

Law Enforcement of Violent Theft in Indonesia: Analysis of Decision 201/Pid.B/2024/PN Ktg

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Abstract

Robbery constitutes a serious criminal offense in the Indonesian criminal justice system because it combines the unlawful appropriation of property with the use or threat of violence against victims. Although Article 365 of the Indonesian Criminal Code provides a legal framework for regulating violent theft, judicial practice often encounters interpretative challenges regarding the elements of violence, aggravating circumstances, and sentencing proportionality. This study aims to analyze the legal construction of robbery under Article 365 of the Criminal Code, examine the judicial reasoning (*ratio decidendi*) in Decision Number 201/Pid.B/2024/PN Ktg, and evaluate the decision's consistency with the principles of criminal liability, proportional punishment, and legal certainty. The research employs a qualitative normative legal method using statutory, case-based, conceptual, and analytical approaches by examining primary legal materials such as the Criminal Code, the Criminal Procedure Code, and the relevant court decision, supported by secondary and tertiary legal sources. The findings indicate that the court systematically assessed the relationship between factual evidence and statutory elements of the offense and confirmed the fulfillment of both *actus reus* and *mens rea* in establishing criminal liability. The judgment also reflects the application of the proportionality principle in sentencing. However, interpretative discretion regarding violence and aggravating circumstances may lead to inconsistencies in judicial decisions. Therefore, this study recommends strengthening judicial interpretation guidelines and developing an integrated judgment database to enhance doctrinal consistency, legal certainty, and transparency in criminal law enforcement in Indonesia.

Keywords: Robbery, Article 365 Criminal Code, Judicial Reasoning, Criminal Liability, Sentencing Proportionality.

INTRODUCTION

Criminality refers to behavior that violates criminal law norms and causes harm to individuals and society. A criminal act occurs when a person intentionally commits an act prohibited by law and punishable by criminal sanctions. In the context of Indonesian criminal law, criminality is viewed not only as a violation of property rights, but also as an act that can threaten security, social order, and individual safety (Sufa et al., 2025). The dangers of crime are understood not only as unlawful acts, but also as a social phenomenon capable of producing far-reaching psychological, social and structural consequences. Crime is often linked to violence, social marginalisation and the dehumanisation of vulnerable groups within society (Farida et al., 2025).

Robbery is a form of property crime that poses a high level of danger within the criminal justice system because it combines the unlawful taking of property with the use or threat of violence against an individual. In the Indonesian criminal law system, this criminal offense is regulated under Article 365 of the Criminal Code (KUHP), which classifies robbery as an aggravated form of theft. This classification is based on the presence of elements of coercion, intimidation, or the use of physical force against the victim. Consequently, the provision imposes a more severe criminal penalty compared to ordinary theft because the act not only violates property rights but also threatens individual safety and societal security (Bouchard & Morselli, 2021; Nagin & Paternoster, 2023).

Empirically, crimes involving violence against victims tend to have broader social impacts compared to non-violent property crimes. Criminological research indicates that violent

crimes contribute to increased perceptions of risk, fear of crime, and a decline in public trust in law enforcement institutions (Bouchard & Morselli, 2021). These conditions position violent theft as a critical issue in criminal law enforcement policy, as it relates not only to the protection of property rights but also to the protection of public safety as a whole. In this context, the criminal justice system is not only required to provide a repressive response through punishment but must also ensure that the application of the law is fair, consistent, and in accordance with the fundamental principles of criminal law.

Although the legal norms governing robbery have been clearly formulated in the Criminal Code, the application of these norms in judicial practice often faces various interpretive challenges. The court must assess whether the facts revealed during the trial truly satisfy the element of violence as defined in Article 365 of the Criminal Code, whether there are aggravating circumstances, and whether the imposed sentence reflects the principle of proportional justice. Within the framework of modern sentencing theory, the imposition of a sentence must be based on the principle of proportionality, which requires that the punishment imposed be commensurate with the severity of the criminal act and the degree of the offender's culpability (Ashworth & Zedner, 2022; Frase, 2023). Therefore, judges not only play a role in determining the offender's culpability but must also ensure that the imposed sanctions reflect a balance among the objectives of criminal punishment, namely retribution, deterrence, rehabilitation, and the protection of society (Tonry, 2021).

Differences in the interpretation of the elements of a criminal offense in judicial practice have the potential to result in varying rulings in cases with relatively similar factual patterns. This situation raises questions regarding the extent to which court rulings can guarantee legal certainty, justice, and the utility of the law, which are fundamental principles in the criminal justice system. From the perspective of criminal law doctrine, the analysis of court rulings is crucial because these rulings reflect how legal norms are concretely applied through the legal reasoning process conducted by judges (Duff, 2022; Simester & von Hirsch, 2021). Thus, the study of court decisions aims not only to understand the final outcome of a case but also to assess whether the legal reasoning process used by judges aligns with the criminal law doctrine developed in academic literature.

An analysis of court rulings also has theoretical relevance to the principle of legality in criminal law, known through the doctrine of *nullum crimen sine lege*. This principle asserts that an act cannot be criminalized if there is no legal provision that has previously defined it as a criminal offense (Ambos, 2018; Gallant, 2021). This principle serves to ensure legal certainty while protecting individuals from the arbitrary application of criminal law. In judicial practice, judges must ensure that the imposition of criminal penalties is based on clear legal provisions and does not involve an analogical expansion of the interpretation of criminal norms. Thus, the application of Article 365 of the Criminal Code in cases of robbery with violence must remain within the framework of the principle of legality so that law enforcement does not deviate from the principles of the rule of law.

In addition to the principle of legality, the assessment of the offender's culpability in criminal cases is also closely tied to the theory of criminal liability. This theory asserts that a person can only be held criminally liable if there is evidence of a criminal act (*actus reus*) and the presence of culpability or a blameworthy mental state (*mens rea*) (Duff, 2022; Simester & von Hirsch, 2021; Tadros, 2023). In the context of robbery, judges must assess not only the existence of the act of unlawfully taking another person's property but also the presence of the element of violence and the perpetrator's intent in committing the act. Therefore, an analysis of court rulings is essential to determine whether the court has correctly applied the theory of criminal liability in establishing the perpetrator's culpability.

Furthermore, the evaluation of court rulings can also be examined through the lens of justice theory, particularly via the Radbruch Formula. Radbruch asserts that law must consider

three fundamental values: justice, legal certainty, and social utility (Alexy, 2022; Dyzenhaus, 2023; Pavlakos, 2021). Under normal circumstances, legal certainty must be prioritized to maintain the stability of the legal system. However, if the application of the law results in extreme injustice, the value of justice must be placed above the formal validity of legal norms. This perspective provides a normative basis for judges to ensure that the application of criminal law not only fulfills formal legal aspects but also reflects substantive justice.

In the context of this study, Judgment No. 201/Pid.B/2024/PN Ktg serves as a relevant subject of analysis to examine the application of Article 365 of the Criminal Code in judicial practice. The judgment contains legal considerations regarding the presence of the element of violence, the qualification of aggravating circumstances, and the proportionality of the sentence imposed by the court. Through an analysis of the legal considerations in the decision, this study seeks to evaluate whether the interpretation made by the judge is consistent with the fundamental principles of criminal law, particularly regarding the principle of legality, the theory of criminal liability, and the principle of justice in the imposition of punishment. Thus, this study is expected to provide an academic contribution to understanding how criminal law norms are applied in judicial practice while assessing the consistency between criminal law theory and law enforcement practice in Indonesia.

Robbery remains one of the most common forms of crime and has the potential to disrupt social order and public safety in Indonesia. Although Article 365 of the Criminal Code provides a legal framework for regulating robbery accompanied by violence, the application of this provision in judicial practice often faces various interpretative challenges. Courts are frequently confronted with questions regarding the scope of the violence element required to satisfy the provisions of this article, particularly in cases involving threats, intimidation, or the use of physical force to a certain degree.

In addition to issues regarding the element of violence, another problem arises in determining the qualifying aggravating circumstances in the crime of robbery with violence. Article 365 of the Criminal Code (KUHP) stipulates several forms of criminal aggravation related to specific conditions, such as being committed jointly, the use of weapons, or the presence of a victim who sustains injuries. The assessment of these circumstances often depends on the judge's interpretation, thereby potentially leading to inconsistencies in the application of criminal sanctions.

Another equally important issue relates to the proportionality of sentencing. Sentencing in criminal law must reflect a balance between the gravity of the offense committed and the penalty imposed by the court. If a criminal judgment is not accompanied by adequate reasoning regarding the grounds for sentencing, doubts may arise regarding the alignment of such a judgment with the principles of justice and legal certainty.

These various issues highlight the importance of analyzing court decisions as objects of doctrinal study. By analyzing the legal reasoning in a decision, it is possible to evaluate whether the application of criminal law norms has been consistent and in line with the fundamental principles of criminal law. Based on this, the main issues in this study are the extent to which Decision No. 201/Pid.B/2024/PN Ktg reflects doctrinal coherence in the interpretation of Article 365 of the Criminal Code, and whether the legal considerations in the decision have fulfilled the principles of legal certainty, proportional justice, and consistency in the application of criminal liability.

This study aims to conduct a doctrinal evaluation of the enforcement of laws regarding the crime of robbery in the Indonesian criminal justice system through an analysis of Judgment No. 201/Pid.B/2024/PN Ktg. This study seeks to analyze the legal construction of the crime of robbery as stipulated in Article 365 of the Criminal Code and to understand how the elements of this crime are interpreted in judicial practice.

According to research by Sun et al. (2024), Zhang et al. (2024), and Holzenberger and Van Durme (2021), this study also aims to examine the legal reasoning or ratio decidendi contained in the decision in order to identify the legal arguments used by the judge in determining the presence of the element of violence, the qualification of aggravating circumstances, and the criminal liability of the perpetrator.

According to research by Setiawan (2024), Flora et al. (2023), and Theodora (2023), furthermore, this study aims to evaluate the consistency of the decision with the fundamental principles of criminal law, particularly the principle of criminal liability, the proportionality of punishment, and the principles of legal certainty and justice. According to research by Sun et al. (2024), Zhang et al. (2024), and Holzenberger and Van Durme (2021), this evaluation is conducted by comparing the legal reasoning in the decision with relevant criminal law doctrines and legal theories.

According to research by Setiawan (2024), Flora et al. (2023), and Sun et al. (2024), ultimately, this study aims to formulate doctrinal recommendations that can contribute to greater consistency in the enforcement of the law in robbery cases. According to research by Sun et al. (2024), Setiawan (2024), and Zhang et al. (2024), these recommendations are aimed at strengthening legal reasoning in court decisions, enhancing doctrinal coherence, and developing more consistent sentencing practices within the Indonesian criminal justice system.

According to research by Widiarty (2024), Wiraguna (2024), Suyanto (2023), this study employs a doctrinal legal approach that focuses on the analysis of legal norms and legal reasoning in court decisions, rather than on empirical analysis of crime rates or social behavior. According to research by Widiarty (2024), Wiraguna (2024), Suyanto (2023), therefore, the scope of this study is limited to a legal analysis of a single court decision, namely Decision No. 201/Pid.B/2024/PN Ktg, which concerns the criminal offense of robbery with violence within the Indonesian criminal justice system.

According to research by Manggala (2023), Prasetyo and Faridah (2024), from a legal perspective, this study focuses on the interpretation and application of Article 365 of the Criminal Code as the primary provision governing the crime of robbery. According to research by Manggala (2023), Prasetyo and Faridah (2024), and Zhang et al. (2024), the analysis aims to assess how the elements of this crime are constructed in judges' legal reasoning and how courts determine criminal liability and sentencing based on the facts revealed during the trial.

According to research by Widiarty (2024), Wiraguna (2024), Suyanto (2023), the temporal scope of this study is limited to court decisions rendered in 2024. According to research by Flora et al. (2023), Theodora (2023), Setiawan (2024), this study analyzes the legal reasoning in those decisions within the context of the legal system in effect at the time the decisions were issued. According to research by Widiarty (2024), Wiraguna (2024), Suyanto (2023), this study does not address any developments in criminal legislation that may have occurred after the decisions were rendered.

According to research by Widiarty (2024), Wiraguna (2024), Suyanto (2023), in terms of jurisdiction, this study focuses on the Indonesian criminal justice system. According to research by Holzenberger and Van Durme (2021), Sun et al. (2024), Zhang et al. (2024) this study does not draw comparisons with the legal systems of other countries, although relevant criminal law doctrines and legal theories are still used as a framework for analyzing the legal reasoning in the judgments examined.

According to research by Manggala (2023), Prasetyo and Faridah (2024), and Rais (2023), previous studies on robbery in Indonesia have generally focused on criminal policy, criminological factors contributing to robbery, or statistical trends in criminal offenses. According to research by Manggala (2023), Prasetyo and Faridah (2024), and Rais (2023), although these studies have made important contributions to understanding the phenomenon of robbery in general, attention to in-depth doctrinal analysis of specific court rulings remains

relatively limited. According to research by Manggala (2023), Prasetyo and Faridah (2024), and Rais (2023), consequently, the application of Article 365 of the Criminal Code in judicial practice has not been systematically examined in the academic literature.

According to research by Flora et al. (2023), Theodora (2023), Setiawan (2024), another gap in existing studies relates to the evaluation of the proportionality of sentencing in robbery cases. According to research by Setiawan (2024), Flora et al. (2023), and Prasetyo and Faridah (2024), many studies discuss criminal sanctions in a general context, but few analyze in depth how judges justify the sentence imposed in a specific ruling and how that sentence relates to the facts proven in court.

According to research by Flora et al. (2023), Theodora (2023), Setiawan (2024), and Zhang et al. (2024), furthermore, existing studies rarely integrate various perspectives of legal theory into a single comprehensive analytical framework. According to research by Flora et al. (2023), Theodora (2023), Setiawan (2024), and Zhang et al. (2024), discussions regarding the principles of legality, justice, and proportionality often appear separately in criminal law research, so an integrated evaluation model to assess the quality of legal reasoning in court rulings has not yet been established.

According to research by Widiarty (2024), Wiraguna (2024), Suyanto (2023), Sun et al. (2024), and Zhang et al. (2024), this study aims to address this gap by conducting a structured doctrinal analysis of a specific court decision and by integrating various legal theory perspectives into a single evaluation framework. According to research by Setiawan (2024), Flora et al. (2023), Theodora (2023), and Zhang et al. (2024), the novelty of this study lies in the construction of a normative evaluation matrix that combines the principles of legality, justice, and proportionality of punishment in the analysis of judicial reasoning. According to research by Manggala (2023), Prasetyo and Faridah (2024), Setiawan (2024), and Flora et al. (2023), through this approach, this study not only provides a description of the court decision but also seeks to theoretically reconstruct how the enforcement of the law regarding robbery with violence should be consistently applied within the Indonesian criminal legal system.

RESEARCH METHODS

According to research by (Ashworth & Zedner, 2022; Frase, 2023; Tonry, 2021), this study employs a normative legal research design with a qualitative approach that views law as a system of norms analyzed through an examination of legal principles, statutory provisions, and court rulings. According to research by Suyanto (2023), in this approach, legal research does not focus on collecting empirical data from respondents but places legal texts as the primary object of analysis to understand the structure of norms and their application practices within the judicial system. According to research by Wiraguna (2024), normative legal research, or doctrinal legal research, generally aims to examine how legal rules are interpreted, applied, and developed through judicial practice and academic discourse. According to research by Manggala (2023) the focus of this study lies on the interpretation and application of legal norms related to the criminal offense of robbery with violence in judges' legal reasoning. According to research by Widiarty (2024), through a doctrinal approach, this study evaluates the alignment between statutory provisions, criminal law doctrine, and judicial interpretation practices in the adjudication process.

According to research by Manggala (2023), Prasetyo and Faridah (2024), this analysis specifically examines how the elements of robbery defined in Article 365 of the Criminal Code are interpreted by the courts and whether such interpretations align with fundamental principles of criminal law, such as the principle of legality, the theory of criminal liability, and the principle of proportionality in sentencing. According to research by Herliana (2023), Habernal et al. (2022), Holzenberger and Van Durme (2021), and Sun et al. (2024), an examination of the

structure of legal reasoning in court decisions allows this study to explain how abstract legal norms are concretely applied through the process of legal reasoning carried out by judges.

To produce a comprehensive legal analysis, this study employs several approaches commonly used in normative legal research. The statutory approach is used to examine the normative framework governing the criminal offense of robbery with violence within the Indonesian criminal justice system. The analysis focuses on Article 365 of the Criminal Code as well as relevant provisions in the Criminal Procedure Code to identify the normative elements constituting the offense and the legal standards required to establish criminal liability. This approach is important because normative legal research fundamentally aims to assess the consistency between applicable legal norms and their application in judicial practice (Smits, 2021).

Additionally, this study employs a case-based approach to examine the legal interpretations made by the court through an analysis of Judgment No. 201/Pid.B/2024/PN Ktg. The case-based approach enables the researcher to understand how judges apply statutory provisions in specific cases and how they assess the presence of the criminal elements required by criminal law. Through an analysis of this decision, this study examines how judges assess the element of violence, determine aggravating circumstances, and evaluate the proportionality of the sentence imposed in cases of robbery with violence. This approach is crucial in legal research because court decisions are one of the primary sources demonstrating how the law is applied and developed through judicial practice (Hutchinson & Duncan, 2022).

This study also employs a conceptual approach to examine legal concepts related to the crime of robbery, including the concepts of the violence, coercion, aggravating circumstances, and proportionality in sentencing. The conceptual approach aims to provide a theoretical foundation for legal analysis by using criminal law doctrines and academic literature as normative references in assessing judges' legal reasoning. This approach enables the study to connect judicial practice with the development of criminal law theory as it evolves in academic literature (Smits, 2021).

Additionally, this study employs an analytical approach to evaluate the structure of legal reasoning in court decisions. This analysis focuses on the logical relationship between the legal norms applied by the judge, the facts revealed during the trial, and the legal conclusions drawn in the judgment. Through this approach, the study can assess whether the legal reasoning employed by the judge demonstrates logical consistency and alignment with prevailing criminal law doctrine (Hutchinson & Duncan, 2022).

This study uses three types of legal materials commonly employed in normative legal research. Primary legal materials consist of legal sources that possess authoritative force as the basis for the formation of legal norms. The primary legal materials in this study include the Criminal Code, the Criminal Procedure Code, and Judgment No. 201/Pid.B/2024/PN Ktg as the primary subject of analysis. These sources provide the normative basis for identifying the elements of the crime of robbery and for evaluating the legality of the legal reasoning in the court decision.

Secondary legal materials consist of various academic sources that provide explanations and analyses of criminal law. These materials include scientific journal articles, criminal law textbooks, and other scholarly works discussing criminal law doctrine, theories of criminal liability, theories of punishment, and theories of legal interpretation. Secondary legal materials are used to strengthen normative analysis and provide a theoretical framework for evaluating the judge's legal reasoning. Additionally, tertiary legal materials such as legal dictionaries, legal encyclopedias, and various other legal references are used to help explain legal terms and concepts relevant to the research topic.

In normative legal research, the research population refers to the entirety of legal materials related to the subject of the study. The population in this study consists of court

decisions related to the criminal offense of robbery with violence within the Indonesian criminal justice system. These decisions reflect how Article 365 of the Criminal Code is applied by the courts in criminal justice practice. This study employs a purposive doctrinal sampling technique, selecting Judgment No. 201/Pid.B/2024/PN Ktg as the research sample because it contains relatively comprehensive legal reasoning regarding the presence of the element of violence, the determination of aggravating circumstances, and the assessment of the proportionality of the imposed sentence. Purposive sampling allows the study to conduct an in-depth analysis of the structure of the judge's legal reasoning in adjudicating the case.

The analysis of legal materials in this study was conducted using a qualitative doctrinal analysis approach, employing several methods of legal interpretation. Grammatical interpretation was used to examine the literal meaning of Article 365 of the Criminal Code in order to understand how the elements of robbery are formulated in the language of the statute. Systematic interpretation was used to analyze the relationship between Article 365 of the Criminal Code and other provisions within the criminal law system, including provisions of criminal procedure law and related criminal offenses, ensuring that the interpretation of legal norms remains consistent with the overall structure of Indonesia's criminal law system. Teleological interpretation is used to understand the purpose of establishing legal norms, particularly in relation to protecting society from criminal acts involving violence and the function of criminal law in maintaining social order.

In addition to methods of legal interpretation, this study also employs *ratio decidendi* analysis to identify the core legal considerations underlying court decisions. This analysis examines the legal arguments used by judges and assesses whether those arguments logically support the legal conclusions reached in the decisions. This study also conducts a normative consistency test to assess whether the legal reasoning in court decisions aligns with the fundamental principles of criminal law, including the principle of legality, the theory of criminal liability, and the principle of proportionality in sentencing. Through this analytical process, this study evaluates the extent to which court decisions reflect doctrinal consistency within the criminal justice system (Hutchinson & Duncan, 2022; Smits, 2021).

RESULTS AND DISCUSSION

Legal Definition of Robbery Under Article 365 of the Criminal Code

An examination of Article 365 of the Criminal Code demonstrates that robbery constitutes an aggravated form of theft because it combines the unlawful appropriation of property with the use or threat of violence against an individual. The normative structure of this offense distinguishes it from ordinary theft by incorporating an element of coercion that directly endangers the victim's physical safety and personal integrity. Through grammatical interpretation, the expression "with violence or the threat of violence" indicates that the perpetrator employs physical force or intimidation to enable the unlawful taking of property. This characteristic shifts the nature of the offense from a purely property-related crime to one that simultaneously threatens personal security and disrupts public order.

A systematic interpretation further indicates that Article 365 operates within a broader framework of criminal law governing offenses against both property and personal security. The provision identifies several aggravating circumstances that increase the severity of the punishment when the crime occurs under particular conditions, including participation by multiple offenders, commission during nighttime, or the use of weapons. These aggravating factors reflect the legislative intention to impose stricter sanctions on conduct that poses greater risks to victims and to society.

From a teleological standpoint, the regulation of robbery aims to safeguard property rights while simultaneously ensuring the protection of individual safety. Criminal law functions to deter perpetrators from employing violence in property-related crimes and to protect the public from the potential physical harm associated with such conduct. Accordingly, Article 365 performs a dual protective role by preserving both personal security and social stability, thereby reinforcing the function of criminal law as a mechanism for maintaining public order.

Doctrinal examination of robbery further reveals that the offense comprises several essential legal elements that must be established during the judicial process. The first element concerns the unlawful taking of property belonging to another person with the intention of possessing it. The second element requires the existence of violence or the threat of violence used to facilitate the taking of property or to prevent resistance from the victim. The third element involves the possible presence of aggravating circumstances that affect the degree of the offender's culpability and the severity of the sanction imposed.

Within the meaning of Article 365, violence encompasses not only the direct application of physical force but also actions that generate fear or psychological pressure on the victim. Judicial practice generally interprets violence broadly to include conduct that deprives the victim of the ability to defend themselves or protect their property. In this context, coercion functions as a central element because it establishes the causal relationship between the use of violence and the successful completion of the theft.

Aggravating circumstances play a significant role in determining both the level of criminal responsibility and the severity of the imposed punishment. Elements such as the use of weapons, collaboration among multiple offenders, or the infliction of serious injury upon the victim increase the degree of social harm associated with the offense. These factors therefore justify the imposition of more severe penalties. This approach reflects the application of the proportionality principle in criminal law, which requires that punishment correspond to the seriousness of the offense and the harm resulting from it.

Judicial interpretation constitutes a critical component in determining whether the elements of violent robbery have been fulfilled in a particular case. Although Article 365 establishes a clear normative framework, courts must examine the factual circumstances presented during trial proceedings to determine whether the defendant's conduct satisfies the statutory elements of violence and coercion. This evaluative process requires judges to interpret statutory language in relation to the facts established through evidence during the trial.

In judicial practice, judges exercise a degree of discretion when assessing the existence of violence and determining the relevance of aggravating circumstances. This discretion allows courts to adjust the application of legal norms to the complexity of factual situations that arise in criminal cases. However, excessive interpretative flexibility may create inconsistencies in judicial decisions, particularly when cases with similar factual patterns produce different outcomes. Consequently, doctrinal analysis of judicial decisions becomes necessary to identify patterns of judicial interpretation and to evaluate the consistency of criminal law enforcement in judicial practice.

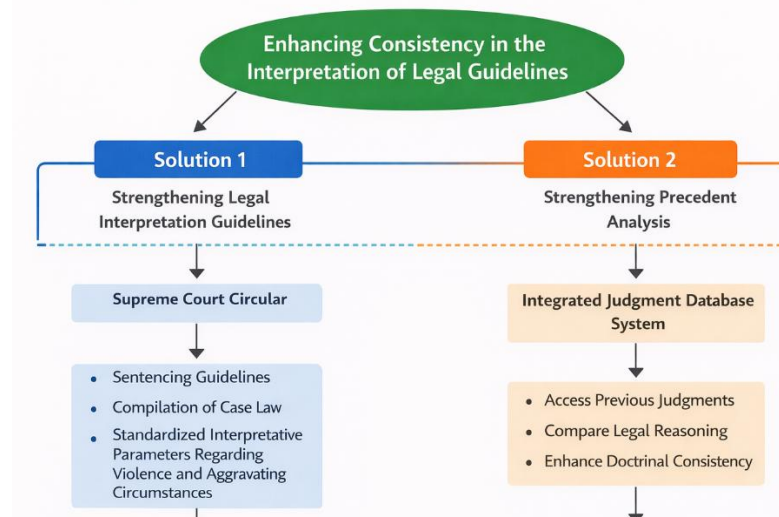


Figure 1. Strengthening Interpretation Guidelines and Precedent Analysis Systems

Innovation in law enforcement is understood as an effort to modernize legal methods, systems, and approaches in order to enhance effectiveness, transparency, and consistency in the law enforcement process. Such innovation is not limited to regulatory changes but also encompasses institutional transformation, the use of technology, and the development of more systematic legal analysis mechanisms (Harianto et al., 2022).

Strengthening the consistency of legal interpretation requires the development of structured jurisprudential guidance and sentencing frameworks related to the application of Article 365 of the Criminal Code. The Supreme Court can formulate comprehensive interpretative guidelines that clarify the legal elements of violence and aggravating circumstances in robbery cases. These guidelines may be implemented through instruments such as a Supreme Court Circular, formal sentencing guidelines, or a systematic compilation of relevant case law. Such instruments should provide clear interpretative parameters regarding categories of violence, levels of violence intensity, and indicators that qualify as aggravating circumstances. The standardization of these interpretative criteria would enable judges to exercise judicial discretion in a more structured and predictable manner while preserving judicial independence. At the same time, judges would remain able to assess the specific facts of each case within a framework of consistent legal interpretation, thereby reducing disparities in judicial decisions involving comparable factual circumstances.

Improving doctrinal consistency in judicial practice also requires the development of a systematic precedent analysis mechanism supported by an integrated judgment database that is readily accessible to judges. Through such a system, judges can identify previous decisions that involve similar factual patterns and examine the structure of legal reasoning as well as the types of criminal sanctions imposed in those cases. The systematic use of a comprehensive judgment database would provide judges with clear references regarding the interpretative patterns that have developed in jurisprudential practice. This approach would strengthen doctrinal coherence across court decisions, enhance the consistency of judicial reasoning, and promote greater legal certainty and transparency in the enforcement of criminal law.

Analysis of Legal Considerations in Judgment No. 201/Pid.B/2024/PN Ktg

The judicial decision examined in this study concerns an incident involving the unlawful taking of another person's property accompanied by intimidation and acts of violence directed at the victim. The court reconstructed the sequence of events by evaluating witness testimonies, documentary and physical evidence presented during the trial, and the defendant's statements. Based on this evidentiary assessment, the court determined that the defendant deliberately employed coercive actions to enable the appropriation of the victim's property.

The factual findings established that the perpetrator used violence as a mechanism to overcome the victim's resistance and to secure the completion of the theft. The intimidation directed at the victim generated significant psychological pressure, which effectively prevented the victim from protecting their property. These circumstances formed the basis for the court's determination that the defendant's conduct constituted the criminal offense of robbery with violence as regulated under Article 365 of the Criminal Code.

The ratio decidendi of the decision centers on the conclusion that all legal elements required to establish the offense of robbery with violence under Article 365 of the Criminal Code were satisfied. The court determined that the defendant intentionally appropriated the victim's property and engaged in conduct that fulfills the legal definition of violence within criminal law.

The legal reasoning articulated in the judgment demonstrates a coherent relationship between the proven facts and the statutory elements of the offense. The court initially confirmed the existence of an unlawful act involving the taking of property. The judge subsequently evaluated whether the act involved violence or threats of violence intended to facilitate the commission of the offense. After establishing the fulfillment of these elements, the court considered aggravating factors in determining the appropriate type and severity of the sentence.

This reasoning structure illustrates the process through which judges translate abstract legal norms into concrete judicial conclusions through systematic legal analysis. The judgment reflects a structured analytical approach in which the court first identifies the applicable legal provisions, then evaluates the evidentiary facts presented during the trial, and finally assesses whether those facts satisfy the statutory elements of the offense.

This pattern of reasoning corresponds with analytical methods commonly applied in criminal adjudication. Judges employ multiple interpretative techniques to ensure that the application of criminal law remains consistent with statutory frameworks. By applying grammatical, systematic, and teleological interpretations, the court seeks to ensure that the final judgment remains aligned with the normative structure of the criminal justice system.

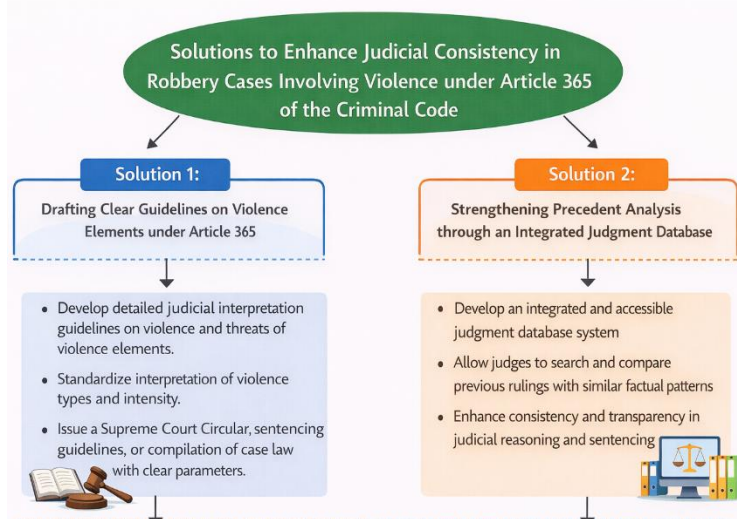


Figure 2. Strengthening Judicial Consistency in the Interpretation of Violence Elements in Robbery Cases under Article 365 of the Criminal Code

The Supreme Court should formulate comprehensive judicial interpretation guidelines that clarify the elements of violence and threats of violence in the application of Article 365 of the Criminal Code. These guidelines may take the form of a Supreme Court Circular, structured sentencing guidelines, or a systematic compilation of relevant jurisprudence that provides clearer interpretative parameters regarding the forms of violence, the degree of violence intensity, and indicators of intimidation that create psychological pressure on victims. The standardization of these interpretative criteria would assist judges in evaluating the relationship between proven

trial facts and the statutory elements of the offense in a more consistent manner. Such guidance would preserve judicial discretion in assessing the concrete circumstances of individual cases while ensuring that judicial evaluations operate within a coherent interpretative framework. Consequently, this approach would reduce disparities in judicial decisions involving cases that present similar factual characteristics.

The judiciary should also strengthen precedent analysis through the development of an integrated judgment database that is easily accessible to judges. This system would enable judges to identify and examine prior court decisions that involve comparable factual circumstances, particularly those concerning the interpretation of violence in theft-related offenses. Through the analysis of the structure of legal reasoning, the ratio decidendi, and the sentencing patterns in comparable cases, judges could obtain clearer references regarding the interpretative approaches that have evolved within judicial practice. The systematic use of such a judgment database would reinforce doctrinal consistency in criminal adjudication while simultaneously improving transparency, accountability, and legal certainty in the enforcement of Article 365 of the Criminal Code.

Evaluation of Judgments Based on Principles of Criminal Law

The principle of criminal liability requires the existence of an unlawful act as well as the presence of culpability attributable to the perpetrator. In the analyzed decision, the court stated that the defendant knowingly took the victim's property and intentionally used violence to facilitate the act. These findings demonstrate the fulfillment of the elements of actus reus and mens rea, which form the basis of criminal liability.

The judge's reasoning indicates that the defendant acted voluntarily and had the intent to commit a criminal offense. Therefore, the imposition of criminal liability in this case aligns with the fundamental principle of criminal law that places the perpetrator's personal fault as the primary basis for punishment.

The principle of proportionality in criminal law requires that the imposed punishment be commensurate with the severity of the criminal act and the impact on the victim. In this decision, the court considered several factors in determining the imposed punishment, including the perpetrator's use of violence, the impact on the victim, and the circumstances surrounding the criminal act.

These considerations demonstrate that the judge sought to maintain a balance between the objectives of punishment, such as retribution, deterrence, and the protection of society. By imposing a sentence commensurate with the seriousness of the act, the court sought to strengthen the deterrent function of criminal law while upholding justice in the imposition of punishment.

Legal certainty requires the consistent application of criminal law so that the public can predict the legal consequences of an act. The interpretation of Article 365 in this decision demonstrates that the court applies legal provisions systematically and consistently with the normative structure established in the Criminal Code.

From the perspective of justice theory, the decision also reflects an effort to balance legal certainty with substantive justice. The court not only applies legal provisions formally but also considers the level of social danger posed by the defendant's actions. This approach demonstrates that the application of criminal law is not merely oriented toward compliance with norms but also toward achieving justice within society.

Doctrinal Implications for the Interpretation of Article 365 of the Criminal Code

An analysis of court rulings highlights the importance of consistency in interpreting the elements of the crime of robbery. The legal reasoning employed by judges plays a crucial role in determining how the provisions of Article 365 of the Criminal Code are applied in judicial practice. Differences in the interpretation of the element of violence or aggravating circumstances can lead to inconsistencies in court rulings.

Therefore, courts must maintain clear and consistent standards of interpretation regarding the elements of violence and coercion in Article 365 of the Criminal Code so that the application of criminal law can be uniform across various court rulings.

The rulings analyzed in this study highlight the importance of applying the principle of proportionality in sentencing perpetrators of robbery with violence. Judges must consider the level of danger posed by the act, the impact on the victim, and the circumstances surrounding the criminal act when determining the type and severity of the sentence imposed.

Strengthening sentencing guidelines or developing clearer legal doctrines can help reduce sentencing disparities in cases with similar characteristics. This is important for enhancing consistency and predictability in sentencing practices.

Based on the analysis of court rulings, this study proposes several doctrinal recommendations to improve the consistency of law enforcement regarding the crime of robbery in Indonesia. Courts need to apply clearer standards in interpreting the element of violence and aggravating circumstances under Article 365 of the Criminal Code. Additionally, court rulings should provide more detailed explanations regarding the relationship between the facts proven in court and the elements of the offense used as the basis for sentencing.

Furthermore, strengthening legal education and training for law enforcement officials is also crucial to improving consistency in the interpretation and application of criminal law. By enhancing doctrinal clarity in the interpretation of criminal law norms, the judicial system is expected to produce rulings that are more consistent, transparent, and reflect legal certainty in the enforcement of criminal law.

Discussion

The findings of this study show that robbery under Article 365 of the Criminal Code must be understood as an aggravated form of theft because it combines unlawful appropriation of property with violence or the threat of violence against the victim. This interpretation confirms that robbery is not merely a property offense, but also an offense against personal security and public order. Through grammatical interpretation, the phrase “with violence or the threat of violence” indicates that the perpetrator uses physical force, intimidation, or coercive conduct to enable the taking of property. This finding is consistent with the legality principle, which requires criminal liability to be based on a clear statutory provision and prohibits the expansion of criminal norms beyond the limits established by law (Ambos, 2018; Cryer et al., 2019; Gallant, 2021).

The normative structure of Article 365 also reflects the principle of *nullum crimen sine lege* because the offense, its elements, and its aggravating circumstances are expressly regulated in written criminal law. The provision gives a legal basis for distinguishing ordinary theft from robbery with violence. This distinction matters because the presence of violence changes the character of the offense and increases the seriousness of the offender’s conduct. In this context, Article 365 functions as a legal instrument that protects property rights while also safeguarding bodily integrity, psychological security, and public safety. This interpretation aligns with the view that criminal law must provide clear, specific, and predictable rules so that individuals can understand which acts are prohibited and courts can apply the law without arbitrary expansion (Ambos, 2018; Bassiouni, 2017; Fletcher, 2020).

The analysis also shows that Article 365 contains several essential elements that judges must prove in the adjudication process. These elements include the unlawful taking of property belonging to another person, the intention to possess the property unlawfully, the use or threat of violence, and the existence of aggravating circumstances when relevant. The element of violence plays a central role because it connects the act of theft with coercive conduct directed at the victim. Judicial interpretation generally treats violence broadly, including physical force, intimidation, and psychological pressure that weakens the victim’s ability to resist. This interpretation supports the theory of criminal liability because punishment can only be imposed

when the unlawful act and the offender's culpable mental state are both established (Duff, 2022; Simester & von Hirsch, 2021; Tadros, 2023).

In Decision No. 201/Pid.B/2024/PN Ktg, the court found that the defendant intentionally took the victim's property and used violence or intimidation to facilitate the act. These factual findings demonstrate the fulfillment of *actus reus* and *mens rea*. *Actus reus* appears in the unlawful taking of property and the use of coercive conduct, while *mens rea* appears in the defendant's awareness and intention to commit the offense. This reasoning is consistent with modern criminal liability theory, which requires both a prohibited act and a culpable state of mind before criminal punishment can be justified. Without proof of fault, punishment would lack a legitimate normative basis (Duff, 2022; Husak, 2021; Simester & von Hirsch, 2021).

The ratio decidendi of the decision rests on the court's conclusion that all elements of Article 365 were fulfilled. The court first identified the applicable statutory provision, then examined the facts proven during trial, and finally connected those facts to the legal elements of the offense. This reasoning structure demonstrates how abstract criminal norms are transformed into concrete judicial conclusions. The decision therefore reflects a doctrinal mode of adjudication in which judges do not merely repeat statutory provisions, but interpret them in relation to the evidentiary facts presented in court.

The court's reasoning also reflects the importance of proportionality in sentencing. Robbery with violence creates greater social harm than ordinary theft because it affects property, bodily security, psychological safety, and public order. Therefore, aggravating circumstances such as violence, intimidation, the use of weapons, participation by multiple offenders, or injury to the victim may justify a more severe punishment. This is consistent with sentencing theory, which requires punishment to correspond to the seriousness of the offense, the degree of culpability, the impact on the victim, and the broader need to protect society (Ashworth & Zedner, 2022; Frase, 2023; Tonry, 2021).

The judgment indicates that the court considered the seriousness of the defendant's conduct and its impact on the victim. This shows an effort to balance retribution, deterrence, and social protection. From a retributive perspective, the perpetrator deserves punishment because the act violated the victim's rights and involved personal fault. From a utilitarian perspective, the sentence also serves a preventive function by discouraging similar conduct. From a social protection perspective, the punishment responds to the danger created by violent property crimes. This multidimensional reasoning is consistent with contemporary sentencing theory, which recognizes that criminal punishment serves several purposes rather than a single objective (Ashworth & Zedner, 2022; Frase, 2023; Tonry, 2021).

The decision also reflects the relationship between legal certainty and substantive justice. Legal certainty requires courts to apply Article 365 consistently and predictably. Substantive justice requires courts to consider the real danger, harm, and coercive character of the defendant's conduct. The court's reasoning shows that the application of criminal law cannot rely solely on formal statutory language, but must also examine whether the proven facts justify the legal conclusion and the sentence imposed. This point is consistent with Radbruch's theory of justice, which places justice, legal certainty, and social utility as central values in the legal system (Alexy, 2022; Dyzenhaus, 2023; Pavlakos, 2021).

However, the analysis also reveals a doctrinal problem. Article 365 provides a clear normative foundation, but judicial discretion remains significant when judges interpret violence, threat, coercion, and aggravating circumstances. This discretion is necessary because criminal cases often involve different factual patterns. At the same time, excessive interpretive flexibility can create inconsistency when similar cases produce different outcomes. Therefore, the quality of judicial reasoning becomes crucial. Courts must explain the relationship between proven facts, statutory elements, aggravating factors, and sentencing considerations in a detailed and transparent manner.

This finding has important doctrinal implications. First, courts need clearer interpretive standards for determining the meaning of violence and threat of violence under Article 365. Second, judges should explicitly explain how coercive conduct facilitates the taking of property. Third, courts should distinguish ordinary theft, theft accompanied by incidental force, and robbery with violence in a more systematic manner. Fourth, sentencing considerations should clearly connect the seriousness of the offense, the victim's harm, the defendant's culpability, and the aggravating circumstances proven during trial. These steps would strengthen legal certainty and reduce the risk of sentencing disparity.

The discussion also confirms that the enforcement of Article 365 must remain grounded in the legality principle. Courts may interpret the statutory elements, but they should not expand the offense beyond the wording and purpose of the provision. The prohibition of analogy in criminal law prevents judges from extending criminal liability to conduct that the statute does not clearly cover. At the same time, grammatical, systematic, and teleological interpretations remain valid as long as they clarify the meaning of the legal norm rather than create a new offense. This balance is central to the rule of law because criminal punishment must rest on law that existed before the act was committed (Ambos, 2018; Fletcher, 2020; Gallant, 2021).

The integration of legality, criminal liability, justice, and sentencing theory strengthens the doctrinal evaluation of the decision. The legality principle explains whether the offense has a clear statutory basis. Criminal liability theory explains whether the defendant's act and culpability were properly established. Radbruch's theory of justice explains whether the decision balances legal certainty, justice, and social utility. Sentencing theory explains whether the punishment corresponds to the seriousness of the offense and the offender's culpability. Together, these theories provide a comprehensive framework for assessing the quality of judicial reasoning in robbery cases.

Based on this analysis, Decision No. 201/Pid.B/2024/PN Ktg generally demonstrates a structured application of Article 365 because the court connected the defendant's conduct with the statutory elements of robbery with violence. The decision also reflects the basic requirements of criminal liability because the court identified both the unlawful act and the defendant's intentional use of coercion. Nevertheless, future judgments should provide more detailed reasoning regarding the interpretation of violence, the relevance of aggravating circumstances, and the proportionality of sentencing. More explicit reasoning would improve doctrinal coherence, strengthen legal certainty, and support more consistent law enforcement in robbery cases within the Indonesian criminal justice system.

CONCLUSION

This study analyzes the enforcement of criminal law concerning violent theft in Indonesia through a doctrinal examination of Decision Number 201/Pid.B/2024/PN Ktg. The findings indicate that robbery under Article 365 of the Indonesian Criminal Code represents an aggravated form of theft because it integrates the unlawful appropriation of property with the use or threat of violence against the victim. The normative construction of this provision reflects the dual function of criminal law. It protects property rights while simultaneously ensuring the protection of personal security and maintaining public order. The analysis demonstrates that the legal structure of robbery consists of several essential elements. These elements include the unlawful taking of another person's property, the existence of violence or threats of violence used to facilitate the act, and the presence of aggravating circumstances that increase the gravity of the offense.

The evaluation of judicial reasoning in Decision Number 201/Pid.B/2024/PN Ktg shows that the court systematically assessed the relationship between the facts established during the

trial and the statutory components of the offense. The court concluded that the defendant deliberately employed violence to overcome the victim's resistance and to complete the unlawful appropriation of the victim's property. This reasoning confirms the fulfillment of the fundamental elements of criminal liability. The decision demonstrates the presence of both the criminal act, referred to as *actus reus*, and the culpable mental state of the perpetrator, referred to as *mens rea*. The judgment also reflects the application of the proportionality principle in sentencing. The court considered the intensity of the violence used, the consequences experienced by the victim, and the surrounding circumstances of the offense when determining the appropriate criminal sanction.

From the perspective of criminal law doctrine, the decision generally corresponds with the principles of legality, criminal responsibility, and proportional justice. The court applied Article 365 of the Criminal Code consistently with the statutory framework and constructed a structured line of legal reasoning that linked the applicable legal norms with the factual findings established during the trial. Nevertheless, the analysis identifies a potential issue in judicial practice regarding the interpretation of the elements of violence and aggravating circumstances. Judges possess a certain degree of interpretative discretion when evaluating these elements. This flexibility may create differences in interpretation and can lead to inconsistencies in judicial outcomes in cases that present similar factual patterns.

The findings highlight the importance of strengthening doctrinal consistency in the interpretation and application of Article 365 of the Criminal Code. The Supreme Court could develop clearer interpretative guidelines and more structured sentencing frameworks to support judicial consistency. The establishment of an integrated judicial decision database that facilitates systematic precedent analysis would also assist judges in comparing similar cases and identifying patterns in legal reasoning. These institutional measures would promote greater uniformity in judicial interpretation, strengthen legal certainty, reduce disparities in sentencing, and enhance the transparency and credibility of criminal law enforcement in Indonesia.

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