

Legal Analysis of the Criminalization of Perpetrators of Criminal Acts of Carrying Sharp Weapons and Criminal Acts of Assault (Case Study of Criminal Case Number: 599.Pid.B/2024/PN Jkt Pst)

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Abstract. *The crime of assault is one form of violation of the law that often occurs in society. Cases of assault often have serious impacts, both physically and psychologically for the victim. There are tools that help assault, although these tools are actually made for good purposes but can be misused in committing crimes. Many cases that are tried involve defendants who carry sharp weapons without permission, such as daggers, sickles, samurai, and machetes. The increase in these cases shows the need for further research to understand the factors that encourage individuals, including adolescents, to carry and use sharp weapons. The approach method used is normative juridical, namely a library legal research conducted by examining library materials or secondary data only using deductive thinking methods. The writing specifications use descriptive analysis, the sources and types of data used are primary and secondary data. The data collection method is by collecting data using secondary data collection methods. The problem is analyzed with the theory of criminal responsibility, the theory of Pancasila justice and Islamic justice. The judge's consideration in issuing Decision Number 599/Pid.B/2024/PN Jkt Pst, which assessed that the defendant was proven to have committed the crime of carrying a sharp weapon without a permit and serious assault is a decision that reflects the application of the theory of legal certainty through a comprehensive analysis of facts, evidence, and relevant legal aspects, so as to provide legal certainty and protection of rights for all parties. The Criminalization Process for the Crime of Carrying Sharp Weapons and the Crime of Serious Assault in the Case of Decision Number: 599/Pid.B/2024/Pn Jkt Pst. is a legal mechanism to uphold justice by considering material and formal aspects, and prioritizing retributive and preventive functions. Through the analysis of Decision Number 599/Pid.B/2024/PN Jkt Pst, where the defendant was found guilty of possessing a sharp weapon without a permit and serious assault, this thesis shows how the application of criminalization provides legal certainty while protecting the interests of the community and victims. Criminalization is not only a form of punishment, but also an effort at rehabilitation and prevention in order to maintain social order.*

Keywords: Abuse; Criminalization; Sharp Weapons.

1. Introduction

Criminal law is a law that regulates violations and crimes against the public interest, which actions are threatened with the law which is a suffering or torture. From this definition it can be concluded that criminal law is not a law that contains new norms, but only regulates violations and crimes against legal norms concerning the public interest. Criminal law was born to provide sanctions for criminal acts committed by a person.¹ Legal policy that aims to make the law a rule that protects its citizens from the authority of the Indonesian nation that saves life for the future. The legal system in several countries is different, Indonesia has a bad legal system because there are still many rules that have not been enforced based on legal principles. In Indonesia, positive legal rules are the main element in realizing a safe and orderly life. The legal field that plays a role in maintaining the order and security of the nation is criminal law.² Crime is increasingly growing in Indonesia. Crime can also cause unrest or disturbance to order in society. An example of a crime that often occurs in society is violence. Violence is a behavior solely carried out by someone against another person with the aim of hurting or injuring the psyche or physical.³

The development of the current era has not only brought a major influence on the State of Indonesia but also has an impact on the development of society, behavior, and cultural shifts in society. This problem has caused an increasing crime rate and the rampant occurrence of violations and criminal acts that occur both in the midst of society and in the family environment. One of the crimes that often occurs in the community is the crime of abuse.⁴ The crime of abuse is one form of legal violation that often occurs in society. Cases of abuse often have serious impacts, both physically and psychologically for the victim. In handling cases of abuse, the criminal justice system is often the main choice to resolve the case. However, the traditional approach to resolving criminal cases often focuses on punishment for the perpetrator, without considering the needs of the victim, the recovery process, and reconciliation between the perpetrator and the victim.⁵ This happens in line with the development of technology and intensive interaction with the individualistic nature of humans, where humans as social beings always interact and need assistance as individuals. People have different personalities from others, such as different personalities, goals and outlooks on life. These differences in some ways can affect the interaction process and cause conflicts and subsequent reactions, whether motivated by differences of interest (conflict of interest) or not. The form can be subtle, in the form of conflicting ideas, or it can be severe, in the form of coercion (violence).⁶

¹CST Kansil, 2002, Introduction to Indonesian Law and Legal System, Jakarta, Balai Pustaka, p. 38.

²Rustam, Arpangi and Widayati Widayati, The Parameter Analysis of Serious Injury in the Crime of Maltreatment, Ratio Legis Journal, Volume 1 Number 3, September 2022, p. 2

³Chidir Ali, 1985, Criminal Law Response: Inclusion and Combination of Criminal Acts, Armico, Bandung, p. 83.

⁴Marlina, 2009, Juvenile Criminal Justice in Indonesia, Refika Aditama, Bandung, p. 1

⁵Aryani, Witasari and Muhammad Sholikul Arif, "Implementation of Diversion to Realize Restorative Justice in the Juvenile Criminal Justice System", UNISSULA Faculty of Law Journal Number 2 Edition, December 2019, p. 178-179.

⁶Warih Anjari, "The Phenomenon of Violence as a Form of Crime (Violence)", E Journal Widya Yustisia, Number 1, Volume 1, April 2014, p. 42.

In addition, abuse often also causes psychological impacts on victims, such as trauma, fear, threats, and sometimes there are victims of abuse who experience mental disorders and mental health. The phenomenon of abuse is not new when it comes to physical and psychological violence, and can be found anywhere, for example in the home or family environment, in public places, or other places, and can happen to anyone when facing problems with others. Looking at the phenomenon of abuse, it seems that it does not just happen, but is thought to be related to various factors such as the influence of socializing and crime, robbery, social jealousy, economic pressure and inequality, disharmony. Household relationships or with others, competition, conflicts of interest and others.⁷

Criminal acts of abuse in Indonesia occur for various reasons, including the perpetrator's level of poverty, psychological conditions, environmental and family conditions, and victim factors that motivate the perpetrator to commit acts of abuse.⁸ Judging from the reasons above, there are several cases of abuse in Indonesia because the victim was provoked by the perpetrator's emotions or because the victim attacked first and led the perpetrator to abuse the victim. Based on the handling of criminal acts, the Indonesian criminal justice system currently uses a retributive justice system that is oriented towards revenge and emphasizes more on legal certainty. If the handling of criminal acts (extraordinary crimes, ordinary crimes, and minor crimes) is not differentiated, especially criminal acts whose losses can be claimed for compensation, of course it can sacrifice the sense of justice and social reaction to the victim. The victim here is not only the party who is harmed by the crime, but also the suspect as a victim of the criminal justice system that is not in accordance with the nature of the purpose of the crime, namely justice for both parties. In its application, there is also a backlog of cases, high costs, and even excess capacity in correctional institutions.⁹ People carrying sharp weapons (*sajam*) are generally driven by two main factors: practical needs and psychological or social reasons. Practically, in some areas, carrying sharp weapons is part of a tradition or work requirement. For example, in the regions of Southern Sumatra and South Kalimantan, carrying sharp weapons such as *keris* or daggers has become a habit that is inherent in the culture of the local community. These weapons are often considered as a complement to everyday clothing or a symbol of social status. In addition, in the context of work such as agriculture or household, the use of sharp weapons is permitted as long as it is in accordance with its function and does not violate applicable laws.¹⁰

2. Research Methods

The approach method used in this study is the normative legal approach. The normative legal approach is a legal research conducted by examining library materials or secondary data as mere sources. Normative legal research is a legal research that places law as a normative

⁷Fikri, 2013, Legal Analysis of the Crime of Premeditated Assault, Journal of Legal Opinion, Vol. I, No. 2, p. 1.

⁸I Kadek Agus Irawan, I Nyoman Sujana, and I Ketut Sukadana, 2019, "Criminal Act of Assault Resulting in the Death of a Person (Case Study of Decision Number: 24/Pid.B/2013/PN.Sp)", Journal of Legal Analogy, Vol 1 No 3, p.342.

⁹Ahmad Ali Ustadi, Amin Purnawan, and Siti Ummu Adillah, An Implementation of Restorative Justice in Handling Cases of the Beatings Crime, Law Development Journal, ISSN : 2747-2604, Volume 4 Issue 1, March 2022, p. 4

¹⁰Online Law, https://www.hukumonline.com/klinik/a/pasal-membawa-senjata-tajam-cl2410/?utm_source=chatgpt.com, accessed on May 22, 2025

system. The normative system in question is about the principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings).¹¹

3. Results and Discussion

3.1. Criminalization of Perpetrators of Criminal Acts of Carrying Sharp Weapons and Serious Assault in Case Decision Number: 599/Pid.B/2024/Pn Jkt Pst.

BaseCriminal Regulations are stages for determining a sanction and giving sanctions in criminal law. According to Barda Nawawi Arief, if criminalization is broadly interpreted as a process of giving or imposing a sentence by a judge, then the criminalization system includes all provisions of the legislation that regulate criminal law implemented in a concrete manner so that a person is subject to criminal law sanctions.¹²

The word "criminal" generally refers to law, while "punishment" is defined as the process of punishment. In legal doctrine, there is a distinction between substantive criminal law, which regulates what actions are prohibited and their sanctions, and formal criminal law, which regulates the procedures for enforcing said criminal law.

According to JM Van Bemmelen, criminalization is one of the means to overcome various social problems in order to achieve the main goal, namely the welfare of society. Therefore, the application of criminal sanctions against corporate crimes that are full of economic motives must be considered carefully, so that their use is truly relevant and proportional to the impacts caused.¹³

According to Andi Hamzah, criminalization or punishment comes from the root word "law", so it can be interpreted as an act of determining or deciding the law against someone. In other terms, criminalization is interpreted as *berechten*, which means to impose or determine a legal decision against a violation that has been committed. This definition emphasizes that criminalization is part of a formal legal process and aims to provide certainty and justice for violations of the law that occur.¹⁴

According to Sudarto, punishment can be interpreted as a form of suffering that is intentionally imposed on someone who commits an act that meets certain conditions.¹⁵ This view is in line with Hart's thinking, which states that punishment must contain an element of suffering or consequences that are basically unpleasant. Punishment must also be given as a response to violations of the rule of law, and imposed by an institution that has authority in the legal system as a form of proof of the crime that has been committed.

¹¹ Amiruddin and H. Zainal Asikin, 2014, *Introduction to Legal Research Methods*, Rajawali Pers, Jakarta, p. 12-13

¹² Barda Nawawi Arief, *Op. Cit.*, p. 34.

¹³ Leden Marpaung, 2005, *Principles-Theory-Practice of Criminal Law*, Sinar Grafika, Jakarta, p. 2

¹⁴ Tolib Setiady, 2010, *Principles of Indonesian Invention Law*, Alfabeta, p. 21.

¹⁵ Muladi and Barda Nawawi Arief, 2005, *Criminal Theories and Policies*, Bandung: Alumni, p. 2

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However, it is important to note that not every suffering or unpleasant condition can be categorized as a crime. An act can only be called a crime if it contains an element of condemnation of the perpetrator's actions. In this context, Roeslan Saleh emphasized that a crime is a reaction to a crime, which is manifested in the form of suffering or misery that is deliberately imposed by the state on the perpetrator of the crime.¹⁶

According to Soedarto, the term "criminalization" is a synonym for the word "punishment". Punishment itself comes from the root word "law", which means to determine or decide on the law. The determination of the law on an event does not only apply in the context of criminal law, but also in civil law. However, because this discussion focuses on criminal law, the term "punishment" is narrowed in meaning, namely as punishment in criminal cases.¹⁷ Thus, criminalization can be understood as the process of giving or imposing a sentence by a judge on someone who is proven to have committed a crime.

Based on Decision Number 599/Pid.B/2024/PN Jkt.Pst., the Panel of Judges stated that the Defendant BUDI SUPRIYADI was proven legally and convincingly guilty of committing the crime of carrying and using a stabbing weapon or stabbing weapon without the right and the Criminal Act of Assault resulting in serious injury as in the First and Second Primary Charges of the Public Prosecutor and sentenced the Defendant therefore to imprisonment for 1 (one) year and 6 (six) months.

That to prove the charges, the Public Prosecutor has presented the following witnesses:

1. Witness EDI IRAWAN, under oath, explained in essence as follows:
 - a. That the witness is the defendant's former son-in-law;
 - b. That the abuse experienced by the witness on Monday, July 1, 2024 at around 20.00 WIB, occurred on Jl. A Ujung Gg. Fajar VI RT. 01/08 Kel. Kartini Kec. Sawah Besar Central Jakarta, the perpetrator was the witness's ex-in-law, namely the defendant, using a sharp weapon in the form of a machete with a brown sheath and a length of approximately 50 cm;
 - c. The injuries suffered by witness EDI IRAWAN were an open laceration on his back and an open laceration on his chest as well as an abrasion on his left elbow;
 - d. The beginning of the persecution experienced by the witness was due to a family dispute between the witness EDI IRAWAN and the defendant;
 - e. That the defendant committed the assault by swinging a sharp weapon in the form of a sickle at the witness's body twice, once hitting the back and once hitting the chest, so that the back and chest suffered lacerations;
 - f. That initially on Monday, July 1, 2024 at around 20.00 WIB when witness EDI IRAWAN was looking for food on Jl. A Ujung Gg. Fajar VI Kel. Karang Anyar Kec. Sawah Besar Central Jakarta, suddenly the defendant approached me while carrying a sickle and then swung the sickle at witness EDI IRAWAN's body and hit the back and chest of witness EDI IRAWAN;
 - g. That local residents secured the defendant and contacted the police and 2 (two) police officers came to secure the defendant. Regarding the witness's statement, the defendant gave the opinion that the witness's statement was true and did not object.

¹⁶Ibid.

¹⁷PAF Lamintang, 2015, Indonesian Penitentiary Law, Bandung: Armico, p. 49

2. Witness CHARIS SETYO HUTOMO, under oath, stated in essence as follows:
- a. That the witness is a member of the Indonesian National Police from the Sawah Besar Police, Central Jakarta;
 - b. That the defendant's arrest was carried out shortly after the assault incident on Monday, July 1, 2024 at around 21.00 WIB at the scene of the crime, namely on Jl. A Ujung Gg. Fajar VI RT. 01/08 Kel. Kartini Kec. Sawah Besar Central Jakarta, which the witness initially knew while patrolling the area in the jurisdiction of the Sawah Besar Police, Central Jakarta, received a report that there was a commotion on Jl. A Ujung Gg. Fajar VI Kartini Sawah Besar, when the witness arrived, he saw that the victim, witness EDI IRAWAN, had been assaulted by the defendant, so he immediately secured the defendant;
 - c. That the witness saw the victim had a bloody laceration on the right side of his back and a bloody laceration on the left side of his front chest;
 - d. That at the scene of the incident a brown scabbard with a length of approximately 50 cm was also secured, which the defendant used to swing at the victim's body;
 - e. That witness EDI IRAWAN is the defendant's former son-in-law and the two were having a dispute within their family, and when arrested the defendant did not resist and admitted to having committed the assault by swinging a sickle at witness EDI IRAWAN's body twice, hitting his back and chest.

That based on the statements of witnesses that are in accordance with each other, the defendant's statement, letters and connected with the evidence presented at the trial, legal facts were obtained, that the Defendant on Monday, July 1, 2024 at around 21.00 WIB at Jl.A Ujung Gang Fajar VI RT. 01/08 Kartini Village, Sawah Besar District, Central Jakarta has committed physical violence against witness EDI IRAWAN. That the defendant committed the physical violence by using a tool in the form of a sickle with a brown sheath ± 50 cm long. That the Defendant in carrying and using a sharp weapon in the form of a sickle with a brown sheath did not have a permit from the authorities and had nothing to do with the defendant's daily work, but was used to injure other people.

The defendant's method of committing physical violence was on Monday, July 1, 2024, the defendant borrowed a machete with a brown sheath belonging to the defendant's friend, then the defendant tucked the machete between the defendant's waist and pants, then the defendant who was annoyed went to look for the defendant's ex-son-in-law, namely witness EDI IRAWAN, and at around 20.00 WIB because the defendant saw witness EDI IRAWAN on Jl.A Ujung Gang Fajar VI Kartini Sawah Besar, the defendant immediately took out a machete that was tucked into his waist and swung it at witness EDI IRAWAN 2 (two) times so that witness EDI IRAWAN suffered open lacerations on his back and open lacerations on his chest and abrasions on his left elbow.

Based on the Visum et Repertum Results from Cipto Mangunkusumo Hospital No.208/TU.FK/VII/2024 dated July 25, 2024 made and signed by dr. Aria Yudhistira, Sp.FM which concluded: during the examination of the thirty-eight year old male victim, an open wound was found on the back due to sharp violence, then an open wound was found on the

chest and an abrasion on the left elbow due to blunt violence. As a result, all of these injuries have caused illness and obstacles to carrying out work, positions and livelihoods for a while.

Referring to the facts revealed in the trial against the verdict that the author researched and studied, it can be concluded that the Criminalization Process in Indonesian law is a way to impose sanctions or punishments for someone who has committed a crime or violation. Criminalization is another word for punishment. According to Prof. Sudarto, punishment comes from the basic word "law", so it can be interpreted as "determining the law" or "deciding about the punishment". In this sense, determining the law is not only for a criminal law event but can also be civil law.

The purpose of criminalization itself is expected to be a means of community protection, rehabilitation, and resocialization, fulfillment of customary law views, and psychological aspects to eliminate guilt for those concerned. Although criminal punishment is a misery, it is not intended to cause suffering and degrade human dignity. Determining how the imposition of criminal punishment can be carried out if a person is suspected of violating the prohibition.¹⁸

In the Decision of the Central Jakarta District Court Number 599/Pid.B/2024/PN Jkt.Pst dated October 23, 2024, the Panel of Judges sentenced the defendant Budi Supriyadi to a criminal sentence for possession of a sharp weapon without a permit and the crime of serious assault. This decision reflects the application of the principle of justice that prioritizes the protection of public safety and strict law enforcement.

The crime of possessing sharp weapons without a permit is not only a violation of applicable legal provisions, but also poses a potential serious threat to public order. In this context, the defendant's actions not only violate the rule of law, but also risk disturbing public order and creating an unsafe atmosphere. Therefore, the punishment imposed by the Panel of Judges aims to provide a deterrent effect, both for the defendant himself and the community in general, that unlawful acts that endanger public safety will receive strict sanctions. Furthermore, the severe abuse committed by the defendant against the victim resulted in serious injuries that not only affected the victim's physical health, but also affected social stability. These actions not only harm the victim personally, but also create tension and a sense of insecurity in society. Therefore, the provision of proportional and strict criminal penalties is an important step to uphold the law and maintain public trust in the justice system.

In the context of the theory of punishment, this decision reflects the application of retributive and preventive functions which simultaneously provide learning to the community that violations of the law that endanger the safety of others will not only have legal consequences for the perpetrators, but will also create a deterrent effect that is beneficial for efforts to

¹⁸Pipin Syarifin, Loc. Cit.

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prevent similar crimes in the future. Thus, this decision plays an important role in maintaining social order and upholding justice in society.

Retributive theory emphasizes that punishment is an appropriate response to evil deeds committed, while preventive theory aims to prevent similar crimes from happening again in the future. By sentencing the accused, the court not only provides justice for the victim, but also sends a message to society that similar actions will have serious legal consequences.¹⁹.

The punishment of the perpetrators of the crime of carrying sharp weapons and serious assault in Decision Number: 599/Pid.B/2024/PN Jkt Pst was carried out by considering two main aspects that were the basis for the judge's considerations in imposing the sentence. The first aspect is a violation of criminal law related to the possession of sharp weapons without a permit. This crime is a violation of Emergency Law Number 12 of 1951, which regulates the possession of firearms and sharp weapons without a permit. Possession of sharp weapons without a permit is not only against the law, but can also increase the potential danger to public safety. In this case, the defendant's actions in carrying sharp weapons without a permit created a threat to individuals around him, as well as violating the basic principles of law that regulate the control and regulation of tools that can be used to commit violence.

The second aspect that the judges took into consideration was the serious consequences caused by the severe abuse on the victim. This severe abuse not only harmed the victim physically, but also had a profound psychological impact. The lacerations on the victim's back and chest, caused by the abuse using a sharp weapon, affected the victim's health and quality of life in the long term. Therefore, the punishment of the perpetrator of severe abuse is not only to provide retribution for the act, but also as a step to prevent the recurrence of similar crimes. By giving an appropriate punishment, the Panel of Judges seeks to uphold justice and provide a deterrent effect on the perpetrator, while protecting the community from potential danger.

The punishment in this case reflects the proportional and fair application of the law, taking into account the interests of society at large. This ensures that violations of the law that endanger public order are given appropriate sanctions. This punishment is not only intended to provide justice for the victim, but also to maintain and preserve social order as a whole, which is the core of the Indonesian criminal law system.

The Panel of Judges sentenced the defendant to prison, because it was proven legally and convincingly that he violated the provisions of Article 2 paragraph (1) of Emergency Law No. 12 of 1951 concerning the possession of sharp weapons without a permit, as well as Article 351 paragraph (2) of the Criminal Code concerning serious assault. This decision confirms that the law must be enforced firmly and proportionally, to provide protection to the community from potential dangers caused by the defendant's actions. The punishment imposed is not

¹⁹Sudarsono and Asnan ZR, Indonesian Criminal Law (Jakarta: Kencana, 2018), p. 103-106.

only in response to unlawful acts, but also as a preventive measure to prevent similar crimes in the future.

This punishment also reflects the application of retributive theory and utilitarian theory. In retributive theory, punishment is imposed as an appropriate response to the actions committed by the defendant.²⁰ The crime of carrying sharp weapons without a permit and serious assault not only harms the victim, but also creates insecurity in society. Therefore, the sanctions imposed are expected to provide a sense of justice that is in accordance with the severity of the defendant's actions. Meanwhile, in utilitarian theory, punishment aims to prevent similar crimes from occurring, both by the defendant himself and by society in general. The sanctions imposed are expected to provide a deterrent effect that is beneficial in reducing crime rates and upholding a sense of security in society.

3.2. Judge's considerations in issuing a verdict against the perpetrator of the crime of carrying sharp weapons and the crime of serious assault in decision number: 599/Pid.B/2024/Pn Jkt Pst.

Judges as central figures in the judicial process are required to always prioritize conscience, moral integrity, and professionalism in upholding the law and realizing justice through their decisions. Every decision taken by a judge must be accountable, both spiritually to God Almighty and socially to the community, especially to those seeking justice. On the other hand, decisions by judges who are not independent often reflect the practices of collusion, corruption, and nepotism, show low professionalism, and fail to provide legal certainty and true justice.²¹

The judge's consideration is the main basis in making a decision on a criminal case. Before making a decision, the judge must thoroughly examine all the facts and important elements revealed during the trial process. In this case, the judge considers two main requirements, namely objective requirements and subjective requirements.

Objective requirements relate to the formal legal aspects of a criminal act, such as whether the act is in accordance with the provisions of applicable criminal law, whether the act is valid or not, and the existence of sufficient evidence. Meanwhile, subjective requirements relate to the assessment of the defendant's personality, such as the level of guilt, motive, mental attitude, and whether his actions reflect a reprehensible attitude or are carried out without justifiable reasons. These two considerations are important references for judges so that the verdict rendered is fair, proportional, and accountable.

The state provides various forms of freedom to judges as part of an effort to ensure judicial independence. This freedom includes freedom to assess legal facts, freedom from outside intervention, freedom to express opinions in the legal formulation process, and freedom to explore values and rights that reflect a sense of social justice. In fact, in certain situations,

²⁰Syawal Abdul Dan Anshar, 2010, *Criminal Responsibility of Military Command for Serious Human Rights Violations (A Study in Criminal Reform Theory)*, Laksbang Pressindo, Yogyakarta, p. 31.

²¹Syarif Mapiasse, 2015, *Legal Logic of Judge's Decision Considerations*, Jakarta, p.1

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judges are given room to deviate from written legal provisions if the law no longer reflects the sense of social justice.

However, this freedom is not absolute freedom. Judges remain bound by legal principles that uphold equality before the law, and are required to guarantee protection of human rights and public access to justice. In other words, the freedom of judges must be used wisely, responsibly, and within the constitutional framework and applicable legal ethics.²²

The decision of a judge or court has a very vital role in the process of enforcing criminal law. The decision not only provides clarity on the case at hand, but also provides legal certainty for the accused regarding his legal status. This is the basis for determining the next legal steps, whether at the trial stage, appeal, cassation, or amnesty application.

However, for judges who decide cases, a decision is more than just enforcing legal norms. A decision is a reflection of the values of justice believed in by the judge. It contains efforts to realize true truth, protection of human rights, and law enforcement objectively and fairly. This process is also inseparable from moral, psychological, and ethical considerations of the judge's profession, so that the resulting decision has quality not only legally, but also humanely and philosophically.²³

The judge's consideration is a framework of thought that is the foundation in the trial process to make a decision based on evidence and facts revealed during the trial. This consideration includes a comprehensive analysis of the incident, evidence, and relevant witness statements to determine whether the elements of the crime have been fulfilled by the defendant.

Furthermore, the review mechanism is regulated in Article 197 paragraph (1) letter (d) of the Criminal Procedure Code, which emphasizes the importance of compiling a summary of facts, details of events, and evidence obtained during the examination. This review aims to ensure that the previous decision was based on appropriate legal considerations and did not contain errors, both in the application of the law and the assessment of evidence, so as to guarantee justice for all parties involved.

Furthermore, the Panel of Judges in the decision Number: 599/Pid.B/2024/Pn Jkt Pst. will consider whether based on legal facts, the Defendant can be declared to have committed the crime charged against him.

Considering that the Defendant has been charged by the Public Prosecutor with combined cumulative and subsidiary charges, the Panel of Judges will first consider the first charge in Article 2 paragraph (1) of Emergency Law Number 12 of 1951, the elements of which are as follows:

1. Element Whoever;

²²PAF Lamintang & Theo Lamintang, 2011, *Special Offenses: Crimes Violating Moral Norms and Role Modeling Norms*, Jakarta, p.1

²³ Lilik Mulyadi, 2017, *Criminal Procedure Law*, Citra Aditya Bakti, Bandung, p. 152-153

2. An unauthorized element brings into Indonesia, makes, receives, tries to obtain, hands over or tries to hand over, controls, carries, has a stockpile of it or has it in his possession, keeps, transports, hides, uses or removes from Indonesia any weapon for striking, stabbing or piercing purposes;

Ad.1. Element Whoever;

Considering, that what is meant by "whoever" is directed at an individual as a legal subject who has committed an act that is subject to criminal penalties as referred to in the provisions of this article, and for whom legal responsibility can be held;

Considering, that what is meant by "person" in a criminal act refers to every person, individual or person as the perpetrator of a criminal act who is a legal subject who has rights and obligations and who has the ability to be responsible/accountable (*toerekeningsvatbaarheid*) for every act he/she commits and is not included in the group of people who cannot be held responsible for their acts because their minds are not perfect or because of illness that changes their minds (*ziekelijke storing der verstandelijke vermogens*) as referred to in Article 44 paragraph (1) and (2) of the Criminal Code.

Considering, that in the trial the Public Prosecutor has presented a person claiming to be named BUDI SUPRIYADI who was charged with committing a criminal act and his statement regarding his identity has been in accordance with the identity of the Defendant listed in the Public Prosecutor's indictment and has also been in accordance with the statements of witnesses in the trial, who testified that the defendant in this case is BUDI SUPRIYADI; Considering, that during the examination in the trial the Panel of Judges can conclude that the defendant is a legal subject who is able to be held responsible for his actions;

Considering, that based on the above considerations, the Panel of Judges is of the opinion that the element of "whoever" has been fulfilled;

Ad.2. An unauthorized element brings into Indonesia, makes, receives, tries to obtain, hands over or tries to hand over, controls, carries, has a stock of it or has it in his possession, keeps, transports, hides, uses or takes out of Indonesia any weapon for striking, stabbing or piercing weapons;

Considering, that based on the provisions of Article 2 paragraph (2) of Emergency Law Number 12 of 1951, the definition of a weapon for beating, a weapon for stabbing or a weapon for thrusting in this article does not include items which are clearly intended for use in agriculture, or for household work or for the purposes of legally carrying out work or which clearly have the purpose of being heirlooms or antiques or magical items (*merkwaardigheid*);

Considering, that the defendant's method of carrying, storing and using a sharp weapon in the form of a brown sheathed machete was on Monday, July 1, 2024, the defendant borrowed a brown sheathed machete belonging to the defendant's friend, then the defendant tucked the machete between the defendant's waist and pants, then the defendant who was already

annoyed went to look for the defendant's ex-son-in-law, namely witness EDI IRAWAN, and at around 20.00 WIB because the defendant saw witness EDI IRAWAN on Jl.A Ujung Gang Fajar VI Kartini Sawah Besar, the defendant immediately took out a machete that was tucked into his waist and swung it at witness EDI IRAWAN 2 (two) times so that witness EDI IRAWAN suffered open lacerations on his back and open lacerations on his chest and abrasions on his left elbow;

Considering, that based on the description of the legal considerations above, the element of "Without the right to carry and use a stabbing weapon or a stabbing weapon" has been fulfilled;

Considering, that because all the elements of Article 2 paragraph (1) of Emergency Law Number 12 of 1951 have been fulfilled, the Defendant must be declared proven to have committed the crime as charged in the First Indictment;

Considering that because the Public Prosecutor's indictment was compiled in a combined cumulative and subsidiary manner in the second indictment, the Panel of Judges then considered the Second Primary indictment, Article 351 paragraph (2) of the Criminal Code, the elements of which are as follows:

1. Element Whoever;
2. Elements of committing abuse that results in serious injury

Ad.2. Elements of Persecution that result in serious injury;

Considering, that what is meant by "abuse" is intentionally causing pain to another person or causing injury to another person's body or harming the health of another person;

Considering, that what is meant by serious injury is as stipulated in Article 90 of the Criminal Code; Considering, that the Defendant on Monday, July 1, 2024 at approximately 21.00 WIB at Jl.A Ujung Gang Fajar VI RT. 01/08 Kelurahan Kartini, Sawah Besar District, Central Jakarta has committed physical violence against witness EDI IRAWAN;

Considering, that the defendant committed the physical violence using a tool in the form of a machete with a brown sheath, approximately 50 cm long;

Considering, that based on the Visum et Repertum Results from Cipto Mangunkusumo Hospital No.208/TU.FK/VII/2024 dated July 25, 2024 made and signed by dr. Aria Yudhistira, Sp.FM which concluded: during the examination of the thirty-eight year old male victim, an open wound was found on the back due to sharp violence, then an open wound was found on the chest and an abrasion on the left elbow due to blunt violence. As a result, all of these injuries have caused illness and obstacles to carrying out work, positions and livelihoods for a while;

Considering, that based on the results of the Visum et Repertum above, it was concluded that the victim suffered an open wound on the back due to sharp violence and an open wound on the chest which at the time of the trial had not yet healed and was still undergoing treatment for healing, thus fulfilling the definition of serious injury;

That based on the description of the legal considerations above, the element of "causing serious injury" has been fulfilled; that because all elements of Article 351 paragraph (2) of the Criminal Code have been fulfilled, the Defendant must be declared proven to have committed a crime as charged in the Second Primary indictment. The Legal Counsel in the Defendant's defense essentially only asked for a lighter sentence. Considering that in the trial, the Panel of Judges did not find anything that could eliminate criminal responsibility, either as a justification and/or excuse, and the Defendant is capable of being responsible, the Defendant must be declared guilty and sentenced in this case against the Defendant who has been subject to legal arrest and detention, then the period of arrest and detention must be deducted entirely from the sentence imposed. Therefore the Defendant is detained and the detention of the Defendant is based on sufficient reasons, it is necessary to determine that the Defendant remains in detention. That the evidence presented at the trial will be determined in the verdict.

In sentencing a defendant, it is necessary to first consider the aggravating and mitigating circumstances of the defendant;

Aggravating circumstances:

- The defendant's actions resulted in the victim suffering an open wound on the back and an open wound on the chest;
- The defendant's actions disturbed the community.

Mitigating circumstances:

- The defendant admitted his actions, felt guilty and regretted his actions;
- The defendant promised not to repeat his actions

The theory of legal certainty is one of the objectives of law and it can be said that legal certainty is part of an effort to realize justice. Legal certainty itself has a real form, namely the implementation or enforcement of the law against an action that does not see who the individual is doing. Through legal certainty, everyone is able to predict what they will experience if they do a certain legal action.

Based on the Decision of the Central Jakarta District Court Number 599/Pid.B/2024/PN Jkt.Pst, the Panel of Judges stated that the defendant, Budi Supriyadi, was proven legally and convincingly guilty of committing a crime without the right to carry and use a stabbing weapon or stabbing weapon and the crime of assault resulting in serious injury. The judge's considerations were based on the facts and evidence revealed during the trial, including the existence of a machete as evidence that was confiscated to be destroyed. The Panel of Judges

sentenced the defendant to 1 year and 6 months in prison, by determining that the period of arrest and detention that the defendant had served was deducted entirely from the sentence imposed, and determining that the defendant remained in detention.

Decision Number: 599/Pid.B/2024/PN Jkt Pst reflects the application of the principle of legal certainty, which is one of the main pillars in the criminal justice system. This legal certainty refers to the application of the law that is carried out consistently, fairly, and predictably, providing assurance to the public that the law will be enforced without favoritism or discrimination. In this case, the Panel of Judges sentenced the defendant to prison who was proven to have violated Article 2 paragraph (1) of Emergency Law No. 12 of 1951 concerning possession of sharp weapons without a permit, as well as Article 351 paragraph (2) of the Criminal Code concerning serious assault. These actions not only violate legal provisions, but also endanger public safety. By imposing a sentence based on valid evidence and in accordance with applicable legal provisions, this decision shows that every violation that threatens public order must receive appropriate sanctions, thus creating a sense of security and legal certainty in society.

The punishment imposed in this case confirms that the law must be enforced with full consistency. This is in accordance with the principle of legal certainty which requires the court to assess and issue a verdict based on applicable legal provisions without any uncertainty. As explained by Barda Nawawi Arief, legal certainty is one of the main objectives of the criminal justice system, where every criminal act must be processed and punished in accordance with the provisions applicable in society, without any doubt or ambiguity in the legal process.²⁴. Therefore, the decision that imposed a criminal sentence on the defendant underlines that any violation of the law that endangers public safety must be dealt with firmly.

In addition, the application of the principle of legal certainty in this decision also serves to provide clarity and social stability. The public must have confidence that criminal acts will be punished appropriately and in accordance with applicable law. This not only provides a sense of justice to the victim, but also creates stability in the social system, where the public can feel safe and protected from potential criminal threats. As stated in the legal certainty theory expressed by Lon L. Fuller, the law must be enforced in a way that is predictable and acceptable to the public in order to provide a sense of justice and prevent legal uncertainty that can damage social stability.

1. Criminalization as an Instrument of Prevention

The punishment imposed in Decision Number: 599/Pid.B/2024/PN Jkt Pst also reflects the application of utilitarian theory which focuses on preventing similar crimes in the future. Utilitarian theory, developed by Jeremy Bentham and John Stuart Mill, argues that punishment should be imposed not only as a form of retributive retribution, but also as a means to prevent further crimes.²⁵. In this case, the punishment given is expected to provide a deterrent effect for the defendant and the community in general, with the aim of reducing the potential for similar criminal acts in the future. By providing appropriate

²⁴Barda Nawawi Arief, *The Criminal Justice System in Indonesia* (Jakarta: RajaGrafindo Persada, 2019), p. 45-47.

²⁵John Stuart Mill, *Utilitarianism* (London: Parker, Son, and Bourn, 1863), p. 30-35

and proportional punishment, the criminal justice system not only provides justice for the victim, but also serves to maintain order and security in society as a whole.

2. Retributive Theory and the Sustainability of Social Order

In retributive theory, punishment is imposed as a response to the defendant's actions that violate the law. In this context, the act of carrying a sharp weapon without a permit and committing serious assault not only harms the victim physically but also threatens the safety of the community. Therefore, the decision given by the Panel of Judges in this case contains an important moral message, namely that every action that endangers public order and harms others will be punished with appropriate sanctions, as a form of fair retribution for the act. According to John Rawls, justice as fairness must be applied evenly without exception, so that society can feel that the law provides fair and equal treatment for every individual.²⁶

Overall, Decision Number: 599/Pid.B/2024/PN Jkt Pst provides a clear picture of the application of the principle of legal certainty in the Indonesian criminal justice system. By imposing proportional sentences on the defendant, the Panel of Judges not only provides justice for the victim, but also serves to maintain legal stability and social order. Thus, this decision reflects the importance of consistent and firm application of the law, which aims to create a safe, orderly, and just society.

4. Conclusion

The punishment of the perpetrators of the crime of carrying sharp weapons and serious assault in Decision Number: 599/Pid.B/2024/PN Jkt Pst is a form of strict and proportional application of criminal law. This punishment is not only intended to provide retaliation for the unlawful acts committed by the defendant, but also to prevent the recurrence of similar crimes in society. This decision reflects the application of the theory of punishment, especially the retributive and preventive theories, where punishment is imposed as a reaction to the crime committed, as well as a means to maintain public order and provide a deterrent effect. Thus, punishment in this case is not only a form of justice for the victim, but also as an effort by the state to enforce the law and maintain public security. The Judge's Consideration in Handing Down a Verdict on the Perpetrator of the Crime of Carrying Sharp Weapons and the Crime of Serious Assault in Verdict Number: 599/Pid.B/2024/PN Jkt Pst., prioritizes the principle of legal certainty, namely by objectively assessing the evidence and facts in court and applying the applicable criminal provisions appropriately. The verdict shows that the act of carrying sharp weapons without a right and committing serious assault is processed and punished according to applicable legal regulations, thus providing clarity, stability, and legal protection for both the defendant and the public in general.

²⁶John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), p. 56-58.

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