

Increased Punishment for Repeat Offenders of Motor Vehicle Theft: Case Study at Polsek Medan Timur, Indonesia

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ABSTRACT

This study examines the effectiveness of a policy that increases the prison term for repeat offenders of motor vehicle theft by one-third, with a research focus at the Medan Timur Police Station. The study employs a normative-empirical legal approach, examining the provisions on aggravated punishment in the Criminal Code and Law Number 1 of 2023 concerning the National Criminal Code, in conjunction with empirical data from interviews and case documents from the 2023–2025 period. The results of the study show that, normatively, the policy of adding one-third to the prison term has a clear legal basis. However, in law enforcement practice, this policy has not been implemented optimally and consistently, especially at the investigation stage. Empirical data indicate that the rate of recidivism for motor vehicle theft at the Medan Timur Police Station remains fluctuating and tends to increase in 2025, despite the implementation of provisions for aggravated punishment. This condition indicates a gap between legal norms and their implementation, so that the policy of increasing penalties is more reactive than preventive. This study confirms that the effectiveness of punishment for repeat offenders is not only determined by the severity of criminal sanctions, but also requires integration with non-penal strategies, including systematic data collection on repeat offenders, consistency in law enforcement, and strengthening of rehabilitation and social reintegration programs.

Keywords: Criminal Policy, Repeat Offenders, Motor Vehicle Theft, Legal Effectiveness.

I. Introduction

Nowadays, various forms of crime are increasingly common, both in real life and through information conveyed by various media channels. These crimes not only harm individuals but also cause harm to groups and society at large, particularly to those who are considered valuable by the perpetrators. Crime is a social phenomenon that has existed throughout the history of society. Its existence causes concern because it not only threatens peace and tranquility in the community, but also requires local communities to adapt in order to deal with it. In today's society, the phenomenon of theft, especially motorcycle theft, is becoming increasingly frequent (Wulansari & Priyana, 2022). Crime is a serious criminal act that can be punished by death, imprisonment, confinement, and fines. Sometimes, these penalties can also be accompanied by confiscation of property and revocation of certain rights (Manullang, 2019). Theft is an unlawful act committed

knowingly and without right to take or control another person's property without permission. This crime not only causes material losses to the victim, but also disturbs public safety and order. Therefore, strict and consistent law enforcement is necessary so that perpetrators receive proportional sanctions and a preventive effect is achieved. However, imposing heavier penalties does not necessarily guarantee a decrease in crime rates. As Wahyudi emphasizes, from a criminological perspective, the more decisive factors are the certainty of law enforcement and the continuity of supervision after the sentencing process, rather than simply the severity of the penalties imposed (Wahyudi, 2024). Various factors, including both internal and external factors, typically influence this phenomenon. Internal factors that cause repeat criminal behavior originate from the perpetrator themselves. This is due to the mental state of the perpetrator, who feels happy and proud of their repeated actions, despite these actions being against the law (Farida, 2021). External factors that exacerbate the situation include economic problems, such as poverty, which is an ongoing challenge in every country. To date, there has been no practical solution to overcome this problem. Every year, the prices of basic commodities continue to rise, but people's incomes often fail to keep pace with these increases. Economic conditions have a significant impact on the recurrence of criminal acts (Setiawan et al., 2023).

Indonesia is a country that operates on the principle of law, so several regulations bind the lives of its people. This is in line with Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "The State of Indonesia is a state based on the rule of law." A state based on law aims to protect the community from criminal acts and create a safe, peaceful, and harmonious environment. Law encompasses all guidelines on how individuals should act in a society, and these provisions can be enforced through predetermined sanctions. Law enforcement can be carried out regularly and peacefully, but it can also arise as a response to violations, which require the application of the law. (Widia sitorus, ummi kalsum, 2025). The law is viewed as a means to establish balance and certainty in human relationships. Like a tool, the law becomes important when there are unusual needs or circumstances in society. An act will not be considered a crime if there are no clear rules in criminal law, including those outlined in the Criminal Code or other relevant criminal regulations. Until now, this principle has remained the basis for ensuring legal certainty (Jayanuarto et al., 2022).

This research paper is also based on the author's experience during an internship program at the Medan Timur Police Station, which took place from August 1 to September 30, 2025, located at Jalan Jawa No. 5, Gang Buntu, Medan Kota District, Medan City, North Sumatra. During this internship, the author was assigned to the Criminal Investigation Unit (Reskrim), allowing them to directly observe the process of receiving police reports. Based on observations made during the internship, the author noted that theft was the most commonly reported type of crime.

Table 1. Number of Criminal Cases at the East Medan Police Station

No	Year	Case			
		Theft	Abuse	Fraud	Embezzlement
1	2023	292	106	45	83
2	2024	363	67	54	87
3	2025	325	52	25	70

Source: Data from interviews with investigators from the Criminal Investigation Unit of the East Medan Police Station, 2025

Particularly at the Medan Timur Police Station, investigators have handled a wide range of legal violations, including general offenses and minor infractions. The most common crimes handled are theft, particularly motor vehicle theft, where some perpetrators are repeat offenders. The recording of repeat offender data at the Medan Timur Police Station is carried out through the Case Tracking Information System (SIPP) at the Medan District Court or the Deli Serdang District Court, as well as through direct confessions from the perpetrators (Pasaribu, 2025). This situation highlights that recidivism in motor vehicle theft cases remains a significant concern for law enforcement officials.

Motor vehicle theft is classified as a serious crime because it results in significant financial losses to the victim. Although the law has established regulations regarding criminal acts of theft, especially motor vehicle theft, these provisions are often ineffective in deterring some perpetrators in reality. This is evident from the fact that some individuals continue to commit the same crime. In the old Criminal Code, this term was known as a repeat offender, while in the National Criminal Code, it is referred to as a repeat criminal offense. The high number of theft cases is a serious problem that must be addressed immediately by law enforcement agencies to reduce crime rates in society. Based on this, this study will examine in detail the policy of increasing penalties by adding one-third to the sentence for repeat offenders of motor vehicle theft, as well as evaluating the effectiveness of this policy in dealing with repeated motor vehicle theft crimes in the research area.

II. Literature Review and Hypothesis Development

Several previous studies have indicated that motor vehicle theft remains a significant issue in the field of criminal law in Indonesia. However, research that specifically links the phenomenon of recidivism with harsher sentencing policies is still rare. One such study is by Diki Dwi Presdianto and Mustamam (2024), which examines legal action against motorcycle theft syndicates through a review of court decisions. The study emphasizes that receiving stolen goods is a key component that drives the prevalence of motor vehicle theft. However, the approach used is more normative and focused on analyzing court decisions, so it cannot empirically describe the effectiveness of punishment, especially in relation to repeat offenders. Therefore, this study has not revealed the extent to which the policy of increasing penalties has been implemented and its impact on preventing repeat offenses. The empirical approach in police-level research is reflected in a study that analyzes the legal handling of cases of motorcycle theft accompanied by violence in the jurisdiction of the Patumbak Police Station. This study is methodologically relevant because it examines the implementation of law enforcement at the sectoral police level. However, the scope of the study is limited to theft involving violence and does not explicitly examine the profile of repeat offenders. Thus, this study does not elucidate the mechanism for imposing heavier penalties on repeat offenders of motorcycle theft; therefore, its position is more suitable as a methodological reference.

Research on the criminal liability of receivers, as a follow-up to motor vehicle theft by Muhammad Insan Islam and Ainuddin (2024), and a study on the application of criminal sanctions against receivers by Ponco Febri Saputra and Baharudin (2022), focus more on the normative dimension and the implementation of punishment. Both studies make significant contributions to the body of knowledge regarding the role of receivers in the cycle of motor vehicle theft. However, their relevance to the issue of harsher penalties for repeat offenders is not direct, because the focus of both studies is not on repeat offenses as a reason for increasing sanctions, nor do they bridge legal norms with empirical realities in the field. Referring to the contemporary criminal law perspective, Wahyudi argues that the repressive approach, which relies heavily on punishment as the primary means of crime prevention, has fundamental structural weaknesses. Harsh sanctions are often only symbolic if they are not accompanied by rehabilitation programs and sustainable social reintegration strategies (Wahyudi, 2024).

The study by Arifin et al. (2023), which examines involvement in motorcycle theft from the perspective of national criminal law and *fiqh jinayah*, provides significant theoretical contributions. However, the analysis employed is more conceptual in nature and lacks grounding in actual law enforcement practices. The comparative approach across legal systems that is applied actually reduces its relevance for examining sentencing policies in the Indonesian context, especially in analyzing the application of aggravated penalties for repeat offenders. The criminological approach to understanding motor vehicle theft, as described by Umar and Kahar (2022), emphasizes the role of social, economic, and environmental factors as triggers for criminal acts. Although it provides insight into the root causes of crime, this study does not discuss the normative aspects of increasing penalties or the phenomenon of recidivism. As a result, the study cannot answer questions about the effectiveness of increasing penalties as a means of preventing repeat offenses. Weak legal

sanctions do not solely cause the phenomenon of recidivism in motor vehicle theft cases. However, it is also influenced by economic pressures, social conditions, and the failure of rehabilitation programs to instill legal awareness in prisoners (Bulian et al., 2025).

The findings of a nationwide empirical study also reveal that the high incidence of motor vehicle theft is closely related to structural factors that lie outside the realm of criminal law. Based on empirical research on motor vehicle theft in Indonesia, Gulo highlights that socioeconomic variables, organized crime patterns, and the limited capacity of law enforcement agencies are the main contributors to high recidivism rates. The results of this study confirm the assumption that the phenomenon of recidivism does not only stem from the inaccuracy of criminal sanctions but is also influenced by structural conditions that limit the overall effectiveness of law enforcement (Gulo & Margaret, 2024). On the other hand, research (Dedi & Silalahi, 2025) on the settlement of motor vehicle theft cases through penal mediation mechanisms proposes an alternative approach that differs from the conventional concept of punishment. This study promotes non-criminal solutions, a perspective that is fundamentally opposed to the discourse of harsher penalties for repeat offenders. Nevertheless, this study is significant in providing a comparative perspective that confirms the diversity of approaches to dealing with motor vehicle theft crimes.

Meanwhile, research from other fields, such as spatial statistics, offers additional insights into the characteristics of this crime. Analysis using the Space-Time Autoregressive Integrated Moving Average (STARIMA) model in Surabaya identified that motor vehicle theft has complex spatial and temporal patterns and is characterized by significant spatial autocorrelation, a condition in which the crime rate in one location affects the surrounding area (Ramadan & Rantini, 2024). The implications of these findings suggest that crime prevention strategies, including those targeting repeat offenders, should consider spatial aspects and interdependent relationships between regions. Based on a review of previous studies, it can be concluded that a distinction remains between normative and empirical studies, and there has been no research specifically examining the policy of increasing penalties for repeat offenders of motor vehicle theft. In addition, studies that place police institutions, particularly at the sub-district police station level, as the primary locus of empirical research are still very rare. Therefore, the study entitled "Normative-Empirical Legal Analysis of Increased Punishment for Repeat Offenders of Motor Vehicle Theft (Case Study: Medan Timur Police Station)" is significant and relevant in filling this academic gap, while also bridging the gap between legal norms and their enforcement in the field.

III. Research Method

Research methods are a structured and systematic procedure used to collect, process, and analyze data in order to find scientific answers to research questions (Jonaedi Efendi & Johnny Ibrahim, 2018). In legal studies, the legal research methodology is defined as a step-by-step process that aims to examine legal norms and their implementation in reality, thereby identifying the harmony or gaps between legislation and practice in a particular field. (Santoso, Aris Prio Agus, Ahmad Rifai, Edy Wijayanti, 2021) In line with this objective, this study employs a normative-empirical juridical approach, which integrates an examination of positive legal rules (the normative aspect) with an investigation of the law's implementation in reality (the empirical aspect). The normative approach in this study is interpreted as an examination of the law in its written and ideal form (*das sollen*). In contrast, the empirical approach is understood as an investigation of the law in the form of the concrete behavior of law enforcement officials (*das sein*) (Marzuki, 2017)

The normative aspect of the research aims to analyze the legal basis governing aggravated criminal sanctions for repeat offenders of motor vehicle theft. The normative study focuses on primary legal sources, particularly the Criminal Code (KUHP), specifically Article 363 on aggravated theft and Articles 486, 487, and 488 on the regulation of punishment for repeat offenders. In addition, this study also examines Law Number 1 of 2023 concerning the Criminal Code, specifically Articles 23, 58 (letter c), and 59, which regulate the repetition of criminal acts and their legal consequences. To support this analysis, secondary legal sources such as criminal law reference books, scientific journal articles, and the opinions of criminal law experts are used as

supporting materials in interpreting the applicable legal provisions. After gaining a normative understanding of the construction of aggravated punishment, this study proceeded with an empirical approach to examine how these legal rules are implemented in law enforcement practices at the investigative stage. The empirical approach was carried out through field research with a qualitative design in the jurisdiction of the Medan Timur Police Station. This approach aims to describe the factual process of handling motor vehicle theft cases involving repeat offenders, particularly in relation to the application of the policy of adding one-third to the prison term.

Empirical data were collected through semi-structured interviews and non-participatory observation. Semi-structured interviews were conducted with an assistant investigator from the Criminal Investigation Unit of the Medan Timur Police Station, who had three years of work experience. The selection of informants was carried out purposively with the criteria of having directly handled motor vehicle theft cases, understanding cases involving repeat offenders, and being involved in the investigation and data collection process. Non-participant observation was conducted by observing the workflow and administrative processes of case handling at the Medan Timur Police Station, without the researcher's direct participation in the investigation activities, in order to supplement and confirm the interview data. In the interviews, researchers asked questions directly related to the research question, namely, regarding the mechanism for recording repeat offenders, including the identification and recording process during the investigation. In addition, the researchers also explored the interviewees' views on the effectiveness of the policy of adding one-third to the prison term for repeat offenders, particularly in relation to its deterrent effect and the provision of a deterrent effect. The interview data are qualitative in nature, consisting of descriptions of experiences, perceptions, and assessments from law enforcement officials.

The empirical approach was also reinforced through document studies, namely by analyzing internal statistical data from the Medan Timur Police Station regarding motor vehicle theft cases during the 2023–2025 period. The statistical data was analyzed using total sampling techniques, which involved collecting all case data recorded during the research period. The types of data analyzed included the number of cases, indications of repeat offenses, and case handling trends, which were then presented descriptively in tabular form to identify patterns and trends of recidivism. The research instruments used included semi-structured interview guidelines, observation sheets, and document analysis formats. Normative data were analyzed using legal interpretation methods to understand the substance and purpose of aggravated criminal regulations. Meanwhile, qualitative empirical data were analyzed using an interactive analysis model, including data reduction, data presentation, conclusion drawing, and verification stages. Quantitative data were presented descriptively to reinforce the qualitative analysis. Overall, the methodology in this study was designed to integrate normative and empirical approaches to assess the alignment between legal regulations on increased penalties for repeat offenders and their implementation in the Medan Timur Police Station. Thus, this research method is suitable for addressing the research questions and providing an evidence-based evaluation of the policy's effectiveness in increasing the prison term for repeat offenders by one-third.

IV. Results and Discussion

4.1. Addition of One-Third of a Sentence in Law Number 1 of 1946 (Criminal Code) for Aggravated Theft

Three common reasons can aggravate punishment: first, the status of a civil servant; second, the repetition of criminal acts; and third, the existence of multiple criminal acts that occur simultaneously or are interrelated. In this context, recidivism is considered as old as the crime itself, because the repetition of criminal acts is considered a continuation of the perpetrator's evil intentions. This is in line with Bartolus' statement: *humanum enim est peccare, angelicum se emendare, diabolicum perseverare*, which means that it is human nature to sin, angelic to improve oneself, and diabolical to continue doing evil (Hamzah, 2017).

A repeat offender is an individual who repeats criminal acts after receiving punishment for previous offenses. Roeslan Saleh adds that recidivism occurs when a person commits a new crime after receiving a court

decision related to a previous crime. This means that recidivism is similar to the repetition of criminal acts; however, there is a difference due to the time gap marked by a legal decision (Fazel & Wolf, 2015). From a criminological perspective, recidivism is understood as a return to criminal behavior. In contrast, from a legal perspective, increased punishment only applies if it meets the criteria set by law (Moh. Elson I. M. Tandesa. In the sentencing process, some guidelines must be followed, in which the judge must consider (Lilik Puja Rahayu, 2022):

1. The offense committed by the perpetrator;
 2. The reasons and intentions behind the criminal act;
 3. The method used to carry out the criminal act;
 4. The mental attitude of the perpetrator;
 5. The perpetrator's background and socioeconomic circumstances;
 6. The perpetrator's response and behavior after committing the crime;
 7. The consequences of the crime for the perpetrator's future;
 8. The community's view of the crime committed;
 9. The impact of the crime on the victim or the victim's family;
 10. Whether the crime was premeditated.
- a. Comparative Analysis of Provisions in the Old Criminal Code and the New Criminal Code

The Criminal Code (KUHP) recognizes two primary categories of repeat offenders, namely general recidivists and special recidivists (Bego & Hakim, 2024) General recidivism refers to individuals who have committed more than one criminal offense, regardless of whether the previous offenses were of the same or different types. In this context, recidivist status is not determined by the identity of the repeated offense, but rather by the pattern of criminal behavior that the perpetrator continuously exhibits. This means that the focus of assessment lies on a person's tendency to reoffend, regardless of whether the act is a repetition of a previous crime or a new form of crime. This concept emphasizes the character of the perpetrator as a "repeater" in a broad sense, where the repetition of criminal acts itself, regardless of the consistency of the type, reflects an attitude or habit of breaking the law that requires special handling in the criminal justice system.

On the other hand, this study focuses on repeat offenders, specifically criminals who repeatedly commit the same illegal acts, provided that the repeated crimes are similar to those committed previously, in order to determine heavier penalties for the perpetrators. In this context, each article in the Criminal Code has its own provisions regarding perpetrators who repeat similar crimes, as stated in Article 489 paragraph (2), Article 495 paragraph (2), Article 512 paragraph (3), and other similar articles. Therefore, perpetrators who repeat this specific crime differ from general repeat offenders because the similarity in the type of crime is a very important factor. This suggests that criminal acts committed by specific repeat offenders must have a significant similarity to those previously committed, enabling more targeted legal handling.

Articles 486, 487, and 488 of the old Criminal Code stipulate in detail an increase in punishment of up to one-third for repeat offenders, distinguishing between different types of crimes (Azisa, 2023). Article 486 regulates explicitly the repetition of criminal acts against property, such as aggravated theft (Article 363), embezzlement, fraud, and receiving stolen goods. Article 487 applies to serious crimes against life and limb, such as murder (Articles 338–340) and grievous bodily harm (Articles 353–355). Meanwhile, Article 488 covers crimes that attack honor, public order, or the authority of the state, such as defamation or violation of dignity. These three articles share the same principle, namely, increased penalties for perpetrators who repeat crimes within a specific period, but differ in the scope of the types of crimes regulated. This results in a more structured and segmented criminal aggravation system, which is categorized according to the nature and severity of the crimes committed.

The three articles also have similar main requirements for applying aggravated punishment (an increase of up to one-third). First, the perpetrator must repeat the crime listed in the articles stated in each of these articles. Second, the new crime must be committed within a period of no more than five years from:

1. The offender is completing all or part of the prison sentence for the previous crime;
2. The previous sentence has been revoked (through clemency, amnesty, or abolition); or at the time the new crime occurred, the authority to carry out the previous sentence was still valid and had not expired (the execution period had not ended).
3. Third, aggravated penalties are limited to imprisonment as stipulated in the relevant articles.

The concept of increasing penalties for repeat offenders, previously regulated in Articles 486–488 of the old Criminal Code, remains in principle in the National Criminal Code (Law No. 1 of 2023), albeit with more precise, more structured, and integrated regulations. Whereas the previous Criminal Code applied a one-third increase only to certain types of crimes that were specifically and separately listed, the National Criminal Code formulates this in a general and comprehensive manner in Articles 23, 58(c), and 59. Article 58(c) stipulates that repeat offenses are one of the factors that aggravate punishment, and this article emphasizes that the national Criminal Code no longer uses the term "recidivist". Instead, it uses the terminology "repeat offense." Meanwhile, Article 59 states that the sentence may be increased by up to one-third of the original sentence imposed. Furthermore, Article 23 outlines the conditions for repeat offenders, specifically those who commit a criminal offense within five years after completing a sentence or having a previous sentence expunged. This provision applies to crimes punishable by imprisonment of four years or more, a specific minimum sentence, or a fine in category III. Thus, the new Criminal Code retains the main principle of increasing penalties for repeat offenders. However, it is regulated more broadly and systematically and is expected to be more effective in its application than the provisions in the previous Criminal Code.

b. Comparative Analysis of Effectiveness

A comparative analysis of the effectiveness of criminal aggravation rules for repeat offenders between the old Criminal Code and the new Criminal Code (Law No. 1 of 2023) shows different legislative approaches and implementation challenges. Normatively, the old Criminal Code (Articles 486, 487, 488) employed a clear, categorical system based on the type of crime (against property, body/life, or honor/order), with a specific list of articles that could be subject to aggravation. This approach provides high legal clarity and certainty for law enforcement due to explicit limitations and uniform requirements, such as a five-year time limit. Its effectiveness lies in a structured framework that limits the scope of judicial interpretation. On the other hand, the new Criminal Code adopts a more general and flexible approach. Provisions related to repeat offenders are consolidated in Articles 23, 58c, and 59, removing specific categorizations and using the term "repeated criminal acts" as a general aggravating factor. This new framework is broader and more integrated, potentially covering a wider range of criminal acts without being limited to a specific catalog of offenses. The expected effectiveness is greater systemic efficiency and adaptability to the dynamics of crime, while providing judges with more discretion.

However, a comparison of the practical effectiveness of these two regimes reveals a fundamental dilemma. The legal certainty of the old Criminal Code is inversely proportional to its rigidity and the potential for loopholes for crimes that are not explicitly listed. Conversely, the flexibility of the new Criminal Code risks creating inconsistency and uncertainty in its application. Without established technical guidelines or jurisprudence, interpretations of "repeated criminal acts" may vary between judges and jurisdictions. Thus, claims of the new Criminal Code's superior effectiveness remain hypothetical and highly dependent on practical implementation in the courts, unlike the old Criminal Code, which has a track record of application, albeit limited. Ultimately, the effectiveness of the new Criminal Code in creating a more consistent and widespread deterrent effect remains to be proven through future law enforcement practices.

c. Legal Context and Application to Motor Vehicle Theft

Based on the theme of this study, in addition to the classification of recidivism, the crime of theft itself has a fundamental classification in criminal law, namely ordinary theft and aggravated theft. In the old Criminal Code, provisions regarding ordinary theft are regulated in Article 362, which outlines the basic elements of unlawfully taking someone else's property. Meanwhile, aggravated theft is regulated in more detail in Article 363 of the old Criminal Code. This article explains the conditions under which an act of theft is classified as aggravated theft, resulting in a heavier criminal penalty. The classification of aggravated theft is divided into two strata. First, theft punishable by a maximum imprisonment of seven years, which includes acts involving livestock; occurring during a disaster, major accident, riot, rebellion, or armed conflict; carried out at night in a house or enclosed yard without the owner's permission; carried out by two or more people; or using destructive means, climbing, using false keys, false instructions, or false identities. Second, theft is punishable by a maximum imprisonment of nine years, provided that theft is committed at night, either by one or more persons, or by damaging, using a false key, or using a false position.

In the construction of Indonesian positive criminal law, the act of motor vehicle theft is not explicitly and specifically mentioned as a separate offense in the Criminal Code (KUHP). However, substantively and through legal interpretation, this act is included and classified as aggravated theft, as regulated in Article 363 of the old Criminal Code. This is because the empirical facts and characteristics of the *modus operandi* of motor vehicle theft generally meet one or more of the aggravating circumstances listed in that article. Motor vehicle theft is often committed at night, involves two or more perpetrators, or is carried out using destructive methods (such as forcing the lock or breaking the glass), climbing, or using a fake key, which are explicitly mentioned in Article 363 paragraph (1) points 3, 4, and 5. Therefore, even though it is not mentioned by name, motor vehicle theft is considered a form of aggravated theft, which is legally classified as more serious than ordinary theft under Article 362; consequently, the criminal penalties imposed are also more severe.

The legal implications of this qualification become particularly significant when considered in relation to the issue of recidivism or repeat offenses. If a person who has been convicted of motor vehicle theft then commits a similar offense, they can be categorized as a repeat offender for the same crime, or, in legal terminology, a Special Repeat Offender. This legal construct is in line with and derived from the provisions on recidivism in the old Criminal Code, which stipulates that repeating a similar crime is a legal basis for increasing or aggravating the sentence imposed, as regulated in Articles 486, 487, and 488 of the Criminal Code. Therefore, individuals who steal motor vehicles and then repeat the same criminal act after serving or receiving a previous sentence are legally considered repeat offenders who have committed a similar crime. This status exposes the perpetrator to a heavier legal risk, namely the application of an additional penalty that can reach one-third of the maximum penalty that can be imposed for the crime of aggravated theft. Thus, there is a close and hierarchical legal relationship between the qualification of vehicle theft as aggravated theft and the mechanism of further aggravated punishment for perpetrators who repeat their actions.

Based on applicable laws, it can be concluded that there is a clear legal basis for adding one-third to the sentence of repeat offenders, both in the old Criminal Code and in the National Criminal Code. However, to determine the extent to which this provision is applied in law enforcement practice, the author conducted interviews with the East Medan Police. The rule regarding the addition of one-third of the sentence for repeat offenders is recognized in practice. However, it is often not applied maximally and consistently in the early stages of the legal process. During the investigation process, the primary focus is typically on establishing the key elements of motor vehicle theft itself. The application of special aggravating provisions for repeat offenders largely depends on the initiative and considerations of the public prosecutor and judge at a later stage (Pasaribu, 2025). This is mainly related to the examination and collection of formal legal evidence showing that the perpetrator had previously been convicted of a similar crime.

Thus, provisions regarding a one-third increase in punishment are usually only considered and applied at the prosecution and court decision stages, not during the investigation stage. This is because proving recidivism requires authentic documents from previous court decisions as well as verification, which

is often considered part of the trial process. This statement from investigators highlights a gap between the existence of the norm and its practical application. Although the old Criminal Code and the National Criminal Code normatively regulate the strengthening of penalties for repeat offenders, their application in practice has not been systematic and proactive from the outset. The application of this rule still depends heavily on formal evidence in court and on the discretion of judges during the judicial phase, which can lead to variations in application and reduce the deterrent effect expected to arise from the investigative stage.

4.2. The Impact of Adding One-Third to the Sentence on Repeat Offenders of Motor Vehicle Theft

In the context of law enforcement in Indonesia, the judicial system faces significant challenges in supervising and supporting individuals who have committed crimes. The absence of an effective monitoring system and the lack of support and social reintegration programs cause those who have served their sentences to be prone to repeating their crimes. This situation demonstrates that heavier criminal sanctions, without a corresponding rehabilitation and socialization approach, cannot wholly prevent the recurrence of crime (Aziza et al., 2025). This situation clearly shows that harsher and more severe criminal sanctions, without strong support from corrective approaches and adequate social support, have significant limitations in preventing the recurrence of crime, or what is known in legal terminology as recidivism. Particularly at the East Medan Police Station, this policy has had a noticeable impact on the number of motor vehicle theft cases and repeat offenders over the past three years.

Table 2. Number of vehicle theft cases and repeat vehicle thieves at the East Medan Police Station

No	Year	Number of vehicle theft cases	Number of repeat vehicle theft cases	Cases resolved
1	2023	146	4	23
2	2024	119	2	12
3	2025	184	6	13

Source: Data from interviews with investigators from the Criminal Investigation Unit of the East Medan Police Station, 2025.

According to information from the Medan Timur Police Station, the number of motor vehicle theft cases over the past three years has fluctuated. In 2023, there were 146 cases, while in 2024, the number dropped to 119 cases. However, in 2025, cases rose significantly again to 184, although this figure is still provisional, as it is based on existing records until the research is conducted. This indicates that motor vehicle theft remains the most prevalent crime within the Medan Timur Police jurisdiction, with an annual increase typically observed. There are various factors thought to cause fluctuations in crime rates, with these variables having a broader spectrum than simply the impact of criminal justice policies. Several elements that could potentially influence this include:

1. Socio-economic situations, where financial pressures at certain times can be a driver for an increase in property crime.
2. Changes in the work patterns and priorities of law enforcement agencies, such as fluctuations in the level of supervision and adjustments in the focus of case handling between periods.
3. Opportunity factors, such as developments in vehicle security technology or changes in people's movement habits. These statistical variations show that the severity of criminal sanctions does not have a simple and direct causal relationship with fluctuations in crime rates.

From the perspective of repeat offenders, there were four cases in 2023, then two cases in 2024, but the number increased again to six cases in 2025. This shows that despite the threat of an additional one-third of the sentence stipulated in the Old Criminal Code, the policy has not been entirely successful in preventing motorcycle thieves from committing the same crime. The increase in motor vehicle theft cases, which is not

accompanied by a decrease in recidivism rates, suggests that the severity of the punishment imposed does not entirely determine the effectiveness of criminal law enforcement. The success of law enforcement is more influenced by the limitations of the law enforcement system and the structural impact of the punishment imposed. As emphasized by Stam et al. (2024), although increasing the duration of prison sentences can reduce the frequency of offenses after release, it does not substantially decrease the likelihood of offenders repeating criminal acts (prevalence of recidivism). Therefore, policies that rely solely on a repressive approach without being accompanied by improvements in rehabilitation and sustainable prevention mechanisms risk failing to achieve the main objective of protecting society (Stam et al., 2024).

Offenders who have undergone repeated criminal trials tend to no longer feel deterred by the threat of heavier penalties. This is due to their experience with the legal system, which has made them relatively immune to the intimidation of sanctions. (Wahyudi, 2024) Therefore, recidivism does not only reflect the perpetrator's courage to repeat the crime but is more an indication of the failure of the penal system to fulfill its corrective purpose, namely, to change the perpetrator's mindset, attitude, and behavior so that they do not reoffend. Thus, a sentencing approach that focuses solely on punishment without being supported by rehabilitation and social reintegration efforts has the potential to be ineffective in preventing the recurrence of crime. In terms of case resolution, the number of cases successfully resolved is still relatively small compared to the total number of cases received. The increase in repeat motor vehicle theft cases not only adds to the complexity of law enforcement tasks but is also further complicated by challenges in proving cases, such as a lack of evidence, limited witnesses, and difficulties in tracking evidence of crime. (Siahaan & Simamora, 2025) This situation is exacerbated by the limited availability of human resources compared to the high volume of cases, resulting in reduced effectiveness in monitoring and handling cases, especially those involving repeat offenders of motor vehicle theft (Siahaan & Simamora, 2025). In 2023, 23 cases were resolved. In 2024, only 12 cases were resolved, and in 2025, 13 cases were successfully resolved.

The cases referred to here are those that have reached stage P21, which is when the investigation is considered complete, and the files have been submitted to the District Attorney's Office for further prosecution. On the other hand, the remaining unresolved cases are still under active investigation at the Medan Timur Police Station, either because evidence is still being sought or suspects have not yet been arrested. Meanwhile, cases that have reached the P21 stage will be continued by the Prosecutor's Office and the Medan District Court until a final decision is reached (Pasaribu, 2025). Furthermore, the fluctuation in the number of repeat offenders and the low deterrent effect of harsher penalties cannot be separated from the weakness of the rehabilitation and social reintegration system, which is a structural problem in the Indonesian penal system. Other studies show that many correctional institutions (Lapas) face fundamental obstacles such as overcrowding, budget constraints, and a lack of experts (psychologists, social workers), so that existing guidance programs are often general in nature and do not address the root causes of criminal behavior (Bego & Hakim, 2024).

As a result, law enforcement strategies that rely solely on repressive approaches will not achieve optimal results without being accompanied by sustainable rehabilitation programs tailored to the needs of offenders. Several intervention models can be applied to repeat offenders of property crimes, such as motor vehicle theft, including:

1. Skills and entrepreneurship training programs tailored to local employment opportunities, in order to equip them with the ability to earn a legitimate income
2. Cognitive Behavioral Therapy (CBT), which has been proven effective in changing the mindset and decision-making processes that trigger criminal behavior.
3. Intensive post-release mentoring programs lasting 6–12 months through collaboration with social workers and community organizations to facilitate access to employment, housing, and social support networks (Fazel & Wolf, 2015). Without such planned and systematic interventions, the cycle of recidivism will continue.

Based on the results of similar studies, empirical research demonstrates that crime prevention cannot be achieved solely by relying on criminal sanctions. Violent theft, for example, can be reduced through measures such as enhanced crime prevention socialization, improved neighborhood security systems, and collaborative partnerships between the police and the community. These findings underscore the need for integration between penal and non-penal approaches in order to reduce recidivism rates on a sustainable basis. By analyzing data on motor vehicle theft and recidivism rates in the East Medan Police District from 2023 to 2025, it can be concluded that the policy of increasing sentences by one-third has not been fully effective in deterring offenders. The increase in the number of cases that still occurred in 2025 shows that the application of heavier penalties does not always lead to a decrease in the crime recidivism rate. In addition, Wahyudi stated that the success of a criminal policy is not only assessed by the severity of the punishment imposed, but mainly by its ability to reduce crime sustainably. Thus, any criminal policy that is not complemented by a non-penal approach has the potential to fail to achieve its primary objective, which is to protect the community (Wahyudi, 2024). This indicates the need for a more comprehensive assessment, not only on the normative side related to legal threats, but also on the practical side, such as the effectiveness of case handling processes, guidance for prisoners, and stages of social reintegration after completing their sentences.

The implementation of court decisions against perpetrators who have repeatedly committed crimes has been carried out in accordance with existing regulations. However, after the verdict is enforced and the perpetrator serves their sentence in a correctional facility, there is a need for enhanced focus and greater attention on the rehabilitation and development system within that institution. This is necessary to ensure a tangible deterrent effect on offenders, especially for recidivists (Pasaribu, 2025). This perspective emphasizes that efforts to reduce the rate of recidivism cannot rely solely on increasing the severity of punishment but also depend on the effectiveness of the correctional system in fulfilling its rehabilitative function. Consequently, this analysis forms the basis for asserting that a purely punitive policy is insufficient. It must instead be complemented by a rehabilitative approach to optimally achieve the objectives of criminal law: justice, legal certainty, and social utility.

V. Conclusion

Based on the normative analysis and empirical findings obtained in this study, it can be affirmed that the policy of adding one-third to the prison sentence for recidivists in motor vehicle theft crimes legally possesses a clear legal foundation, both in the old Criminal Code and in the National Criminal Code as regulated in Law Number 1 of 2023. However, the existence of this normative foundation has not been followed by practical implementation in law enforcement practice. Empirical data from the East Medan Police Sector (Polsek Medan Timur) during the 2023–2025 period indicates that recidivism rates remain fluctuating and even increased in 2025, despite the penalty enhancement provisions being in effect. This fact demonstrates that the increased threat of punishment does not automatically prevent the recurrence of criminal acts.

This research identifies a gap between norms and practice, particularly at the investigation stage, where the status of a recidivist is not managed systematically as part of a crime prevention strategy. The application of the one-third sentence addition provision tends to only become relevant during the prosecution and trial stages, thereby limiting its preventive function. This condition is exacerbated by the low case resolution rate and limitations in coordination and data management among law enforcement agencies. Therefore, the problem of recidivism is not solely caused by weaknesses in legal norms, but rather by the suboptimal implementation and integration of penal policy in practice. Based on these findings, this research asserts that a sentencing approach primarily reliant on repressive sanction enhancement is insufficient to break the cycle of recidivism in motor vehicle theft. Such a policy must be balanced with a strengthening of corrective and preventive approaches. This can be achieved through an integrated recidivist data management system, starting from the investigation stage, consistent law enforcement, and the optimization

of rehabilitation and development programs in correctional institutions, with a focus on behavioral change and social reintegration. Without adequate support from non-penal policies, the addition of one-third to the prison term risks becoming a merely symbolic instrument, ineffective in achieving the sentencing goals. Thus, this research concludes that the effectiveness of sentencing policy against recidivists is not determined solely by the severity of punishment, but rather by the integration of legal norms, law enforcement practices, and sustainable correctional policies. It is hoped that this more comprehensive approach will be able to tangibly reduce recidivism rates while simultaneously realizing the aims of criminal law, which are oriented toward justice, legal certainty, and social utility.

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