

Judicial Analysis of Collective and Continuing Theft Based on Indonesian Criminal Law

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Abstract

Purpose: This study examines judicial considerations in cases of theft committed jointly (*medeplegen*) as a continued act (*voortgezette handeling*) based on Indonesian criminal law, focusing on Decision No. 104/Pid.B/2025/PN.Tjk.

Research Methodology: This research uses a normative-empirical juridical approach, combining statutory analysis with field research including interviews with judges, prosecutors, and investigators related on the problem in this research.

Results: The court correctly applied Article 363 paragraph (1) sub-4 in conjunction with Article 64 paragraph (1) of the *Kitab Undang-Undang Hukum Pidana (KUHP)*. The elements of joint participation and continuing acts were established through evidence of functional cooperation and unity of intent (*één wilsbesluit*). Although physical evidence was unavailable at trial, the conviction was lawfully established through consistent witness testimonies and the defendant's confession in accordance with the negative statutory proof system (*negatief wettelijk*).

Conclusions: The decision reflects proper legal reasoning by balancing juridical, philosophical, and sociological considerations. The sentence imposed fulfills the objectives of legal certainty, justice, and utility.

Limitations: This study focuses on a single district court decision, limiting broader generalization in Indonesian jurisprudence.

Contributions: This study contributes to the doctrinal understanding of collective criminal liability and continuing offenses in Indonesian criminal law, particularly regarding evidentiary construction in the absence of physical evidence.

Keywords: *Continued Act, Criminal Liability, Joint Theft, Judge's Consideration, Sentencing.*

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1. Introduction

The law functions as the highest authority in realizing justice, truth, and legal certainty for all citizens. One branch of law that plays an important role in maintaining order and protecting human rights is criminal law, which is recognized as an effective instrument to address and prevent crimes (Wijayanti, Shafira, Farid, Agustiniati, & Mediantama, 2026). A criminal act is something that can get you into trouble because it violates the law. "Strafbaar feit" means "punishable by law" and applies to all illegal acts, whether committed intentionally or unintentionally (Togatorop, Shafira, Farid, Siswanto, & Meidiantama, 2026). Disparities or inequalities between regions are a logical consequence of the development process, which represents a stage of change within the development process itself. Excessive differences in the level of progress between regions will have a detrimental impact on regional growth.

In addition to economic growth and economic inequality, the development process also aims to eliminate and reduce poverty, income inequality, and unemployment ([Wahyudi & Abdirrohman, 2022](#)). Economic conditions have a significant influence on social behavior and are often the primary trigger for criminal acts when individuals face urgent financial difficulties. According to Abraham Maslow, economics is a crucial field that helps humans meet life's needs through resource management; however, economic instability frequently leads to social problems. Economic inequality, high unemployment rates, and difficulties in meeting basic needs can drive some individuals to commit unlawful acts, one of which is theft ([Draca & Machin, 2015](#)). In this context, economic factors act not merely as a background for social life but metamorphose into a major catalyst triggering crimes against property within society ([Rusmiati, Syahrizal, & Din, 2017](#)).

The trilogy of legal objectives, which includes justice, legal certainty, and usefulness, becomes the main parameter in evaluating the effectiveness of the penal system ([Septiani, Shafira, Tamza, & Firdanefi, 2025](#)). The principle of a state based on law guarantees certainty, order, and legal protection which are rooted in truth and justice. Certainty, order, and legal protection demand, among other things, that legal transactions in society require evidence that clearly determines the rights and obligations of an individual as a legal subject within the community ([Riza, Lubis, & Suwalla, 2022](#)). Legal protection is a subjective requirement that regulates legal subjects to immediately obtain resources to ensure the continuity of the existence of protected legal subjects and receive protection under the Law ([Nurmala & Hanapi, 2023](#)). Criminal law exists as a state instrument to impose legitimate suffering on offenders, but its function extends beyond mere retribution. As part of substantive criminal law, punishment serves as a preventive means, both to stop the offender from repeating their actions and to educate the public to obey applicable laws for the sake of common order ([Andrisman, 2007](#); [Chalfin & McCrary, 2017](#)). The effectiveness of criminal law is severely tested when facing the phenomenon of property crime ([Arvento & Seregig, 2022](#)), which continues to rise alongside dynamic social issues.

Punishment is more accurately defined as suffering intentionally inflicted by the state on an individual or individuals as a result of criminal law. Meanwhile, punishment is an absolute moral (ethical) requirement for a criminal ([Krisnalita & Rahayu, 2022](#)). Theft is the form of property crime that occurs most frequently, causing public unrest and disrupting the stability of environmental security ([Gunadi & Efendi, 2014](#)). From a criminal law perspective, studies on types of theft offenses show variations in *modus operandi* that continue to evolve with societal dynamics ([Nurainin, Mufidah, Imayuri, Putri, & Rahmawati, 2024](#)). Criminality statistics indicate that theft occupies a high position, necessitating that criminal policy regarding its countermeasures becomes a serious focus for law enforcement officials ([Anggalana, Ainita, & Muhammad, 2024](#)).

Manifestations of theft that carry heavier legal weight and occur frequently are thefts committed jointly (*medeplegen*) and as a continuing act (*voortgezette handeling*). These two elements possess characteristics that aggravate criminal liability because they indicate joint planning, cooperation among perpetrators ([Lantz & Ruback, 2017](#)), and recurring intent. Article 363 paragraph (1) sub-4 of the Criminal Code stipulates a maximum imprisonment of seven years for theft committed by two or more persons acting in concert. Meanwhile, Article 64 paragraph (1) of the Criminal Code regulates continuing acts, where several actions with such a relationship are viewed as one continuing act, meaning only one penal rule is applied. This provision functions to limit punishment so that a person is not punished more than once for a series of acts that are essentially part of the same intent (*ne bis in idem*). The combination of these two aggravating elements is often found in urban areas like Bandar Lampung, driven by environmental factors and weak supervision in industrial zones. This study specifically examines Decision Number 104/Pid.B/2025/PN.Tjk, wherein the defendant Arkan Bin Wiji, along with his colleagues (Raditya Rafel, Asep, Rifi, and Riko), was proven to have committed the theft of cathodic iron belonging to PT. Pertamina Marine Engineering. The theft was executed twice at the same location, an empty house in the Pantai Tiska area, Jl. Soekarno Hatta, on September 7, 2024, and November 10, 2024. This case caused material losses of Rp 25,200,000 and serves as a tangible example of how opportunity factors and recurring intent form the basis for applying the article of theft with aggravating circumstances as a continuing act.

Analysis of this decision is crucial for understanding the judge's considerations in interpreting the element of "together," defined as close cooperation among perpetrators, as well as the "continuing" element, which requires a unity of will (*één wilsbesluit*). Furthermore, this study highlights how judges assess individual criminal liability in collective criminal acts amidst the socio-economic realities of urban society. This research aims to observe the extent to which the decision reflects the objectives of national criminal law, namely the principles of justice (*gerechtigheit*), legal certainty (*rechtssicherheit*), and legal utility (*zweckmassigkeit*) for both society and the defendant ([Annisa & Seregig, 2024](#)).

2. Literature Review and Hypothesis/es Development

2.1. Theoretical Framework of Theft in Criminal Law

Criminal law is a vital instrument encompassing provisions regarding the requirements for the state's authority in enforcing criminal statutes ([Andrisman, 2007](#)). More specifically, criminal law functions to regulate prohibited acts accompanied by the threat of sanctions, establish the conditions for the imposition of punishment, and regulate the mechanism for the execution of sentences ([Gunadi & Efendi, 2014](#); [Ismail, 2025](#)). Its primary objective is to provide a deterrent effect and impose legitimate suffering upon offenders for the sake of protecting the public interest ([Annisa & Seregig, 2024](#); [L. A. Marpaung, Prasetyawati, & Sanjaya, 2023](#)). The concept of a criminal act (*strafbaar feit*) refers to an unlawful act committed by a legal subject who can be held accountable ([Arvento & Seregig, 2022](#)). The elements of a delict that must be fulfilled include the unlawful nature, the presence of societal loss, statutory prohibition, and the threat of sanctions for the perpetrator ([Nurainin et al., 2024](#)).

Theft constitutes one of the most fundamental offenses against property within criminal law. Under Article 362 of the *Kitab Undang-undang Hukum Pidana (KUHP)*, theft is defined as the unlawful taking of another person's property with the intent to possess it. Aggravated theft, regulated under Article 363, introduces additional elements that increase the severity of punishment, including theft committed jointly by two or more persons. The subjective elements of the crime of theft consist of the act of "taking," the object, and the inherent circumstance of the object, namely, "wholly or partially belonging to another person." The objective elements, meanwhile, consist of intent, purpose, and unlawful nature. Therefore, theft must fulfill both of these elements to be considered a crime of theft ([Nurjaman & Qomarudin, 2023](#)).

From a theoretical perspective, criminal law serves not only a retributive function but also preventive and restorative objectives. The imposition of heavier penalties in aggravated theft reflects the increased level of social danger and coordinated intent involved in collective criminal conduct. In this context, the enhancement of punishment cannot be separated from the principle of criminal responsibility, as liability is ultimately grounded in the existence of culpability and the offender's capacity to be held accountable. Criminal liability is a mechanism to impose sanctions on lawbreakers in order to uphold order and justice ([Nazori, Rusli, & Seftiniara, 2023](#)). The fundamental principle of *geen straf zonder schuld* asserts that punishment cannot be based solely on physical acts but requires blameworthy fault on the part of the perpetrator. A person can only be punished if their actions fulfill the elements of *actus reus* (physical act) and *mens rea* (guilty mind), whether in the form of intent or negligence ([Jaya & Seregig, 2024](#)). Additionally, criminal liability must ensure the fulfillment of all elements of the article charged under the law ([Febriyanti & Seregig, 2023](#)).

2.2. Joint Perpretation (*Medeplegen*)

The concept of joint perpretation (*medeplegen*) originates from Dutch criminal law doctrine and has been adopted into Indonesian criminal law. It requires the existence of conscious cooperation and functional contribution among perpetrators in the commission of a criminal act. Legal scholars emphasize that joint perpretation is not merely physical presence at the scene of the crime, but rather active participation supported by a shared intent. Judicial interpretation often focuses on two primary elements: (1) the existence of cooperation among perpetrators, and (2) a common intent to commit the offense. However, differences in interpretation frequently arise regarding the threshold of participation necessary to qualify as joint perpretation, creating potential inconsistency in judicial

application. In a collective context, participation (*deelneming*) reflects joint responsibility where each participant is punished according to the degree of their fault ([Hartono, Anggalana, & Zhifa, 2023](#)). This aligns with the view that participation requires conscious cooperation and unity of purpose among perpetrators.

2.3. Continuing Acts (*Voortgezette Handeling*)

Article 64 paragraph (1) of the Criminal Code regulates continuing acts (*voortgezette handeling*), whereby several actions that are closely related and originate from a unity of intent (*één wilsbesluit*) are legally regarded as a single offense. The doctrine is designed to prevent excessive cumulative punishment where repeated acts stem from one overarching decision. The primary doctrinal issue lies in determining whether repeated conduct constitutes separate offenses or forms a continuing act. Courts must carefully assess the temporal proximity, similarity of modus operandi, and the existence of a unified intention. Misinterpretation of these elements may result in either unjust sentencing or inconsistent legal qualification. Continuing act (*voortgezette handeling*) refers to a series of actions that have a close relationship and arise from a single decision of will (*één wilsbesluit*), so they are legally viewed as a single delict to avoid multiple punishments.

2.4. Evidentiary System in Criminal Procedure

Indonesian criminal procedure adopts the negative statutory proof system (*negatief wettelijk*), which requires judges to base their conviction on at least two valid pieces of evidence accompanied by judicial conviction. In cases where physical evidence is unavailable, courts rely heavily on witness testimony, defendant confessions, and corroborative circumstances. The evidentiary construction in cases involving joint perpetration and continuing acts becomes particularly complex, as the prosecution must demonstrate both collective participation and unity of intent through legally admissible evidence ([Lubis, Ablisar, Yunara, & Marlina, 2023](#)).

2.5. Theory of Judicial Consideration

In deciding a case, a judge is obliged to assess the truth of the legal event, the proof of juridical elements, and determine the severity of the punishment. This process involves in-depth analysis of evidence such as witness testimony, the defendant's statement, and material evidence ([Jaya & Seregig, 2024](#)). Judicial consideration is not merely normative juridical but also includes philosophical considerations oriented towards the correction of the defendant's behavior ([Kurniawan, 2025](#)). Furthermore, sociological aspects are also calculated by observing the defendant's social background and the decision's impact on the public sense of justice. Judges do not work in a vacuum when deciding cases. According to the theory of legal consideration, judges must explore legal values living in society. Judicial considerations are classified into three fundamental aspects:

2.5.1 Juridical Consideration

Based on legal facts revealed in trial, covering the public prosecutor's indictment, witness testimony, defendant testimony, and material evidence. The judge assesses whether the defendant's actions fulfill the delict elements in the charged article ([Jaya & Seregig, 2024](#)) legally and convincingly.

2.5.2 Philosophical Consideration

Focuses on justice and the purpose of sentencing. The judge considers that sentencing is not merely retribution, but a corrective means to improve the defendant's behavior so they can be accepted back into society ([Siregar, Siregar, Nasution, Siahaan, & Batu, 2023](#)).

2.5.3 Sociological Consideration

Pays attention to the social impact of the criminal act on the victim and the wider community, as well as the defendant's life background which may have influenced their actions. This is important so that the decision possesses the value of utility (*zweckmassigkeit*) ([Najeges, Tamza, & Monica, 2025](#); [Nazori et al., 2023](#)). The criminal verdict handed down by the panel of judges must have a deterrent effect on both the perpetrator and the wider community. Imprisonment, as a punishment imposed on a criminal by the court, should be a last resort. This choice must, of course, be based on careful consideration and the involvement of many competent parties. It must also be believed to be aimed at

or in the best interests of the defendant, both spiritually and physically ([Subiantoro, Ucuk, & Widodo, 2024](#)).

2.6. Research Gap

Previous studies have generally examined aggravated theft, criminal participation, or continuing acts separately. However, limited scholarship analyzes the simultaneous application of joint perpetration and continuing acts within a single judicial decision, particularly in relation to evidentiary construction and sentencing proportionality. This gap highlights the need for a focused doctrinal and empirical analysis of judicial reasoning in such cases.

3. Methodology

This study adopts a combined normative and empirical juridical approach to provide a comprehensive analysis of both doctrinal and practical aspects of the case. Examining statutory provisions, legal doctrines, and doctrinal interpretations pertaining to aggravated theft, participation (*medeplegen*), and continuing (*voortgezette handeling*) is the main goal of the normative juridical approach. Law Number 8 of 1981 concerning *Kitab Undang-Undang Hukum Acara Pidana (KUHP)*, the *Kitab Undang-undang Hukum Pidana (KUHP)*, and the 1945 Constitution of the Republic of Indonesia are examples of primary legal texts. Peer-reviewed journal papers, legal textbooks, and pertinent court rulings are examples of secondary materials. The empirical juridical approach complements the doctrinal analysis by examining the practical application of law through field research conducted in Bandar Lampung. Data were collected through structured interviews with judges of the Tanjung Karang District Court, public prosecutors from the Bandar Lampung District Attorney's Office, and investigators from the Panjang Sector Police who handled the case.

Data were processed through systematic classification, selection, and qualitative analysis. The qualitative juridical method was employed to interpret legal norms, assess judicial reasoning, and evaluate whether the application of the "joint" and "continuing" elements was consistent with established legal doctrine. This study employs a single case study design focusing on Decision Number 104/Pid.B/2025/PN.Tjk because the case presents a significant doctrinal intersection between joint perpetration (*medeplegen*) and continuing acts (*voortgezette handeling*) within one judicial ruling. The case provides rich normative and empirical data, including judicial reasoning and insights from law enforcement officials directly involved in the proceedings, allowing for an in-depth qualitative analysis of evidentiary construction and sentencing proportionality. Although the single case study approach limits generalizability, it strengthens the internal validity of the research by enabling comprehensive doctrinal and practical examination of the application of Articles 363 and 64 of the *Kitab Undang-undang Hukum Pidana (KUHP)*.

4. Results and Discussions

4.1 Reconstruction of Legal Facts and Chronology of Events

Based on trial facts in Decision Number 104/Pid.B/2025/PN.Tjk, this criminal act of theft did not occur spontaneously, but through mature planning in two different but interrelated series of events. The first incident occurred at approximately 22:00 WIB in the Pantai Tiska area, Jalan Soekarno Hatta, specifically within the storage area of PT Pertamina Marine Engineering. Defendant Arkan, together with Raditya Rafel and Rifi (DPO), as well as Asep (DPO), divided their roles in an organized manner. Raditya Rafel and Rifi acted as executors by entering the storage area and stealing three C-shaped iron bars. Arkan waited in an empty house beside the boundary wall to receive the stolen goods and then contacted Asep to bring an angkot (public minivan) for transportation. The iron was sold to a scrapyard in the North Panjang area for Rp 600,000, from which Arkan received Rp 150,000. On November 10, 2024, the perpetrators repeated the act at the same location using the same *modus operandi*. They stole five C-shaped iron bars, using a rope to pull the iron over the boundary wall. The goods were again transported using Asep's angkot and sold for Rp 1,000,000. After deducting transportation and cigarette expenses, Arkan once more received Rp 150,000 as his share.

4.2 Criminological Analysis of Factors Causing the Criminal Act

Based on the investigation and interview with the Investigator of Panjang Sector Police, Mr. Edi Kriswanto, it was revealed that this criminal act did not stand alone but was triggered by the complexity of the perpetrators' internal and external factors:

4.2.1 Economic Factors as the Main Trigger

The dominance of economic factors became the most significant cause. The perpetrators generally came from the lower-middle economic class and were unemployed individuals without fixed income. The pressure of daily living needs drove them to seek shortcuts to obtain money quickly through theft. This reality reflects the theory that unstable economic conditions often become a catalyst for crimes against property.

4.2.2 Influence of Social Environment (Peer Group)

The social circle played a crucial role in shaping the perpetrators' behavior. The perpetrators were known to associate in the same circle and had a habit of violating the law. Intense interaction within this group indirectly normalized criminal behavior, building the perception ([McGloin & Thomas, 2019](#)) that theft is a common thing that can be done together without fear of legal consequences.

4.2.3 Opportunity Factors and Criminal Learning

This continuing criminal act was triggered by the success of the first action. When the theft on September 7, 2024, succeeded without being caught and yielded financial profit, a sense of confidence and addiction arose within the perpetrators. This success became an "opportunity" validating their intent to repeat the act at the same location with the same method, which then became the basis for the formation of *één wilsbesluit* (unity of will) ([LOUGHRAN, PATERNOSTER, CHALFIN, & WILSON, 2016](#); [Wibowo, 2025](#)).

4.3 Proof Without Physical Evidence: Application of the Negative Statutory System

A crucial issue in this case was the absence of physical evidence because the stolen goods had been sold. Nevertheless, under Article 183 of the Criminal Procedure Code, Indonesia adopts the negative statutory proof system (*negatief wettelijk*), requiring at least two valid pieces of evidence combined with the judge's conviction. The court relied on:

1. Consistent witness testimonies,
2. Defendant's confession,
3. Correlation between narrative details.

This demonstrates that criminal liability does not depend solely on physical evidence but on the coherence and interrelation of lawful evidence.

4.4 Juridical Analysis of the "Jointly" Element (Medeplegen)

Based on Decision Number 104/Pid.B/2025/PN.Tjk, the Panel of Judges concluded that the defendant fulfilled the element of "committed jointly" as stipulated in Article 363 paragraph (1) sub-4 of the Criminal Code. The element of *medeplegen* requires conscious and close cooperation (*nauwe en bewuste samenwerking*) among perpetrators. The facts revealed at trial demonstrated a functional division of roles: some perpetrators executed the physical taking of goods, while others facilitated transportation and disposal of stolen property. The defendant did not merely assist, but actively participated in coordinating the transportation and sale of the stolen iron. This role qualifies him as a co-perpetrator (*medepleger*) rather than an accessory (*medeplechtige*). This finding aligns with the theory of participation which emphasizes shared intent and cooperative execution as essential components of collective criminal liability.

4.5 Application of the Continuing Act (Voortgezette Handeling)

The court further applied Article 64 paragraph (1) of the Criminal Code by categorizing the two theft incidents as a continuing act. The essential requirement of *voortgezette handeling* is the existence of *één wilsbesluit* (unity of intent). The qualification of a continuing act is strengthened by several factual indicators identical between events. First, the similarity of *modus operandi*, namely climbing the wall and using an *angkot*. Second, the similarity of the target object, namely C-shaped cathodic iron ([Vandeviver, Neutens, Van Daele, Geurts, & Vander Beken, 2015](#)). The repetition of theft at the

same location, against the same victim, using identical methods within a relatively close timeframe, indicates that the second act was a continuation of the first criminal intent rather than a separate and independent crime. The judge's reasoning reflects doctrinal interpretation that continuing acts prevent multiple punishments for actions that essentially originate from a single criminal decision. Therefore, the application of Article 64 paragraph (1) was legally appropriate and consistent with the principle of proportionality.

4.6 Non-Juridical Considerations (Philosophical and Sociological)

4.6.1 Philosophical Aspect (Rehabilitation)

In imposing punishment, the Judge adheres to modern sentencing philosophy which is not aimed solely at retribution, but as a means of education and guidance (treatment). The objective is to improve the defendant's morals so that they realize their mistakes and can return to society as a law-abiding individual. Imprisonment is viewed as *ultimum remedium* to provide time for contemplation for the defendant, not to destroy their future ([Loeffler & Nagin, 2022](#)).

4.6.2 Sociological Aspect (Social Impact)

Sociologically, the Judge considers the impact of the defendant's actions which have unsettled the surrounding community and harmed the business sector, specifically PT. Pertamina Marine Engineering with losses reaching Rp 25,200,000. On the other hand, the judge also observes the defendant's social background originating from a weak economic class as well as unfavorable social environment factors. This consideration is used to ensure the decision handed down is proportional, severe enough to provide a deterrent effect for the wider society, yet remains humane by considering the defendant's subjective conditions.

4.7 Analysis of Sentencing

The sentence of 2 (two) years imprisonment imposed by the Panel of Judges on Defendant Arkan Bin Wiji is not merely a mathematical figure, but the result of the crystallization of objective considerations balancing the severity of the act and the subjective condition of the perpetrator. The Judge used a proportionality approach to ensure the sanction given is educative yet remains firm.

4.7.1 Aggravating Circumstances

In their consideration regarding aggravating circumstances, the Judge highlighted several crucial factors weighing down the Defendant's legal position. The Defendant is known to have the status of a recidivist who has been punished for a similar criminal act, where this repetition of crime indicates that the Defendant has not fully improved himself and requires more intensive guidance in a correctional institution ([Bhuller, Dahl, Løken, & Mogstad, 2020](#)). Furthermore, the Defendant's actions were assessed as unsettling the surrounding community and disrupting a conducive business climate, with material losses suffered by PT. Pertamina Marine Engineering reaching Rp 25,200,000, a nominal amount considered significant as it concerns the company's operational assets. Another aggravating fact serving as a moral note for law enforcers is the existence of child exploitation, where the Defendant involved Witness Raditya Rafel, who is still a minor, in this gang; although the child was tried separately, his involvement in organized crime by an adult is deemed to injure public morality ([L. Marpaung, Satria, & Ardinata, 2024](#)).

4.7.2 Mitigating Circumstances

The judge also took into account the defendant's humanism viewpoint through mitigating circumstances as a counterbalance to ensure that the ruling is not oppressive. The defendant's cooperative, courteous, and direct demeanor throughout the trial significantly helped the panel of judges to facilitate the proceedings. In keeping with the purpose of restorative sentencing, which is to turn the offender back into a law-abiding citizen, the judge evaluated the defendant's courageous admission of guilt and sincere regret as a first step toward repentance.

4.7.3 Justice of the Decision

Regarding the justice of the decision (proportionality of the verdict), the verdict of 2 (two) years imprisonment is assessed to have fulfilled the "Triad of Legal Objectives," namely certainty, justice, and utility. From the certainty aspect, this decision is consistent with the Public Prosecutor's demand (*conform*), showing a similarity of view regarding the weight of the Defendant's fault ([Spohn, 2015](#)).

Meanwhile, from the justice aspect, this punishment is considered proportional because it is not too light considering the recidivist status and victim's loss, yet not maximized to the limit of the heaviest criminal threat (7 or 9 years) because the Judge still sees potential for self-improvement in the Defendant, reflecting corrective justice focused on the re-socialization of the perpetrator.

5. Conclusions

5.1. Conclusion

Based on the analysis of Decision Number 104/Pid.B/2025/PN.Tjk, it can be concluded that the Panel of Judges correctly applied Article 363 paragraph (1) sub-4 in conjunction with Article 64 paragraph (1) of the *Kitab Undang-undang Hukum Pidana (KUHP)*. The elements of joint participation and continuing acts were legally and convincingly proven through functional cooperation among perpetrators and the existence of a unity of intent (*één wilsbesluit*). The sentence imposed reflects a balanced consideration of juridical evidence, philosophical sentencing objectives, and sociological impacts. The decision therefore satisfies the triadic objectives of law: legal certainty, justice, and utility

5.2. Research Limitation

This study is subject to several limitations. First, the research adopts a single case study approach focusing only on Decision Number 104/Pid.B/2025/PN.Tjk, which limits the generalizability of the findings to broader judicial practices in Indonesia. The legal reasoning analyzed may reflect specific contextual factors that are not necessarily representative of other cases involving similar legal issues. Also, the empirical data is based on limited interviews. Finally, this research primarily employs a qualitative juridical analysis, without incorporating quantitative data or comparative analysis

5.3 Suggestions and Directions for Future Research

Based on the limitations above, future research is recommended to expand both the scope and methodological approach. Future research is recommended to examine multiple court decisions across different jurisdictions to identify consistency in legal application. Further studies may also use comparative or mixed-method approaches and explore criminological factors, such as economic and social influences, to provide more comprehensive insights into criminal liability and sentencing.

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Author's Contribution

MV contributed to the conceptualization, study design, data collection, analysis, and manuscript drafting. KS assisted with data collection, manuscript revision, and provided supervision throughout the research process. Both authors reviewed and approved the final manuscript.

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