

ASSESSING LEGAL CERTAINTY IN SENTENCING AGGRAVATION IN THE DECISION OF THE CENTRAL JAKARTA DISTRICT

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Received 23 Sep 2025 • Revised 30 Oct 2025 • Published 27 Nov 2025

Abstract

One crime that cannot be avoided is violence. Joint criminal acts of violence as regulated in Article 170 of the Criminal Code often result in serious injury and can even cause death to the victim. This study analyzes the application of aggravated punishment in the Central Jakarta District Court Decision No. 200/Pid.B/2025/Pn.Jkt.Pst through the effects of the perpetrator's use of acid, which caused third-degree burns covering 4.5% of the total surface area of the victim's face. The research method used by the author is normative legal research using a legislative approach to examine laws and regulations. The result of the research on Central Jakarta District Court Decision No. 200/Pid.B/2025/Pn.Jkt.Pst is that the sentence imposed was one year and two months in prison, far below the maximum penalty of nine years specified in the Criminal Code. This condition shows an imbalance between the severity of the consequences and the lightness of the punishment, which ultimately causes legal uncertainty in the application of Article 170 of the Criminal Code.

Keywords: Criminal Act, Punishment Theory, Joint Physical Violence

INTRODUCTION

As a state based on the rule of law, Indonesia places strong emphasis on regulations that serve as authoritative instruments for governing the conduct of its citizens. As human beings, individuals naturally possess interests accompanied by personal or collective demands that they expect to be fulfilled. Such protection can only be achieved when there exists a guiding framework that regulates human behavior within society, ensuring that individuals do not cause harm to themselves or to others. (Mertokusumo, 2010). In addition to safeguarding their interests, individuals as social beings require the presence of others in order to survive, a condition that likewise applies to interactions among groups.

The Preamble to the 1945 Constitution of the Republic of Indonesia stipulates the objectives of the State, namely: (1) to protect the entire Indonesian nation and all of Indonesia's territory; (2) to promote the general welfare; (3) to advance the intellectual life of the nation; and (4) to participate in the establishment of a world order based on freedom, perpetual peace, and social justice. (Republik Indonesia, 1945). The prevailing positive law is binding in nature and is intended to maintain order, security, and the protection of society. Criminal law, as a component of the legal system, functions to preserve public order and safety. Thus, criminal law—being a set of norms aimed at achieving justice—contains rules and sanctions that must be observed by every individual within society for the sake of the public interest.

Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia provides that, "Every person has the right to recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law." In addition, the Indonesian Criminal Code serves as the foundation of criminal law enforcement in Indonesia. The Indonesian Criminal Code contains various provisions encompassing general rules, violations, and crimes. Among these, crimes constitute actions that gravely infringe legal norms and human rights.

One of the criminal acts frequently encountered in society is assault. Along with the development of technology and the passage of time, human beings as social creatures—require interactions with others to fulfill their individual interests. Due to the diverse nature of human behavior, social conflicts may arise as a result of differences. Reactions to such differences may manifest as subtle forms of conflict or as overt acts of violence. Crime constitutes conduct that causes harm to society. From a legal perspective, crime is defined as an act that violates criminal law or statutory provisions applicable within society and is capable of causing victims. (Anwar & Adang, 2010).

Punishment within criminal law constitutes one of the essential elements of the criminal justice system, intended to impose sanctions proportionate to the acts committed by offenders. Theories of punishment are generally classified into three principal categories, namely: (Chazawi, 2010):

1. The Absolute Theory posits that punishment is imposed as a form of retribution, whereby sanctions are administered solely to deliver deserved consequences for the offense committed.
2. The Relative Theory maintains that punishment serves as an instrument for upholding legal order within society. In this theory, sanctions are emphasized as a means of prevention aimed at deterring individuals from committing or repeating criminal acts rather than as a fulfillment of retributive justice.
3. The Combined Theory is a sentencing approach based on multiple objectives, integrating the principles of both the "relative theory" and the "absolute theory" into a unified framework.

Juridically, acts of assault or physical violence committed collectively result in consequences that harm the surrounding community, and are regulated under Article 170 of Chapter II of the Indonesian Criminal Code concerning Crimes, which contains provisions imposing criminal sanctions for offenses committed by multiple persons. (Putra, 2018). A group of individuals who collectively commit acts of violence may be subjected to a maximum imprisonment of five years and six months. The criminal sanction is increased when the violence results in injury, in which case the perpetrators may face a maximum imprisonment of seven years. The penalty is further aggravated if the violence causes serious bodily harm, carrying a maximum imprisonment of nine years.

One of the consequences arising from an act of assault is the infliction of physical pain upon another person (Lamintang & Lamintang, 2010). A person must possess *opzet*, or a form of intent, in order to be deemed to have committed an act of assault. Such intent may include, among others:

- a. Causing physical pain;
- b. Inflicting bodily injury upon another person; or
- c. Impairing another person's health.

The definition of "serious injury" is set forth in Article 90 of the Indonesian Criminal Code, formulated as *zwaar lichamelijk letsel*, commonly translated as "serious bodily injury," and frequently abbreviated simply as "serious injury." Some legal scholars refer to it as "grave injury," arguing that the

term serious is linguistically imprecise for describing bodily harm, as it is more commonly used to denote a measure rather than a condition.

In Decision No. 200/Pid.B/2025/PN.Jkt.Pst, a legal discrepancy is identified, in which the author concludes that the judges, in rendering their decision, insufficiently considered the principle of legal certainty as mandated by positive law. In essence, Defendants 1 and 2 were charged with the collective commission of physical violence resulting in serious injury and were sentenced to one year and two months' imprisonment, with credit for time served. Briefly described, the defendants carried out a physical attack by pouring corrosive liquid (acid) that struck the victim, causing third-degree burns covering approximately 4.5% of the total body surface area on the facial region, as a result of exposure to a chemical substance of acidic nature.

Accordingly, the defendants were indicted under alternative charges, namely: primarily Article 170 paragraph (2) subparagraph 2 of the Indonesia Criminal Code; subsidiarily Article 354 paragraph (1) of the Indonesian Criminal Code; and more subsidiarily Article 351 paragraph (2) of the Indonesian Criminal Code. The purpose of this research, based on the foregoing, is to examine the application of the law in accordance with sentencing theories and the principle of legal certainty in relation to Decision No. 200/Pid.B/2025/PN.Jkt.Pst.

Based on the issues outlined above, the problem examined in this research concerns the extent to which legal certainty is upheld in the imposition of aggravated sentencing in the Decision of the Central Jakarta District Court No. 200/Pid.B/2025/PN.Jkt.Pst. This study focuses on analyzing the judicial reasoning, the application of relevant legal norms, and the consistency of the decision with the principles of legal certainty within Indonesia's criminal justice system.

Although prior studies have extensively examined the application of Article 170 of the Indonesian Penal Code in cases of collective violence, a substantial research gap remains regarding the analysis of legal certainty in the imposition of aggravated criminal liability, particularly when severe consequences—such as serious bodily injury—are not reflected in proportionate sentencing outcomes. Existing research, predominantly focuses on the definition of violence and the constituent elements of the offence, without addressing the dissonance between the statutory maximum penalty of nine years' imprisonment and the lenient sentences frequently imposed by judges, as illustrated in Central Jakarta District Court Decision No. 200/Pid.B/2025/PN.Jkt.Pst (Umam, 2025). This gap becomes increasingly relevant amid a judicial trend that tends to overlook the principle of proportionality in sentencing (Chazawi, 2010), thereby creating legal uncertainty and weakening the deterrent effect of criminal sanctions. This study seeks to fill that gap by conducting an in-depth analysis of the normative dissonance reflected in a specific judicial decision, with the aim of offering more concrete reform proposals concerning the application of sentencing theory in Indonesia. Consequently, the academic significance of this research is not merely descriptive but also contributes meaningfully to strengthening legal certainty in criminal law.

RESEARCH METHOD

Based on the foregoing background, the type of research employed in this study is normative juridical research. The normative juridical method is a legal research approach that examines doctrines or principles contained within the discipline of law. (Ali, 2013). By employing a descriptive-analytical approach, this research identifies and elaborates upon statutory provisions related to legal theories pertinent to the object of study (Fansuri & Matheus, 2022). Data are collected through a literature review, involving the examination and analysis of legal principles, statutory regulations, legal literature, publications, and previous research findings. The research utilizes a statutory approach (*Statute Approach*) by examining laws and regulations relevant to the subject matter under discussion. (Marzuki, 2016). The legal materials are derived from secondary data, accompanied by primary legal materials that possess authoritative value in their use in legal writing, such as primary legal materials in the form of statutes; secondary legal materials such as court decisions and legal literature; and tertiary legal materials such as dictionaries or non-legal research sources (Ali, 2013).

RESULT AND DISCUSSION

The case forming the object of this research is the Decision of the Central Jakarta District Court No. 200/Pid.B/2025/PN.Jkt.Pst, concerning the criminal act of collective physical violence resulting in serious injury. Based on the case file and the facts revealed during trial, it was established that around January 2025, the defendants (initials A.R. and M.F.) became involved in an altercation with the victim within the jurisdiction of Central Jakarta. In a state of heightened emotion, the defendants jointly

committed an act of violence by pouring a chemical substance in the form of acid toward the victim. The substance struck the victim's face, neck, and chest, causing severe burn injuries.

Central Jakarta District Court Decision No. 200/Pid.B/2025/PN.Jkt.Pst affirms that the defendants were lawfully and convincingly proven to have committed acts of collective physical violence resulting in serious injury to the victim, thereby fulfilling all elements of Article 170 paragraph (2) point 2 of the Indonesian Penal Code. From the panel's judicial reasoning, it is evident that the defendants—acting as a group of more than one person—engaged in the conduct collectively in a public space, thus satisfying the statutory elements of “openly” and “jointly” as contemplated under the provision. Their actions consisted of throwing acidic liquid at the victim, which resulted in direct physical contact and caused severe bodily harm.

The legal consequences of this conduct are clearly reflected in the victim's condition, which—based on the *visum et repertum*—shows third-degree burns covering approximately 4.5% of the facial area. These injuries qualify as “serious injury” within the meaning of Article 90 of the Penal Code, as they involved permanent tissue damage and required intensive medical treatment. The medical records submitted to the court further demonstrate long-term impacts, including risks of infection and potential permanent disfigurement to the facial tissue.

Upon finding that all elements of the offence under Article 170 paragraph (2) point 2 of the Penal Code were fulfilled—namely violence perpetrated by more than one person resulting in serious injury—the panel of judges imposed a sentence of 1 year and 2 months of imprisonment. This judgment aligns with the public prosecutor's demands and falls within the statutory maximum penalty of nine years' imprisonment as prescribed by the provision. All of these findings constitute legal facts expressly contained in the judgment and supported by the evidence presented during trial, without any interpretation beyond what was stated by the panel of judges.

In its sentencing demands, the Public Prosecutor sought a term of imprisonment of two years and six months for the defendants. However, after considering the evidence, witness testimony, and mitigating factors, the Panel of Judges concluded that the defendants were legally and convincingly proven guilty of committing the criminal act as stipulated in Article 170 paragraph (2) subparagraph 2 of the Indonesian Criminal Code, and imposed a sentence of one year and two months' imprisonment. The judges reasoned that although the act resulted in serious injury, it was committed in a moment of emotional impulse and without prior planning. The defendants' expressions of remorse, their young age, and the efforts undertaken to reconcile with the victim were also taken into account as mitigating factors. This decision subsequently serves as a basis for analysis to assess the extent to which sentencing theories and the principle of legal certainty are applied within the practice of criminal adjudication.

Every crime committed by an individual gives rise to criminal consequences for the perpetrator. Since the law functions to protect human interests, law enforcement must provide tangible benefits to society and therefore must be carried out with due regard to justice. As a means of creating a deterrent effect for both the offender and the surrounding community so as to prevent the recurrence of acts of assault, assault resulting in serious injury, or even assault causing death, it is essential that judges render appropriate and well-considered decisions in adjudicating a case.

In rendering a decision, the judge in a court proceeding is vested with the authority to consider various aspects. (Arief, 2001): The judge may take into account several factors, including the offender's culpability, motive and purpose, manner of committing the offense, mental attitude, and personal background including socioeconomic conditions. In imposing criminal sanctions, the judge refers to the Indonesian Criminal Code, which contains a system of special minimum penalties, special maximum penalties, and even general minimum provisions that govern specific sentencing frameworks. As a result, every judicial decision rendered in court carries *inkracht* status, meaning it has permanent legal force. However, this may at times give rise to legal uncertainty, particularly when a judge imposes a sentence significantly below the minimum standard despite the severity of the harm caused by the offender's actions. (Insani et al., 2025).

If there is evidence demonstrating the following elements namely, the offender's capacity to be held responsible; a psychological connection between the offender and the act, whether in the form of intent (*dolus*) or negligence (*culpa*); and the absence of any grounds that eliminate culpability or excuse the act then the offender's fault may be deemed proven. (Hiariej, 2015). According to Andi Hamzah, the imposition of punishment constitutes a sanction that inflicts suffering and is deliberately administered to the perpetrator of a crime. Punishment itself is a specific concept closely associated with criminal law. (Hamzah, 1993). Thus, *pemidanaan* refers to the imposition of a sanction that inflicts suffering, whereas *pidana* pertains to criminal law itself.

Punishment aims not only to improve conditions within the penal system but also to seek alternative measures beyond criminal sanctions in order to educate and rehabilitate offenders (Hamzah, 1993). Theories of punishment also set out the scientific justifications for the imposition of criminal sanctions, including various opposing perspectives on punishment arising from biological, religious, and social objections. Based on the judicial considerations contained in Decision No. 200/Pid.B/2025/PN.Jkt.Pst, which serves as the object of this research, the judges applied the relative theory of punishment or a combined theory. This is evident from the emphasis placed on maintaining public order, as the defendants' actions constituted a brawl falling within the category of offenses against public order.

The juridical considerations were based on a single indictment that clearly established all elements of Article 170 paragraph (2) subparagraph (2) of the Indonesian Criminal Code, namely:

- a. Anyone who publicly and jointly employs violence against a person or property is deemed to fall within this provision. In this context, the existence of two or more legal subjects engaging in physical violence is required. Such physical violence may be defined as bodily contact capable of causing injury to another person and may be characterized as assault committed collectively. (Umam, 2025). This act of violence falls within the meaning of assault.
- b. Resulting in serious injury: The consequences arising from the collective use of physical violence constitute serious injury to the victim. The term "serious injury" in this context refers to physical harm that requires further medical treatment or may result in permanent disability, depending on the degree of severity.
- c. "In public": The term "in public" constitutes an element of intent, indicating that the act was carried out deliberately. This element means that the conduct was committed openly, not in a concealed manner, and in a place where it could be witnessed by members of the community present at the scene.
- d. The statutory penalty: The criminal act is subject to a maximum imprisonment of nine years if the use of violence results in serious bodily injury.

According to Gustav Radbruch, the purpose of law rests on three fundamental values: justice (Gerechtigkeit), utility or expediency (Zweckmäßigkeit), and legal certainty (Rechtssicherheit). These three values serve as essential pillars that guide the formulation, application, and enforcement of law within a legal system. (Puspaningsih, 2022). In the implementation of the law, these three aims serve as a hierarchy of principles. In this context, the values underlying the purpose of law are classified according to a scale of priority, in which justice is placed foremost, followed by utility, and finally legal certainty.

The principle of legal certainty appears not to have been fully realized in the above decision. Although all elements of Article 170 paragraph (2) point 2 of the Indonesian Criminal Code were proven lawfully and convincingly—namely, that an act of violence was committed jointly and resulted in serious injury the judge imposed a prison sentence of only 1 (one) year and 2 (two) months, which is significantly lower than the statutory maximum penalty of 9 (nine) years imprisonment.

Under the theory of proportionality in sentencing, the imposition of an unduly lenient punishment creates an imbalance between the degree of culpability (schuld) and the consequences of the act (daad). Proportionality serves as an objective indicator to ensure that the punishment corresponds to the gravity of the offender's conduct. In the Central Jakarta District Court Decision Number 200/Pid.B/2025/PN Jkt.Pst, the victim suffered severe burns and permanent disability, which under Article 90 of the Indonesian Criminal Code constitutes serious injury. Such consequences should have been a central consideration for the judge in imposing a sentence closer to the statutory maximum, in order to uphold legal certainty and ensure a sufficient deterrent effect. Therefore, greater consistency is required from judges in applying the relevant provisions concerning serious injury, so that legal certainty and proportionality in sentencing can be achieved in future cases.

CONCLUSION

In Decision No. 200/Pid.B/2025, the Panel of Judges did not explicitly explain the legal basis for reducing the severity of the sentence, even though the aggravating element of "serious injury" had been legally and convincingly established. This creates legal uncertainty in the application of sanctions, due to the significant disparity between the statutory penalty and the sentence imposed. Thus, the principle of legal certainty in this decision remains weak, even though the judges sought to uphold substantive justice for the parties involved.

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