charged in the single indictment
Statutory penalty	Maximum of seven years' imprisonment	Maximum of seven years' imprisonment or a fine of up to Category V
Penalty demanded or imposed	One year and six months' imprisonment	One year's imprisonment
Detention	Defendant to remain in detention	Defendant to remain in detention; period of arrest and detention deducted
Aggravating circumstances	Not addressed in the examined part	Potential danger to transport safety and the lives of many people

Source: Compiled by the author from Decision Number 1255/Pid.B/2025/PN Blb.

2. Construction of the Proof of Elements in the Judges' Considerations

The panel set out its legal considerations according to the elements of the article charged. The part of the considerations available to the author contains four elements: taking an item; the item belonging wholly or partly to another person; the intention to possess it unlawfully; and committing the act by breaking, climbing, or using a false key, false order, or false official uniform. For the element of taking, the panel adopted the view that taking is complete once the item has been moved and was not previously in the offender's control.[12] For the element of belonging to another person, the panel relied on witness testimony, the defendant's statement, and the evidence showing that the cables belonged to PT KCIC and not to the defendant. For the element of unlawful possession, the panel found that the defendant took the items without the owner's permission. Table 2 maps the elements, facts, and the panel's assessment.

Table 2. Mapping of Elements, Trial Facts, and the Panel's Assessment

Element	Trial facts	Panel's assessment	Analytical note
Taking an item	Cables pulled out by hand, collected in a sack, and carried by the defendant	Fulfilled because the item was moved and was not previously in the offender's control	Theft complete even though the items had not yet been sold

[12] Bahri Yamin et al., "Problematika Asas Lex Favor Reo Dalam KUHP Nasional: Dialektika Dalam Penafsiran," *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 5, no. 3 (2026): 558–67, https://doi.org/10.55681/seikat.v5i3.2304.

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Element	Trial facts	Panel's assessment	Analytical note
Belonging wholly or partly to another	Cables and spanner owned by PT KCIC	Fulfilled based on witness testimony, the defendant's statement, and evidence	Status of the spanner should be aligned with the order on evidence
Intention to possess unlawfully	Copper to be sold to a scrap dealer	Fulfilled because taken without the owner's permission	Consistent with the defendant's statement
Breaking, climbing, or other means	Entry through a drainage channel; cables pulled off the track wall; utility knife used to strip insulation	Fulfilled through entering the place of the offence by breaking, described as forcing a door	Door description inconsistent with the chronology; other means should be tested

Source: Compiled by the author from Decision Number 1255/Pid.B/2025/PN Blb.

The longest discussion in the judges' considerations concerns the last element. The panel stated that this element is alternative in nature, so that only one form needed to be selected and proven, namely entering the place of the offence by breaking. Yet the description of breaking in those considerations refers to forcing open a door until its hinges were damaged, whereas the sequence of facts in the same decision shows that the defendant entered through a drainage channel and pulled out the cables by hand.[13] All elements were ultimately declared fulfilled without any explanation reconciling these two different descriptions.

3. Fulfilment of the Elements of Theft

From a dogmatic standpoint, the defendant's conduct satisfies the basic definition of theft in Article 476 of the National Criminal Code, namely taking an item belonging wholly or partly to another person with the intention of possessing it unlawfully. These elements are proven by matching the trial facts with the elements of the offence through lawful evidence.[14] In this case, the witness testimony, the defendant's statement, and the seized cables corroborate one another and form a consistent chain of proof. Pulling out the cables, placing them in a sack, and carrying them away shows that the items had left the owner's control, so the theft was complete even though the defendant was caught by security officers before he could sell them. His admission that he intended to sell the copper to a scrap dealer for personal needs demonstrates an intention to possess that corresponds to the element of unlawfulness. Damanik, Purba, and Susilawati likewise emphasise the importance of consistency between the proven elements and the form of criminal liability, noting that a decision is incomplete if

[13] Annisabella Oktaviani et al., "Asas Lex Mitior Dalam Transisi KUHP Nasional: Kajian Penerapan Ketentuan Yang Lebih Menguntungkan Terdakwa," *Indonesian Journal of Criminal Law and Criminology* 7, no. 2 (2026): 151–63, https://doi.org/10.18196/ijclc.v7i2.31911.

[14] Selvia Karlina and Herlita Eryke, "The Application of the Lex Favor Reo Principle in Indonesia's National Criminal Code Transition: Legal Construction and Legal Certainty," *IURIS NOTITIA: Jurnal Ilmu Hukum* 4, no. 2 (2026): 523–33, https://doi.org/10.69916/iuris.v4i2.699.

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relevant trial facts, such as the time and place of the act, are not adequately considered.[15]

The loss of IDR 4,035,000 does not remove the qualification of theft. Article 478 of the National Criminal Code governs petty theft, but it requires that the value of the item not exceed a certain threshold, and the loss in this case cannot be categorised as small by that standard. Moreover, the economic value of grounding cables cannot be separated from their function. According to the witness testimony in the decision, the loss of grounding cables prevents current from lightning or static electricity from being properly conducted to the ground. The loss measured in rupiah therefore does not fully reflect the impact that may arise.

4. The Aggravating Element: The Manner of Commission

Article 477(1)(f) of the National Criminal Code covers theft committed by breaking, dismantling, cutting, smashing, climbing, or using a false key, false order, or false official uniform in order to enter the place of the offence or to reach the item taken. Compared with Article 363(1) point 5 of the old Criminal Code, the new formulation adds dismantling and smashing, which widens its scope of interpretation. Proving this element requires a clear link between the means used and the purpose of the act, namely entering the place of the offence or reaching the item taken. Aggravation in theft rests on circumstances or means expressly specified by the legislature, not on the impression that the act is reprehensible.[16] Azila, Assaori, and Efendi also compare Article 363 of the old Code with Article 477 of the National Criminal Code in assessing sentences for aggravated theft, showing that the correct application of an article must be accompanied by an assessment of whether the penalty fits the circumstances of the act.[17]

The facts of the case open three lines of reasoning. First, the defendant's entry

through a drainage channel may be analysed as a form of climbing if climbing is understood broadly, as in the interpretive provision of Article 99 of the old Criminal Code, which covers entry through an opening or channel that is not an ordinary entrance. This reasoning, however, requires proof that the drainage channel functioned as a boundary of the area, and this is not explained in the available considerations. Second, pulling the cables off the track wall until they came loose may be understood as dismantling an installation in order to reach the item. Yet this interpretation risks blurring the line between ordinary and aggravated theft, because taking any item attached to a structure always requires detaching it. If detachment itself were treated as an aggravating means, the aggravating element would attach to almost every theft of an attached object, and the distinction between Articles 476 and 477 would lose its function. Third, based on the available chronology, the use of a utility knife to strip the plastic insulation occurred in order to obtain the copper after the cables had already been taken, so it cannot be regarded as a means of reaching the item taken.[18]

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[15] M Hafidz Halim, Ahmad Syaifudin, and Moh. Muhibbin, "Lex Favor Reo in Indonesia's Criminal Law Transition," *Indonesian Journal of Innovation Studies* 27, no. 4 (2026), https://doi.org/10.21070/ijins.v27i4.2245.

[16] Amanda Aprilia Saputri, Sunariyo, and Bayu Prasetyo, "Asas Lex Favor Reo Dalam Perkara Penipuan Online Ditinjau Menurut UU No. 1 Tahun 2023," *Al-Qisthas: Jurnal Hukum Dan Politik* 17, no. 1 (2026): 40–69, https://doi.org/10.37035/alqisthas.v17i1.03.

[17] Rani Oslina Nainggolan, Alvi Syahrin, and Mahmud Mulyadi, "The Position of the Principle of Legality in Law No. 1 of 2023 for the Development of Criminal Law in Indonesia," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 16, no. 2 (2024): 408–19, https://doi.org/10.32505/jurisprudensi.v16i2.8765.

[18] Gabriela Ola, "The Applicability of the Legality of Incrimination and Sanctioning Principle Triggered by a Change

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Aggravation in this case can still be sustained, but the most testable line of reasoning

lies in proving how the defendant entered through the drainage channel and how the cables were detached from the track structure, not in the breaking of a door. Such difficulties are consistent with the findings of Murad, Arliman, and Patmawanti, which show that the application of aggravating elements in cable theft cases is often hampered by limited direct evidence and few witnesses.[19] The fact that the offence occurred at around 22.00 WIB does not automatically constitute a ground for aggravation either, since aggravation based on night-time applies to theft in a dwelling or an enclosed yard containing a dwelling, and a railway line does not fall within the category of a dwelling.[20]

5. *The Public Safety Dimension*

The fact that the object of the theft was grounding cables on a high-speed railway line reveals a dimension that goes beyond property loss. As a modern mode of transport, the high-speed railway attracts many passengers,[21] so interference with its supporting components touches the interests of many people. Ulrich Beck's perspective of the risk society helps explain why seemingly minor technical components can be significant in modern technological systems, since the failure of supporting components may generate collective risks.[22] This perspective is contextual and does not replace the proof of the elements of the offence. Within the framework of criminal law, potential danger to travel safety is more appropriately placed as a sentencing consideration rather than as a consequence assumed to have occurred without proof. This approach is consistent with the panel's treatment of potential danger as an aggravating circumstance rather than as an actual consequence. A similar pattern appears in the theft of toll-road barrier iron examined by Rusli and Ristianti, where the judges treated material loss and public unrest as aggravating circumstances in sentencing.[23]

This discussion also points to the need for stronger legal protection of infrastructure

related to public safety. Hasbi and Ernasari stress the importance of reconstructing criminal law policy to strengthen public protection against the theft of dangerous objects.[24] In this case, the single

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of Rules Regarding the Application of the Most Lenient Criminal Law, Imposed by the Court of Justice of the European Union through Preliminary Rulings," *Criminal Law Writings (Caiete de Drept Penal)*, no. 4 (2024), https://doi.org/10.24193/CDP.2024.4.3.

[19] Marsa et al., "Asas Lex Favor Reo Dan Batas Penerapan Hukum Pidana Yang Lebih Menguntungkan Dalam KUHP Nasional," *Journal of Exploratory Dynamic Problems* 3, no. 4 (2026): 2707–24, https://doi.org/10.31004/edp.v3i4.552.

[20] Tunggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Originis and Approaches," *Audito Comparative Law Journal* 4, no. 1 (2023): 1–9, https://doi.org/10.22219/aclj.v4i1.24855.

[21] Wiliam Kristianto and Hery Chariansyah, "Pendekatan Perundang-Undangan, Konseptual, Dan Kasus Dalam Penelitian Hukum Normatif," *Pendas: Jurnal Ilmiah Pendidikan Dasar* 11, no. 3 (2026): 1–14, https://doi.org/10.23969/jp.v11i03.63626.

[22] Marfuatul Latifah and Prianter Jaya Hairi, "Pengaturan Pedoman Pemidanaan KUHP Baru Dan Implikasinya Pada Putusan Hakim," *Jurnal Negara Hukum* 15, no. 2 (2024): 25–51, https://doi.org/10.22212/jnh.v15i2.4573.

[23] Fahri Yuha Izvana et al., "Sentencing Guidelines as an Instrument Reconciling Judicial Consistency and Judicial Independence under Indonesia's National Criminal Code," *Borobudur Law and Society Journal* 4, no. 6 (2025): 54–72, https://doi.org/10.31603/18092.

[24] Intan Munirah et al., "Judicial Reasoning on Rehabilitation Orders for Offenders of Drug Abuse: A Ratio Decidendi Analysis of Indonesian Court Decisions," *Jurnal Jurisprudence* 16, no. 1 (2026): 83–107, https://doi.org/10.23917/jurisprudence.v16i1.15452.

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indictment covered only aggravated theft, so the public safety dimension could enter only through sentencing considerations. The Public Prosecutor could consider a layered indictment where the facts and evidence permit, provided that the principle that punishment must rest on proof is not disregarded.

B. Judicial Considerations in Determining the Applicable Criminal Provision

1. *Basis for Sentencing*

In determining the applicable provision, the panel considered the National Criminal Code more favourable to the defendant because Article 477(1) provides the option of a fine of up to Category V in addition to a maximum of seven years' imprisonment, whereas Article 363(1) point 5 of the old Criminal Code provides only for a maximum of seven years' imprisonment. The panel treated the potential danger to transport safety and the lives of many people as an aggravating circumstance in sentencing. The one-year prison sentence ultimately imposed was six months shorter than the Public Prosecutor's demand.

2. *Application of Article 3(1) of the National Criminal Code*

The defendant committed the offence in August 2025, the National Criminal Code entered into force on 2 January 2026, and the judgment was delivered on 29 January 2026. The case therefore falls within the transitional period, making Article 3(1) of the National Criminal Code the principal reference. That article provides that the new law applies where legislation changes after the act has been committed, unless the old provision is more favourable to the offender. This provision is philosophically grounded in the principle of *lex favor reo*.[25]Article 618 of the National Criminal Code takes the same approach to offences still being processed in court when the Code enters into force, applying the National Criminal Code unless the old provision is more favourable. This change was followed by Law Number 1 of 2026 on Penal Adjustment, which aligns criminal provisions with the sentencing system of the National Criminal Code, so that determining the law applicable to a defendant during the transition increasingly demands careful reasoning.[26]

Given the structure of Article 3(1), the default rule is the application of the new provision, so the real burden of justification lies in applying the old provision, not the new one. By selecting Article 477(1)(f), the panel followed this default rule, and its assessment that the new provision is more favourable reinforces that choice. This assessment is acceptable within certain limits. The maximum term of imprisonment under both provisions is the same, namely seven years, but the new provision adds the alternative of a Category V fine, giving the judge a lighter sanction option. In other words, the advantage exists *in abstracto*, at the level of the statutory penalty, and only becomes meaningful for the defendant if it is genuinely considered at the sentencing stage.

The question that remains open is the standard for determining which provision is more favourable. Oktaviani et al. observe that the parameters of the most favourable provision remain

[25] J Wiwoho, U K Pati, and A M Pratama, "Enabling Data Portability and Interoperability under Indonesia's Data Protection Law," *Masalah-Masalah Hukum* 53, no. 3 (2024): 271–82, https://doi.org/10.14710/mmh.53.3.2024.271-282.

[26] Mas Dhanis Taufiqurrahman Suhardianto and Muhammad Rusli Arafat, "Kekuatan Pembuktian Visum Et Repertum Dalam Proses Persidangan Perkara Pidana Ditinjau Dari Hukum Acara Pidana," *Jurnal Hukum POSITUM* 7, no. 1 (2022): 83–94, https://doi.org/10.35706/positum.v7i1.5723.

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unclear and have produced inconsistency in law enforcement practice.[27] likewise conclude that there is no firm normative limit, which opens room for multiple interpretations, and identify a potential disharmony between Article 3(1) of the National Criminal Code and the transitional provision in Article 361 of the new Criminal Procedure Code.[28] In this case, the examined considerations explain the comparison of statutory penalties but do not appear to set out a more complete comparison method, such and the absence of any proven actual consequence such as an accident or suspension of operations. The deduction of the period of arrest and detention in the operative part is also consistent with Article 61 of the National Criminal Code.[29]

However, the availability of an alternative fine under Article 477(1) calls for additional reasoning. Article 57 of the National Criminal Code provides that where an offence is threatened with alternative principal penalties, priority must be given to the lighter principal penalty. Because the panel cited the alternative fine as the reason why the National Criminal Code is more favourable, consistent reasoning requires an explanation of why imprisonment was nonetheless chosen and why a fine was considered inadequate. A possible reason, such as the risk to transport safety, is indeed mentioned as an aggravating circumstance, but the examined part of the decision does not explicitly link it to the choice of penalty type. Such an explanation is important so that the advantage offered by the National Criminal Code does not stop at the statutory formulation but is realised in the sentence imposed. Sentencing guidelines are essentially intended to ensure that decisions meet standards of justice and utility and provide a rational justification for punishment, so that differences in sentences between cases can be accounted for.

3. *Consistency and Precision of Judicial Reasoning*

Beyond the determination of the legal basis and the penalty, the quality of judicial considerations is determined by the consistency between facts, elements, and conclusions. Article 50(1) of Law Number 48 of 2009 on Judicial Power requires decisions to contain the reasons and grounds for the decision, while Article 53 affirms judges' responsibility for correct and accurate legal considerations.[30]Faisal and Turdialiev show that the *ratio decidendi* in criminal decisions rests on the proof of elements and aggravating circumstances, which is then linked to the choice of sanction. Within this framework, the examination of the decision yields four observations.

The first weakness lies in the description of a forced door, which is inconsistent with the chronology of the defendant entering through a drainage channel; nowhere in the examined part is a damaged door mentioned among the other facts. This inconsistency does not automatically defeat the proof of aggravation, since the element is alternative and other means can still be proven, but it weakens the argument and may raise questions on appeal. The second weakness concerns the 24–27 spanner, which

[27] Astrid Nurindah Sari, Jonaedi Efendi, and Imam Suroso, "Judicial Reasoning and Sentencing Proportionality in the Teddy Minahasa Narcotics Trafficking Case," *De Recht: Journal of Police and Law Enforcement* 4, no. 2 (2026): 17–40, https://doi.org/10.55499/derecht.v4i2.439.

[28] Philip Petrov, "Proportionality in Criminal Sentencing: A Cognitive Hypothesis," *Oxford Journal of Legal Studies* 43, no. 1 (2023): 124–49, https://doi.org/10.1093/ojls/gqac020.

[29] Marie Manikis, "The Principle of Proportionality in Sentencing: A Dynamic Evolution and Multiplication of Conceptions," *Osgoode Hall Law Journal* 59, no. 3 (2022): 587–628, https://doi.org/10.60082/2817-5069.3812.

[30] Sri Dewi Rahayu Kusumawati and Gatoet Poernomo, "Chemical Castration in Indonesian Criminal Law: Human Rights Perspective," *Indonesian Journal of Innovation Studies* 25, no. 1 (2024), https://doi.org/10.21070/ijins.v26i1.991.

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the considerations describe as an item taken and owned by PT KCIC, whereas the operative part orders its destruction rather than its return to the owner, as was done with the cables. The status of this evidence should be explained if the spanner does belong to PT KCIC, and the description under the element of belonging to another should be corrected if the spanner was in fact a tool used by the defendant.

The third weakness appears in the considerations on the aggravating element, which are drafted in argumentative language, for example the use of the word "we" and the selection of one of the alternative elements deemed proven. Such wording is typical of a prosecutor's indictment, whereas the reasoning in a judgment should be framed as the panel's assessment of the trial facts; this observation concerns drafting only and does not imply that the decision is invalid. The fourth weakness concerns the order in which the elements are discussed in the examined part, which is not sequential: the fourth and fifth elements are discussed before the second and third, while the first element does not appear in the part accessible to the author. This may have resulted from the excerpting process and should be verified against a complete copy of the decision.

These inconsistencies do not alter the conclusion that the defendant's conduct constitutes theft. Even if the aggravating element were not sufficiently proven, the conduct could still be qualified as theft under Article 476 of the National Criminal Code, which carries a maximum of five years' imprisonment, so the one-year sentence imposed would remain within that limit. The practical effect of the decision's lack of precision therefore bears more on the qualification of the offence and the strength of the judges' argument than on the length of the sentence.

4. *Implications and Recommendations*

Several implications follow from the discussion above. Judges deciding cases during the transitional period should explicitly state the time of the offence, the method used to compare which provision is more favourable, and the adjustment of the qualification of the charge, and should link the sentencing guidelines to the type and length of the penalty chosen. Public Prosecutors need to map the facts against the aggravating means from the moment the indictment is drafted, so that the description of the conduct is aligned with the elements to be proven. Policymakers need to clarify operational guidelines on the standard for determining the more favourable provision so that it is applied uniformly, as emphasised in previous studies. Infrastructure operators should continue to secure the railway corridor and conduct patrols, since this case was uncovered precisely through a security patrol. At the theoretical level, the case shows that *lex favor reo* cannot be satisfied merely by selecting a provision whose statutory penalty is more lenient; its protective function is fulfilled only when that advantage is carried through into the reasoned choice of the penalty actually imposed.

CONCLUSION

The defendant's conduct in Decision Number 1255/Pid.B/2025/PN Blb satisfies the elements of theft, as he took grounding cables and other items belonging to PT Kereta Cepat Indonesia China in order to sell the copper for personal needs. The conduct was qualified as aggravated theft under Article 477(1)(f) of Law Number 1 of 2023. The aggravation can still be sustained even though the description of a forced door does not match the fact that the defendant entered through a drainage channel and pulled out the cables by hand, but the proof of the aggravating means should be constructed more carefully and in line with the facts revealed at trial. The panel applied Article

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477(1)(f) because the conduct occurred in August 2025 while the judgment was delivered in January 2026; this choice is consistent with Article 3(1), since both provisions carry a maximum of seven years' imprisonment while the new provision adds an alternative fine. However, the examined considerations do not set out a complete comparison method, the operative part does not explain the adjustment of the charge's qualification, and the choice of imprisonment is not linked to the alternative fine. The one-year sentence, lighter than the demanded one year and six months, can be considered proportionate, with the potential danger to transport safety treated as an aggravating circumstance.

These findings support the article's central argument that the advantage of a new provision under *lex favor reo* must be demonstrated not only *in abstracto* but also *in concreto* at sentencing. Judges deciding cases during the transitional period should explicitly explain the method used to determine the more favourable provision, the adjustment of the charge's qualification, and the reasons for choosing a particular type of penalty, while Public Prosecutors should map the facts against the aggravating means from the drafting of the indictment. This study is limited by its reliance on the parts of the decision available to the author. Future research could examine similar decisions using complete copies of judgments so that judicial reasoning during the transition to the National Criminal Code can be compared on a broader scale.

REFERENCES

ADDIN Mendeley Bibliography CSL_BIBLIOGRAPHY Azila, J, S Assaori, and S Efendi. "Analisis Yuridis Terhadap Penjatuhan Sanksi Pidana Pencurian Dengan Pemberatan (Studi Putusan Nomor 43/Pid.B/2025/PN Mjy)." *SENTRI: Jurnal Riset Ilmiah* 5, no. 9 (2026): 4595–4608. https://doi.org/10.55681/sentri.v5i9.7252.

Damanik, M H A A, I G Purba, and S Susilawati. "Pertanggungjawaban Pelaku Tindak Pidana Pencurian Dengan Pemberatan (Studi Putusan Nomor: 899/Pid.B/2024/PN Dps)." *Jurnal Hukum Al-Hikmah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 6, no. 2 (2025): 388–410. https://doi.org/10.30743/jhah.v6i2.11534.

Halida, Reny, and Dradjad Wahyu Sasongko. "Penerapan Unsur Tindak Pidana Dengan Pemberatan Berdasarkan 363 Ayat (1) Ke-4 Dan Ke-5 KUHP: Studi Kasus Putusan No. 65/Pid.B/2012/PN.Pwr." *Advokasi Hukum & Demokrasi* 2, no. 1 (2024): 41–57. https://doi.org/10.61234/ahd.v2i1.61.

Halim, M Hafidz, Ahmad Syaifudin, and Moh. Muhibbin. "Lex Favor Reo in Indonesia's Criminal Law Transition." *Indonesian Journal of Innovation Studies* 27, no. 4 (2026). https://doi.org/10.21070/ijins.v27i4.2245.

Hasbi, Fariz Rifqi, and Nopit Ernasari. "Rekonstruksi Kebijakan Hukum Pidana Terhadap Tindak Pidana Pencurian Benda Yang Membahayakan Keselamatan Publik." *Journal Justiciabelen (JJ)* 6, no. 2 (2026): 85–96. https://doi.org/10.35194/jj.v6i02.6194.

Hutasoit, Lucky Ratu Ierminda, Rahul Ardian Fikri, and Lidya Rahmadhani Hasibuan. "Criminal Liability for Perpetrators of the Criminal Offense of Theft with Aggravating Circumstances Based on Law Number 1 of 2023 Concerning the Criminal Code." *Jurnal Hukum Sehasen* 12, no. 2 (2026): 523–30. https://doi.org/10.37676/jhs.v12i2.12680.

Izvana, Fahri Yuha, Mahdan, Narda Vania Azzahra, Whafa Gitya Ananda, and Merdiansa Paputungan. "Sentencing Guidelines as an Instrument Reconciling Judicial Consistency and Judicial Independence under Indonesia's National Criminal Code." *Borobudur Law and Society Journal* 4, no. 6 (2025): 54–72. https://doi.org/10.31603/18092.

Izziyana, Wafda Vivid, and Rahmat Dwi Putranto. *METODE PENELITIAN SO C IO-LEGAL DI INDONESIA*, n.d.

Karlina, Selvia, and Herlita Eryke. "The Application of the Lex Favor Reo Principle in Indonesia's National Criminal Code Transition: Legal Construction and Legal Certainty." *IURIS NOTITIA: Jurnal Ilmu Hukum* 4, no. 2 (2026): 523–33. https://doi.org/10.69916/iuris.v4i2.699.

Kristianto, Wiliam, and Hery Chariansyah. "Pendekatan Perundang-Undangan, Konseptual, Dan Kasus Dalam Penelitian Hukum Normatif." *Pendas: Jurnal Ilmiah Pendidikan Dasar* 11, no. 3 (2026): 1–14.

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

https://doi.org/10.23969/jp.v11i03.63626.

Kusumawati, Sri Dewi Rahayu, and Gatoet Poernomo. "Chemical Castration in Indonesian Criminal Law: Human Rights Perspective." *Indonesian Journal of Innovation Studies* 25, no. 1 (2024). https://doi.org/10.21070/ijins.v26i1.991.

Latifah, Marfuatul, and Prianter Jaya Hairi. "Pengaturan Pedoman Pemidanaan KUHP Baru Dan Implikasinya Pada Putusan Hakim." *Jurnal Negara Hukum* 15, no. 2 (2024): 25–51. https://doi.org/10.22212/jnh.v15i2.4573.

Manikis, Marie. "The Principle of Proportionality in Sentencing: A Dynamic Evolution and Multiplication of Conceptions." *Osgoode Hall Law Journal* 59, no. 3 (2022): 587–628. https://doi.org/10.60082/2817-5069.3812.

Marsa, Rizki Setyobowo Sangalang, Satriya Nugraha, and Andika Wijaya. "Asas Lex Favor Reo Dan Batas Penerapan Hukum Pidana Yang Lebih Menguntungkan Dalam KUHP Nasional." *Journal of Exploratory Dynamic Problems* 3, no. 4 (2026): 2707–24. https://doi.org/10.31004/edp.v3i4.552.

Milda, Osa, and M Ruhly Kesuma Dinata. "Serial Theft from a Criminal Law Perspective: A Juridical Analysis and a Humanistic Legal Approach (Study of Decision No. 140/Pid.B/2024/PN.Kbu)." *Journal of Law Science* 8, no. 1 (2026). https://doi.org/10.35335/jls.v8i1.6782.

Munirah, Intan, Rizky Aulia Fitri, Khairil Akbar, Naqia Annisa Faradiz, Clarizze Yvoine Mirielle, and Angga Aldilla Gussman. "Judicial Reasoning on Rehabilitation Orders for Offenders of Drug Abuse: A Ratio Decidendi Analysis of Indonesian Court Decisions." *Jurnal Jurisprudence* 16, no. 1 (2026): 83–107. https://doi.org/10.23917/jurisprudence.v16i1.15452.

Murad, Irhas, Laurensius Arliman, and B Patmawanti. "Penerapan Unsur Pemberatan Oleh Penyidik Pada Tindak Pidana Pencurian Kabel Di Objek Ekowisata Bukit Cambai." *Ekasakti Legal Science Journal* 3, no. 1 (2026): 40–47. https://doi.org/10.60034/tabntb72.

Nainggolan, Rani Oslina, Alvi Syahrin, and Mahmud Mulyadi. "The Position of the Principle of Legality in Law No. 1 of 2023 for the Development of Criminal Law in Indonesia." *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 16, no. 2 (2024): 408–19. https://doi.org/10.32505/jurisprudensi.v16i2.8765.

Negara, Tunggul Ansari Setia. "Normative Legal Research in Indonesia: Its Originis and Approaches." *Audito Comparative Law Journal* 4, no. 1 (2023): 1–9. https://doi.org/10.22219/aclj.v4i1.24855.

Oktaviani, Annisabella, Dewi Rhosita Hayati, Defrianus Nong Deris, and Agustinus Adriyanto Keiya. "Asas Lex Mitior Dalam Transisi KUHP Nasional: Kajian Penerapan Ketentuan Yang Lebih Menguntungkan Terdakwa." *Indonesian Journal of Criminal Law and Criminology* 7, no. 2 (2026): 151–63. https://doi.org/10.18196/ijclc.v7i2.31911.

Ola, Gabriela. "The Applicability of the Legality of Incrimination and Sanctioning Principle Triggered by a Change of Rules Regarding the Application of the Most Lenient Criminal Law, Imposed by the Court of Justice of the European Union through Preliminary Rulings." *Criminal Law Writings (Caiete de Drept Penal)*, no. 4 (2024). https://doi.org/10.24193/CDP.2024.4.3.

Petrov, Philip. "Proportionality in Criminal Sentencing: A Cognitive Hypothesis." *Oxford Journal of Legal Studies* 43, no. 1 (2023): 124–49. https://doi.org/10.1093/ojls/gqac020.

Reano, Arfan, and Boedi Prasetyo. "Implementation of Punishment for Perpetrators of Aggravated Theft Based on the New Criminal Code." *Indonesian Journal of Law and Economics Review* 20, no. 4 (2025). https://doi.org/10.21070/ijler.v20i4.1397.

Saputri, Amanda Aprilia, Sunariyo, and Bayu Prasetyo. "Asas Lex Favor Reo Dalam Perkara Penipuan Online Ditinjau Menurut UU No. 1 Tahun 2023." *Al-Qisthas: Jurnal Hukum Dan Politik* 17, no. 1 (2026): 40–69. https://doi.org/10.37035/alqisthas.v17i1.03.

Sari, Astrid Nurindah, Jonaedi Efendi, and Imam Suroso. "Judicial Reasoning and Sentencing Proportionality in the Teddy Minahasa Narcotics Trafficking Case." *De Recht: Journal of Police and Law Enforcement* 4, no. 2 (2026): 17–40. https://doi.org/10.55499/derecht.v4i2.439.

Setiyawan, Agus, Appe Hutauruk, Hotman Sinambela, and Sunarno Sunarno. "Analisis Yuridis Normatif Pemberatan Pidana Pencurian Di Malam Hari." *Viva Themis: Jurnal Ilmu Hukum Dan Humaniora* 9, no. 2 (2026): 1127–42. https://doi.org/10.24967/vt.v9i2.5796.

Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Cetakan ke-15. Jakarta:

Journal of Legal Theory and Society
https://journals.usm.ac.id/index.php/jlts

RajaGrafindo Persada, 2013.

Suhardianto, Mas Dhanis Taufiqurrahman, and Muhammad Rusli Arafat. "Kekuatan Pembuktian Visum Et Repertum Dalam Proses Persidangan Perkara Pidana Ditinjau Dari Hukum Acara Pidana." *Jurnal Hukum POSITUM* 7, no. 1 (2022): 83–94. https://doi.org/10.35706/positum.v7i1.5723.

Wiwoho, J, U K Pati, and A M Pratama. "Enabling Data Portability and Interoperability under Indonesia's Data Protection Law." *Masalah-Masalah Hukum* 53, no. 3 (2024): 271–82. https://doi.org/10.14710/mmh.53.3.2024.271-282.

Yamin, Bahri, Hamdi, Tin Yuliani, and Titin Titawati. "Problematika Asas Lex Favor Reo Dalam KUHP Nasional: Dialektika Dalam Penafsiran." *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 5, no. 3 (2026): 558–67. https://doi.org/10.55681/seikat.v5i3.2304.