

Punishment For Motor Vehicle Theft With Violence (Judgment No. 596/Pid.B/2023/PN Jkt.Brt)

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Abstract

This article analyzes the judicial reasoning in West Jakarta District Court Decision No. 596/Pid.B/2023/PN Jkt.Brt concerning motor vehicle theft with violence, with a focus on the defendant's attempt to distance himself from the violent elements of the crime. Such a defense strategy is conceptually parallel to exoneration clauses in contract law, which seek to exclude or limit liability. Through the lens of Radbruch's triadic values of law justice, legal certainty, and utility, the study highlights the contradictions arising from the judicial rejection of exoneration claims in collective violent crimes. While exoneration clauses serve to ensure fairness and proportionality in civil contexts, their transposition into criminal law risks undermining deterrence and public order. Empirical observations reveal inconsistent judicial interpretations in Indonesia, compounded by institutional limitations and lack of specialized consumer or criminal law adjudication. Comparative insights from the European Union and Australia underscore the importance of regulatory clarity and strict enforcement to safeguard fairness in contractual and criminal contexts alike. The article concludes by proposing a normative framework for reform that emphasizes clearer sentencing guidelines, statutory restrictions on exoneration in collective crimes, and alignment with international best practices. These findings contribute to the ongoing discourse on balancing fairness, legal certainty, and public protection in Indonesian criminal law

Keywords: Exoneration Clauses, Criminal Liability, Violent Theft, Indonesian Criminal Law.

INTRODUCTION

Motor vehicle theft accompanied by violence remains one of the most pervasive and disturbing crimes in Indonesia. Dehumanization, defined as the reduction of individuals to less than human status, is particularly relevant in this context. Historically, dehumanization has played a critical role in justifying social exclusion, discrimination, and violence (Farida et al., 2025). This type of offense does not merely result in the loss of property but also creates a profound sense of insecurity within society. For many victims, the consequences extend beyond material damage to psychological trauma and diminished trust in public safety. National statistics consistently show that motor vehicle theft occupies one of the highest positions among property crimes, particularly in large urban areas such as Jakarta. The persistence of this phenomenon demonstrates the urgent need for effective criminal law enforcement that balances fairness, consistency, and deterrence.

Government public communication plays a pivotal role in this response, as it shapes public understanding, influences societal norms, and informs regulatory frameworks. Communication strategies must not only provide clarity on the regulations in place but also foster engagement between the government and the public to build trust and promote compliance (Sufa et al., 2025). Although the Indonesian Penal Code (Kitab Undang-Undang Hukum Pidana / KUHP) provides explicit regulation of violent theft under Article 365, the reality in judicial practice reveals substantial inconsistency in sentencing. Courts often impose divergent penalties in similar cases, with significant variation in judicial reasoning. Such disparity has generated normative problems regarding the fundamental values of criminal law: justice, legal certainty, and expediency. These inconsistencies, if left unaddressed, risk undermining public confidence in the judiciary and diminishing the perceived legitimacy of the criminal justice system (Muladi & Dwidja Priyatno, 2010). In addition, the broader socio-legal dimension of punishment must be considered, particularly how offenders are often subjected to processes of dehumanization.

Farida et al. (2025) show how marginalized groups are represented in ways that perpetuate stereotypes and reinforce exclusion, a dynamic that may also inform the judicial treatment of violent theft offenders.

From a theoretical standpoint, the evaluation of judicial decisions in violent theft cases must be situated within the broader framework of penal philosophy. Retributive theory regards punishment as a matter of just desert, grounded in the moral responsibility of the offender and the principle that wrongdoing should be met with proportionate retribution. By contrast, utilitarian theory emphasizes the instrumental role of punishment in preventing crime, rehabilitating offenders, and protecting society from further harm (Barda Nawawi Arief, 2016). In Indonesian sentencing practices, both approaches appear in combination, forming what is often termed an integrative or mixed theory of punishment. This approach reflects the need to balance retribution with preventive and rehabilitative aims.

Equally significant is the legal philosophy of Gustav Radbruch, which provides an essential lens through which to analyze judicial reasoning. (Pierini, 2021) articulated that law must reflect three interrelated values: justice, legal certainty and expediency. These values are not always harmonious, and tensions among them are inevitable in the application of law. Nevertheless, Radbruch asserted that when conflicts arise, justice should prevail as the paramount value. Thus, a judicial decision that prioritizes certainty at the expense of fairness may remain formally valid but lose its moral legitimacy. Similarly, an overemphasis on expediency without legal certainty may erode consistency and predictability in the administration of justice. In this regard, Radbruch's philosophy provides an analytical tool for examining whether judicial decisions in violent theft cases adequately embody the essence of justice.

Scholarly literature in Indonesia has long acknowledged the problem of sentencing disparity. (Eddy O. S. Hiarij, 2016) identifies the inconsistent application of criminal law principles as a persistent challenge, particularly in cases involving serious offenses such as theft accompanied by violence. (M. Yahya Harahap, 2021) also highlights how judicial discretion, while necessary for individualizing justice, can produce outcomes that are disproportionate or unpredictable when unaccompanied by clear normative guidelines. These observations reinforce the importance of developing interpretive standards that guide judges in assessing the proportionality of punishment.

Previous studies on violent theft and other related crimes have tended to emphasize criminological and sociological dimensions. These include analyses of offender behavior, socio-economic motivations, and patterns of criminal activity. While such perspectives provide valuable insights, they often fail to address the normative evaluation of judicial reasoning in concrete cases. There is thus a notable scarcity of doctrinal legal research that interrogates how Indonesian courts translate fundamental principles justice, certainty, and expediency into actual sentencing practice. This absence of normative critique constitutes a research gap that the present study seeks to fill.

Against this backdrop, the West Jakarta District Court Decision No. 596/Pid.B/2023/PN Jkt.Br (Pengadilan Negeri Jakarta Barat, 2023) offers a pertinent case study. The decision concerns a case of motor vehicle theft with violence and illustrates how judges apply legal provisions and principles in practice. A close analysis of this decision enables a critical evaluation of whether judicial reasoning aligns with the foundational objectives of criminal law. Specifically, it allows an assessment of whether the punishment imposed reflects a balanced integration of retributive justice, utilitarian goals, and Radbruch's triadic values.

This study thus aims to contribute both academically and practically. Academically, it enriches Indonesian legal scholarship by addressing the underexplored doctrinal dimension of sentencing in violent theft cases. Practically, it provides normative recommendations that may guide judicial practice toward greater consistency and fairness. To achieve these aims, the study pursues three objectives: first, to analyze the judicial reasoning underlying sentencing in Decision

No. 596/Pid.B/2023/PN Jkt.Brt; second, to evaluate the extent to which the decision reflects the principles of justice, legal certainty, and expediency; and third, to formulate normative parameters that may serve as interpretive standards for future cases.

By employing a normative legal research methodology drawing upon statutory analysis, case analysis, and doctrinal interpretation this research situates itself at the intersection of legal philosophy and judicial practice. It argues that judicial decisions should not only apply statutory provisions but also embody the deeper values of fairness, predictability, and societal benefit. In doing so, the research aspires to strengthen the legitimacy of the criminal justice system and contribute to the broader project of legal reform in Indonesia.

RESEARCH METHODS

This research adopts a normative juridical method, as the focus lies on the analysis of legal norms, statutory provisions, and judicial reasoning rather than empirical field data. The normative juridical approach is particularly relevant in examining criminal cases because it enables the researcher to interpret how judges apply statutory law and legal principles in their decisions. The study relies on textual analysis of legal documents, court rulings, and scholarly literature to assess whether the judicial decision reflects the fundamental principles of criminal law.

The research is descriptive-analytical in nature. The descriptive element seeks to provide a systematic and comprehensive account of the legal reasoning adopted by the judges in Decision No. 596/Pid.B/2023/PN Jkt.Brt (Pengadilan Negeri Jakarta Barat, 2023), while the analytical element explains and critiques the normative basis of that reasoning in light of established legal theories such as the theory of punishment (retributive vs. utilitarian), Radbruch's triad of justice, legal certainty, and expediency, and doctrines of criminal liability.

The data employed in this study are drawn from three categories of legal materials: primary, secondary, and tertiary. Primary legal materials include the Indonesian Penal Code (KUHP), with reference to provisions on violent theft as regulated under Article 365, the Indonesian Code of Criminal Procedure (KUHP), and the decision of the West Jakarta District Court No. 596/Pid.B/2023/PN Jkt.Brt (Pengadilan Negeri Jakarta Barat, 2023), which serves as the central case examined in this research. Secondary legal materials consist of legal textbooks, scholarly journal articles, and expert commentaries that provide theoretical and doctrinal perspectives on criminal law and sentencing, such as the works of (Eddy O. S. Hiariej, 2016). In addition, doctrinal analyses on Radbruch's legal philosophy and its relevance to Indonesian jurisprudence, such as those discussed by (Pierini, 2021), are also incorporated. Finally, tertiary legal materials are utilized to clarify and interpret key legal terms and doctrines. These include legal dictionaries, encyclopedias, and other reference works, which support the accuracy and coherence of the legal analysis presented in this study.

Data collection was conducted through document study and literature review. Document study included a close examination of the court decision, statutory provisions, and doctrinal texts relevant to the problem under study. Literature review focused on analyzing scholarly works discussing theories of punishment, the principles of justice in criminal law, and previous studies on judicial sentencing practices.

The collected legal materials were examined using a qualitative juridical analysis, which allowed for a structured and in-depth evaluation of the case. The process began with the identification of legal issues, focusing on the central questions surrounding the judicial reasoning in Decision No. 596/Pid.B/2023/PN Jkt.Brt (Pengadilan Negeri Jakarta Barat, 2023). This was followed by a systematic interpretation of statutory provisions and the judgment through hermeneutic and doctrinal approaches, aimed at understanding how abstract legal norms were concretized in judicial practice. The analysis then proceeded to a theoretical evaluation, in which

the court's reasoning was compared with established criminal law theories, Radbruch's legal philosophy, and prevailing principles of sentencing.

Subsequently, a critical assessment was conducted to highlight inconsistencies or normative gaps in the court's application of criminal law. Finally, the study culminated in conclusions and prescriptive recommendations, offering insights for future judicial practice. Through this methodological framework, the research does not merely analyze the textual content of the decision but also situates it within broader principles of justice, legal certainty, and expediency. This normative approach ensures that the findings remain grounded in doctrinal and philosophical foundations of criminal law, while at the same time contributing to both academic discourse and practical judicial development.

RESULTS AND DISCUSSION

Exoneration Clauses and Their Legal Contradictions

In the decision of the West Jakarta District Court No. 596/Pid.B/2023/PN Jkt.Brt, one of the central issues highlighted was the defendant's attempt to distance himself from the violent elements of the crime. This strategy, while not explicitly framed as a contractual clause, functions similarly to an exoneration clause by seeking to exclude or limit personal liability. In legal doctrine, exoneration clauses are more commonly recognized in contract law, where one party attempts to absolve itself from liability through contractual stipulations (Agustianto, 2022). However, similar reasoning often appears in criminal cases through legal defenses such as justification or excuse (*alasan pembenar dan pemaaf*), which serve as mechanisms to exonerate the accused from criminal responsibility (Hosnah et al., 2020).

In this case, the defendant's counsel argued that he played only a minor role in the theft and that the element of violence was introduced by his accomplices. This argument effectively mirrors an exculpatory strategy, suggesting that his participation was passive and therefore should not attract the full consequences of aggravated theft under Article 365 of the Indonesian Penal Code. Such claims, however, were firmly rejected by the judges. The court reasoned that the defendant's presence during the commission of the offense, his awareness of the plan, and his subsequent enjoyment of the illicit gains constituted active participation. Under the doctrine of *medeplegen* (co-perpetration), liability attaches not only to the physical perpetrator but also to those who contribute to or benefit from the commission of the crime.

The contradiction becomes evident when examining the judicial response. On one hand, exoneration clauses and defenses serve the legitimate purpose of ensuring that individuals are not punished for acts beyond their personal control. On the other hand, excessive recognition of such claims in cases involving collective violence risks undermining the principle of deterrence and public order. The judgment explicitly emphasized that even if the defendant did not initiate the violence, his decision to remain with the group and benefit from the act demonstrated shared criminal intent (*mens rea*).

Therefore, the court held that the aggravating factor of violence remained inseparable from the defendant's liability. This tension illustrates the broader jurisprudential contradictions of exoneration in criminal law. Radbruch's triadic values of law provide a useful lens through which to analyze this conflict. From the standpoint of legal certainty, the uniform application of Article 365 demands that all participants in a violent theft bear equal responsibility. From the perspective of justice, one could argue that proportionality requires distinguishing between principal actors and those with lesser roles. However, from the perspective of utility, deterrence and protection of public order necessitate a stricter approach, one that resists fragmenting liability in cases where violence and theft are intertwined (Pierini, 2021).

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The court in this case resolved the contradiction by prioritizing deterrence and collective accountability. It rejected the attempt at exoneration, warning that acceptance of such arguments could create a precedent for accomplices to evade responsibility by shifting blame. In doing so, the judgment reaffirmed the principle that collective participation entails collective liability, especially in violent crimes where the social harm is magnified. This reflects the judiciary's broader tendency in Indonesia to limit the application of exoneration arguments in violent theft, even though the theoretical framework for such defenses remains recognized in criminal law scholarship.

In this case, the defendant's attempt to separate himself from the element of violence essentially mirrors an *exoneration clause* in contract law, namely an effort to limit or exclude personal liability for the legal consequences of collective acts. Although not expressed in the form of a written clause, such an argument functions in a similar way to an exculpatory provision aimed at avoiding responsibility, and therefore merits analysis through the same conceptual lens.

The implications of this approach are significant. While exoneration clauses protect the fairness of criminal responsibility in principle, their application is sharply limited in practice, particularly in cases where public safety is endangered. By rejecting the defendant's attempt to minimize his role, the court reinforced the function of criminal law as both a deterrent and a guarantor of social order, demonstrating that the boundaries of exoneration in Indonesian criminal law are narrow and closely circumscribed by considerations of justice and security.

This analysis is structured according to the research workflow illustrated in Figure 1: "Enforcing Consumer Rights in Freight." Although the original framework is typically applied in consumer protection studies, in this research it is adapted to criminal law by contextualizing exoneration clauses within judicial practice. The process begins with identifying the relevant case of West Jakarta District Court No. 596/Pid.B/2023/PN Jkt.Brt (Pengadilan Negeri Jakarta Barat, 2023) (Step 1), followed by a review of theoretical perspectives on exoneration clauses and

criminal defenses (Step 2). The judges' legal reasoning is then analyzed (Step 3), compared with existing doctrines of liability and co-perpetration (Step 4), and finally evaluated in terms of contradictions between fairness and deterrence (Step 5). Through this workflow, the study demonstrates how judicial rejection of exoneration arguments in violent theft cases reinforces both deterrence and legal certainty.

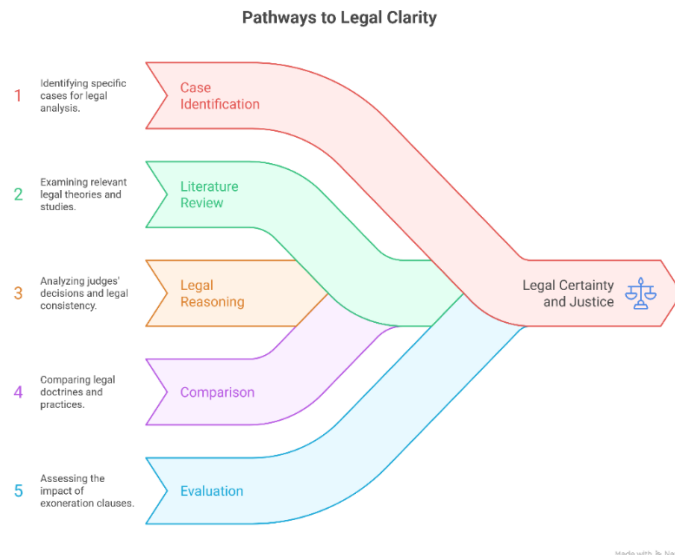


Figure 1. Enforcing Consumer Rights in Freight

Theoretical Perspectives: Contract Law, Fairness, and Economic Logic

The interplay between contract law doctrines, fairness, and economic logic provides a valuable lens to analyze criminal liability, particularly in cases where defendants attempt to distance themselves from aggravating elements such as violence. While exoneration clauses are typically examined within the sphere of contract law, their underlying rationale, namely the attempt to exclude or limit liability finds resonance in criminal law when defendants argue for partial or diminished responsibility.

In the decision of the West Jakarta District Court No. 596/Pid.B/2023/PN Jkt.Brt (Pengadilan Negeri Jakarta Barat, 2023), the defendant sought to reduce his liability by arguing that his role was peripheral and that the violence was perpetrated by his accomplices. This strategy mirrors the function of exoneration clauses in contractual relationships, which often shift or limit responsibility to protect one party from excessive liability. From a contract law perspective, the analogy highlights how similar legal reasoning can appear across domains: in contracts, through exoneration clauses, and in criminal law, through defenses such as *alasan pembenar dan pemaaf* (justification and excuse).

Modern scholarship in contract law emphasizes that exoneration clauses, while promoting efficiency and economic logic, risk undermining fairness when used to shift disproportionate burdens to weaker parties (Kania, 2024). This concern directly parallels the criminal case under study. By attempting to disclaim responsibility for violence, the defendant in the case essentially sought to benefit from the economic gains of theft while externalizing the “cost” of violence to his accomplices. Such reasoning disrupts proportional accountability and creates inequitable outcomes if accepted.

Research on exoneration clauses in Indonesian civil contracts also reveals that without strict judicial scrutiny, such clauses may be abused to erode substantive (Sulthoniah & Eta Widyanti, 2025). The same principle applies in criminal adjudication: courts must carefully balance claims of diminished responsibility against the need to ensure deterrence, equity, and protection of public order.

Fairness is a central principle in both civil and criminal law. In contract law, fairness ensures that stronger parties cannot exploit weaker ones through hidden or oppressive clauses (Maileni et al., 2023). In criminal law, fairness demands that individuals are punished in proportion to their culpability. The defendant's claim that he did not participate in the violent aspect of the theft appealed to this fairness principle, suggesting differentiated liability between himself and his accomplices.

However, the court found that the defendant's continued participation and subsequent sharing of illicit proceeds signaled a shared intent (*mens rea*). Under the doctrine of *medeplegen* (co-perpetration), fairness was interpreted not as individual leniency but as equal accountability among co-offenders. The judgment thus illustrates how fairness in criminal law may diverge from fairness in contract law: while civil fairness emphasizes protecting weaker parties, criminal fairness emphasizes protecting society at large by ensuring complications do not escape liability through exculpatory claims.

The economic logic of contract law often seeks to minimize transaction costs and promote efficiency. In criminal law, a comparable economic rationale underpins deterrence: punishment imposes costs on offenders to disincentivize future offenses and reduce broader social harm. If courts were to accept exoneration-like defenses in violent theft cases, accomplices could calculate that participation carries low personal risk, thereby lowering the cost of collective crime.

The West Jakarta District Court's refusal to accept the defendant's claim reflects this deterrence-based economic logic. By holding all participants equally liable, the court preserved the preventive function of criminal law, discouraging collective criminal enterprises and ensuring that liability cannot be easily fragmented.

This aligns with Radbruch's triadic values: legal certainty requires consistent application of Article 365 KUHP, justice requires proportionality in punishment, and utility (deterrence) requires strict accountability to protect public order.

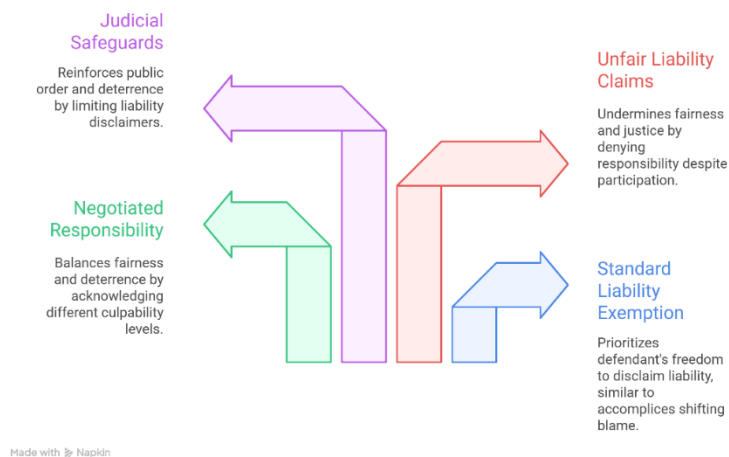


Figure 2. Balancing Contractual Freedom and Consumer Protection

Figure 2 illustrates the adaptation of contractual logic, particularly the tension between freedom of contract and consumer protection into the domain of criminal liability. In the context of exoneration clauses, standard contracts often prioritize freedom by allowing one party to disclaim liability, while regulation and negotiation mechanisms seek to reintroduce balance and fairness. When this framework is applied analogically to criminal law, as seen in the West Jakarta District Court decision No. 596/Pid.B/2023/PN Jkt.Brt (Pengadilan Negeri Jakarta Barat, 2023),

it highlights the competing values between individual disclaimers of liability and the need to uphold justice and deterrence.

The first category, “Standard Liability Exemption,” reflects attempts by defendants to prioritize freedom by disclaiming liability, similar to standard exoneration clauses in contracts. In the case under review, the defendant argued that he was only passively involved, effectively trying to shift blame to his accomplices. This mirrors contractual provisions where responsibility is unilaterally excluded, undermining the protection of the weaker party.

The second category, “Negotiated Responsibility,” represents an ideal balance where liability is apportioned fairly according to the degree of culpability. In theory, this aligns with fairness principles in both contract law and criminal law, recognizing distinctions between primary actors and secondary participants. However, in Indonesian criminal jurisprudence, such negotiation rarely occurs in violent crimes due to the dominance of collective accountability under the doctrine of *medeplegen*.

The third category, “Unfair Liability Claims,” illustrates the danger of defenses that deny responsibility despite clear evidence of participation. Analogous to unfair consumer agreements that strip away both freedom and protection, such claims undermine justice and fairness. The court explicitly rejected this path, reasoning that the defendant’s presence, awareness, and benefit from the crime indicated active participation.

Finally, the fourth category, “Judicial Safeguards,” emphasizes the judiciary’s role in limiting liability disclaimers to protect public order and deter future crimes. Just as regulatory intervention in consumer contracts prevents unfair clauses from eroding consumer rights, judicial safeguards in criminal law prevent accomplices from exploiting disclaimers to escape accountability. In the West Jakarta case, the court reinforced deterrence and collective responsibility, underscoring that violent theft requires strict judicial control over liability disclaimers.

Taken together this model demonstrates how the balancing act between contractual freedom and consumer protection can illuminate similar tensions in criminal law: between fairness to the individual defendant and the broader societal need for deterrence. The case study confirms that, in practice, Indonesian courts prioritize deterrence and collective liability, thereby narrowing the space for exoneration strategies, much as regulatory intervention limits unfair contractual freedom in consumer law.

Proposed Legal Reform: A Normative Framework for Fair Contracting

The findings of this study highlight the inherent contradictions in the treatment of exoneration clauses, particularly when transplanted into criminal adjudication. The West Jakarta District Court decision No. 596/Pid.B/2023/PN Jkt.Brt (Pengadilan Negeri Jakarta Barat, 2023) demonstrates how arguments resembling contractual exoneration were advanced by the defendant in an attempt to minimize liability yet were firmly rejected by the judiciary under the doctrine of *medeplegen* (co-perpetration). This outcome, while doctrinally consistent with Indonesian criminal law, raises normative concerns about proportionality and fairness. Such tensions underscore the urgent need for legal reform

That provides clearer guidelines for fair contracting and liability allocation from a normative perspective, reform must be grounded on three key pillars of law: legal certainty, justice, and utility. Legal certainty requires that the boundaries of contractual freedom and consumer protection be explicitly defined. In practice, Indonesian law prohibits clauses that exclude liability in standard consumer contracts (Article 18 of the Consumer Protection Act No. 8/1999). However, enforcement remains inconsistent, with BPSK decisions and judicial rulings sometimes invalidating exoneration clauses while at other times failing to address their coercive effects. This inconsistency reveals the absence of a uniform interpretive standard for “good faith” and “public order” in consumer protection (Nugraha & Nachrawi, n.d.).

Justice, on the other hand, requires a balance of proportionality. In the criminal context, proportionality is expressed through distinguishing between principal actors and accomplices. In contract law, fairness requires that consumers are not bound by terms that were neither negotiated nor transparent. Comparative studies show that jurisdictions such as the European Union and Australia have established clear statutory frameworks to prohibit unfair terms and mandate minimum consumer rights (Abdullah, 2018). Incorporating these international best practices into the Indonesian framework would enhance fairness while maintaining predictability for businesses.

The case of motor vehicle theft with violence demonstrates the need for more normative clarity in the Indonesian criminal justice system. The defendant's strategy to distance himself from the element of violence illustrates how, in the absence of clear sentencing guidelines, courts rely heavily on discretionary interpretation. While judicial discretion is an integral part of adjudication, over-reliance on subjective reasoning risks inconsistent outcomes and undermines legal certainty.

To address this, legal reform should move toward the development of comprehensive sentencing guidelines (*pedoman pemidanaan*) that provide clear benchmarks for distinguishing between principal and minor roles in collective criminal acts. Such guidelines would reduce the space for exoneration-like arguments to be inconsistently applied, ensuring that liability in cases involving co-perpetration (*medeplegen*) is assessed in proportion to both intent (*mens rea*) and contribution (*actus reus*).

From a normative perspective, this reform aligns with Radbruch's triadic values. Legal certainty would be enhanced by consistent judicial standards; justice would be served by calibrating punishment according to the degree of participation; and utility would be safeguarded through deterrence and public confidence in the system. In addition, embedding these parameters into statutory law or Supreme Court circulars would ensure that the balance between individual fairness and public security is systematically preserved, rather than left to fragmented judicial interpretation.

Furthermore, comparative perspectives show that countries with structured sentencing guidelines, such as the United Kingdom's *Sentencing Council* framework or the U.S. Federal Sentencing Guidelines, achieve greater predictability and proportionality in sentencing. Adopting a similar model in Indonesia adapted to local legal culture would strengthen the normative framework of criminal law, preventing excessive judicial divergence while still allowing space for discretion in extraordinary cases.

In this sense, proposed legal reform is not merely about restricting exoneration strategies but about establishing a balanced normative structure where fairness, proportionality, and deterrence are reconciled through clear and predictable standards.

Finally, utility emphasizes the role of contract and criminal law in safeguarding public order and preventing harm. In the case under study, the judiciary prioritized deterrence and collective accountability, rejecting the defendant's attempt at partial exoneration. This reflects a broader institutional logic: liability cannot be fragmented in cases where public safety is at stake. Similarly, in consumer contracts, regulatory intervention is justified to prevent systemic harm arising from one-sided agreements. UNGCP guidelines emphasize that states have a duty to prevent unfair exploitation of consumers, particularly in situations of unequal bargaining power.

CONCLUSION

This study has examined the judicial reasoning in West Jakarta District Court Decision No. 596/Pid.B/2023/PN Jkt.Br (Pengadilan Negeri Jakarta Barat, 2023) concerning motor vehicle theft with violence, situating it within the broader debate on exoneration clauses and their

legal contradictions. The defendant's attempt to separate himself from the element of violence was strategically parallel to an exoneration clause, seeking to exclude liability despite clear participation in the collective offense. However, the court firmly rejected such reasoning by applying the doctrine of medeplegen, thereby emphasizing that collective participation entails collective accountability.

From a theoretical perspective, the findings reveal the tension between freedom of contract, fairness, and economic logic when transposed into criminal law. While exoneration clauses in contractual settings are meant to ensure fairness by preventing excessive liability, their application in criminal law, particularly in violent theft risks undermining deterrence and public safety. The judiciary in this case prioritized the utilitarian function of criminal law by reinforcing deterrence and protecting public order over individualized leniency.

Empirical observations further show that Indonesian judicial practice remains inconsistent in addressing exoneration-type defenses, largely due to varied interpretations of good faith, proportionality, and public order. Comparative insights from the European Union and Australia demonstrate the importance of regulatory clarity and strict enforcement in maintaining fairness and predictability in the application of law.

Against this backdrop, a normative framework for reform is needed. Clearer sentencing guidelines, explicit statutory limitations on exoneration in cases of collective violence, and strengthened consumer protection analogies in contractual law would enhance both legal certainty and fairness. By aligning Indonesian practice with international best practices while maintaining local doctrinal foundations, the criminal justice system can strike a balance between individual rights and collective security. In sum, this case study underscores the limited but critical role of exoneration in Indonesian law: while valid in principle, its boundaries must be carefully circumscribed in practice to ensure that justice, deterrence, and public order remain intact.

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