

Legal Implications of Juvenile Sentencing Beyond the Prosecutor's Indictment

Gusti Dewi Anggraini Puteri, Prija Djatmika, Faizin Sulistio

Universitas Brawijaya Jl. MT Haryono 169, Malang, Jawa Timur, Indonesia
gustidewiap@student.ub.ac.id,

ABSTRACT

This study examines the legal implications of juvenile sentencing beyond the prosecutor's indictment in Decision Number 3/Pid.Sus-Anak/2023/PN Bir concerning attempted aggravated theft with violence. The research aims to analyze the judicial reasoning underlying the decision and its juridical consequences within the Indonesian juvenile justice system. Employing a normative legal research method with statutory and case approaches, the study analyzes primary, secondary, and tertiary legal materials through grammatical, systematic, and teleological interpretation. The findings reveal that although the indictment under Article 365(2) of the Criminal Code was not fully proven, the court convicted the child based on an uncharged but related and less severe offense, namely attempted aggravated theft. While such a decision appears inconsistent with the principle of indictment under the Criminal Procedure Code, it remains consistent with established jurisprudence permitting conviction for a similar, less serious offense. Nevertheless, the ruling raises concerns regarding legal certainty, due process, and the protection of children's rights, particularly the principle of imprisonment as a measure of last resort.

Keywords: Juvenile Justice, Prosecutor's Indictment, Judicial Reasoning, Legal Certainty, Child Offenders

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INTRODUCTION

The protection of children's rights constitutes a fundamental obligation of the Indonesian state and is expressly mandated by the Constitution of the Republic of Indonesia. Within the criminal justice system, children in conflict with the law occupy a particularly vulnerable position, as criminal proceedings may have profound consequences for their physical, psychological, and social development. Accordingly, Indonesia's juvenile justice framework seeks to balance the objectives of criminal law enforcement with the principles of child protection, restorative justice, and the best interests of the child.

Criminal proceedings in Indonesia are governed by the principle that judicial decisions must be founded upon the prosecutor's indictment and the facts proven during trial. The indictment serves as the legal basis of criminal adjudication, determining both the scope of judicial examination and the limits of the court's authority. This principle is reflected in Articles 182(4) and 191(1) of the Indonesian Criminal Procedure Code (KUHAP), which require judges to deliberate and render decisions on the basis of the charges submitted by the prosecutor and the evidence established before the court. Consequently, a defendant should not be convicted of an offence that falls outside the scope of the indictment.

In practice, however, judicial decisions do not always remain strictly within the formal boundaries of the indictment. Indonesian courts have, in certain circumstances, convicted defendants of offences that were not expressly charged but were regarded as similar in nature and less severe than those set out in the indictment. This practice has been supported by several Supreme Court precedents and has been justified on

the grounds of substantive justice and the judicial pursuit of material truth. Nevertheless, such reasoning raises significant legal concerns concerning legal certainty, due process, the principle of legality, and the protection of defendants' procedural rights.

These concerns become more complex when the defendant is a child. Unlike adult criminal proceedings, juvenile justice is governed by the Juvenile Criminal Justice System Law, which emphasizes restorative justice, diversion, rehabilitation, and the use of imprisonment only as a measure of last resort, or *ultimum remedium*. Judges in juvenile cases are therefore expected not merely to ensure legal accountability, but also to safeguard the child's future development and reintegration into society. Consequently, any judicial deviation from the indictment in juvenile proceedings requires careful scrutiny to determine whether it remains compatible with the principles of child protection and juvenile justice.

This issue is illustrated in Decision Number 3/Pid.Sus-Anak/2023/PN Bir, which involved a juvenile defendant charged with aggravated theft with violence under Article 365 paragraph (2) of the Indonesian Criminal Code. During the trial, the court found that the charged offence had not been fully proven. Nevertheless, rather than acquitting the defendant, the court convicted the child of attempted aggravated theft with violence under Article 365 in conjunction with Article 53 paragraph (1) of the Criminal Code, although the attempt provision had not been expressly included in the indictment. This decision raises a fundamental legal question concerning the extent of judicial authority to convict a juvenile offender on the basis of an offence not formally charged by the prosecutor.

Previous studies have primarily examined sentencing disparities in juvenile robbery cases, legal protection for child offenders involved in attempted theft, and juvenile theft from the perspective of Islamic criminal law. Existing scholarship generally focuses on sentencing outcomes, child protection mechanisms, or doctrinal analyses of juvenile delinquency. However, limited attention has been devoted to the legal implications of judicial decisions that exceed the scope of the prosecutor's indictment, particularly within the context of juvenile criminal justice. Moreover, prior studies have not comprehensively examined the tension between procedural legality, judicial discretion, legal certainty, and the child-centred principles embodied in the Juvenile Criminal Justice System Law.

This study addresses that gap by examining the legal implications of juvenile sentencing beyond the prosecutor's indictment through an analysis of Decision Number 3/Pid.Sus-Anak/2023/PN Bir. Unlike previous research, this article specifically investigates the judicial reasoning underlying the conviction of a juvenile offender for an uncharged but related offence and evaluates whether such reasoning is consistent with criminal procedural law, Supreme Court jurisprudence, and the principles of juvenile justice. The novelty of this research lies in its integration of procedural criminal law and juvenile justice perspectives in assessing the legitimacy of judicial deviation from the indictment, as well as its implications for legal certainty and child protection.

Accordingly, this study aims to analyze: (1) the legal reasoning employed by the court in imposing a sentence beyond the prosecutor's indictment in a juvenile case; and (2) the juridical implications of such a decision for criminal procedure, legal certainty, and the protection of children's rights within the Indonesian juvenile justice system. The findings are expected to contribute to the development of a more coherent

framework for regulating judicial discretion in juvenile criminal proceedings while ensuring compliance with both procedural guarantees and child protection principles.

METHOD

This study employs a normative legal research method, also known as doctrinal legal research, which examines legal norms, principles, and doctrines through the analysis of statutory regulations, judicial decisions, and legal literature. The research focuses on the legal implications arising from judicial decisions that deviate from the prosecutor's indictment in juvenile criminal proceedings, particularly in Decision Number 3/Pid.Sus-Anak/2023/PN Bir.

The study adopts two complementary approaches: a statutory approach and a case approach. The statutory approach is used to examine relevant legal frameworks governing criminal procedure and juvenile justice in Indonesia, including the Criminal Code, the Criminal Procedure Code, the Juvenile Criminal Justice System Law, and the Judicial Power Law. The case approach is applied through an in-depth analysis of Decision Number 3/Pid.Sus-Anak/2023/PN Bir, in which the court convicted a juvenile offender based on an offense that was not expressly included in the prosecutor's indictment.

The legal materials used in this research consist of primary, secondary, and tertiary sources. Primary legal materials include statutory provisions, judicial decisions, and Supreme Court jurisprudence relevant to the legality of convictions beyond the indictment, particularly Articles 53 and 365 of the Indonesian Criminal Code, Articles 182(4) and 191(1) of the Criminal Procedure Code, Article 5(1) of the Judicial Power Law, Supreme Court Decisions No. 675/K/Pid/1987 and No. 693/K/Pid/1986, and Decision Number 3/Pid.Sus-Anak/2023/PN Bir. Secondary legal materials comprise scholarly books, journal articles, legal commentaries, and academic publications concerning criminal procedure, juvenile justice, judicial discretion, and legal certainty. Tertiary materials include legal dictionaries and other reference sources that assist in clarifying legal terminology and concepts.

Legal materials were collected through library research and electronic database searches. Relevant sources were obtained from academic libraries, legal documentation centers, Google Scholar, and institutional electronic resources. The collected materials were systematically categorized according to their relevance to the research questions and legal issues under examination.

The analysis was conducted using a qualitative descriptive method. Legal materials were interpreted through grammatical, systematic, and teleological interpretation. Grammatical interpretation was employed to examine the textual meaning of statutory provisions governing indictments and judicial authority. Systematic interpretation was used to assess the relationship between criminal procedural norms, juvenile justice regulations, and judicial power provisions within the broader legal system. Teleological interpretation was applied to evaluate the objectives underlying juvenile criminal justice, particularly the principles of restorative justice, legal certainty, the best interests of the child, and imprisonment as a measure of last resort. Through these interpretative methods, the study develops legal arguments concerning the legitimacy and juridical consequences of sentencing a juvenile offender beyond the scope of the prosecutor's indictment.

RESULTS AND DISCUSSION

1. Judicial Decision Beyond the Indictment in Case Number 3/Pid.Sus-Anak/2023/PN Bir

This study examined the legal justification and juridical implications of a judicial decision rendered outside the public prosecutor's indictment in Case Number 3/Pid.Sus-Anak/2023/PN Bir involving a child offender charged with aggravated robbery. The findings indicate that the panel of judges convicted the child based on an attempted aggravated robbery provision, despite the fact that the element of "attempt" was not expressly included in the indictment submitted by the public prosecutor.

From a procedural criminal law perspective, this judicial approach raises a fundamental legal issue concerning the scope of judicial authority in relation to the indictment principle. Article 182 paragraph (4) of the Indonesian Criminal Procedure Code (KUHAP) explicitly provides that judicial deliberation must be based on the indictment and evidence presented during trial. Consequently, the indictment serves not only as the foundation of prosecution but also as the legal framework limiting judicial examination and adjudication.

The analysis of the judgment demonstrates that the court departed from a strict positivistic interpretation of Article 182 paragraph (4) KUHAP. Instead, the judges adopted a broader interpretation by considering legal facts established during trial and applying a provision that they regarded as constituting a lighter offense of the same legal nature. The court relied implicitly on jurisprudential principles developed by the Supreme Court, particularly those recognizing the possibility of convicting a defendant under a less severe offense of the same genus even when such offense is not expressly charged in the indictment.

The findings further reveal a normative tension between two competing legal values. On one hand, adherence to the indictment principle promotes legal certainty and procedural fairness. On the other hand, strict adherence may result in the acquittal of an offender whose criminal conduct has been proven during trial merely because of deficiencies in the prosecutor's legal qualification of the offense. This tension becomes even more significant in juvenile justice proceedings, where the best interests of the child and restorative justice principles constitute fundamental considerations.

2. Juridical Implications of Judicial Decisions Outside the Indictment

The study identified three major juridical implications arising from the judicial decision in Case Number 3/Pid.Sus-Anak/2023/PN Bir.

a. Contradiction with Article 182 Paragraph (4) of the Criminal Procedure Code

The first implication concerns the apparent inconsistency between the court's decision and Article 182 paragraph (4) KUHAP. The provision clearly stipulates that judicial deliberation must be based upon the indictment and evidence established at trial. Under the traditional civil law doctrine adopted in Indonesia, judges are expected to apply statutory provisions within the limits established by legislation.

The findings indicate that the judicial decision potentially extends beyond these statutory limits because the conviction was based on an offense formulation that had not been expressly charged by the prosecutor. Such an approach may create uncertainty regarding the procedural boundaries of judicial authority and may weaken the function of the indictment as a safeguard of the defendant's right to defense.

This finding differs from conventional doctrinal views emphasizing the centrality of the indictment in criminal proceedings. Classical criminal procedural scholars generally maintain that a defendant should only be convicted for offenses expressly included in the indictment because the indictment determines the scope of judicial examination. Consequently, the decision under study represents a departure from strict legal positivism toward a more substantive conception of justice.

b. Conformity with Established Supreme Court Jurisprudence

The second finding demonstrates that although the decision appears inconsistent with the literal interpretation of Article 182 paragraph (4) KUHP, it is consistent with established Supreme Court jurisprudence.

The study found that the court's reasoning aligns with Supreme Court Decision Number 675 K/Pid/1987 and Supreme Court Decision Number 693 K/Pid/1986. These decisions establish a jurisprudential doctrine permitting conviction for a lesser offense of the same legal nature, even where such offense was not explicitly charged in the indictment.

Under this jurisprudential doctrine, a conviction outside the indictment may be justified if:

- a) The proven offense is of the same legal category as the charged offense.
- b) The proven offense carries a lighter criminal sanction.
- c) The constituent elements of the offense are established through lawful evidence during trial.

The present finding is consistent with previous studies emphasizing the role of jurisprudence as an instrument for harmonizing legal certainty and substantive justice. However, unlike previous research that primarily examined adult criminal proceedings, this study demonstrates that the same jurisprudential doctrine can significantly affect juvenile justice cases, where child protection considerations are legally mandated.

c. Judicial Legal Discovery and Progressive Adjudication

The third finding concerns the role of judges in legal discovery (*rechtvinding*). The analysis shows that the judges engaged in interpretative legal reasoning rather than merely applying statutory provisions mechanically.

The decision reflects characteristics of progressive adjudication, whereby judges prioritize substantive justice over rigid formalism. The court considered not only procedural rules but also the broader objectives of criminal justice, including accountability, fairness, and social protection.

In the context of juvenile justice, this judicial approach was influenced by the principles embodied in the Juvenile Criminal Justice System Act (UU SPPA), particularly the principles of the best interests of the child and deprivation of liberty as a measure of last resort. The judges appeared to balance procedural legality with the need to ensure an outcome that would not unnecessarily harm the child's future development.

This finding partially supports previous literature on progressive law theory, which argues that judges may depart from rigid statutory interpretations when necessary to achieve justice. Nevertheless, the present study also reveals a potential risk: excessive reliance on judicial discretion may generate inconsistencies among courts and reduce predictability in criminal adjudication.

The primary purpose of this study was to analyze the juridical implications of judicial decisions rendered outside the indictment in juvenile criminal proceedings and

to evaluate whether such decisions can be legally justified within the Indonesian legal system. The findings demonstrate that the decision in Case Number 3/Pid.Sus-Anak/2023/PN Bir occupies a complex position between procedural legality and substantive justice.

The study contributes to the ongoing debate regarding the relationship between legal certainty, judicial independence, and child protection within Indonesian criminal justice. While Article 182 paragraph (4) KUHAP emphasizes the importance of the indictment as the basis for judicial decision-making, the examined case illustrates that courts may prioritize substantive justice when the proven offense remains within the same legal category and carries a lighter sanction than the charged offense.

These findings suggest that the judicial decision can be viewed from two contrasting perspectives. From a positivist perspective, the decision may be criticized for exceeding the limits imposed by the indictment principle. However, from a progressive legal perspective, the decision may be justified because it prevents an outcome that would undermine justice merely due to technical deficiencies in prosecutorial drafting.

The findings are generally consistent with Supreme Court jurisprudence recognizing judicial authority to convict for a lesser offense of the same nature. However, this study extends previous scholarship by demonstrating that such jurisprudential reasoning acquires additional significance in juvenile cases. Unlike adult criminal proceedings, juvenile justice incorporates restorative justice and the best interests of the child as primary legal principles. Consequently, judicial decision-making cannot be evaluated solely through procedural standards but must also consider child protection objectives.

An important implication emerging from this study is the existence of normative ambiguity within Indonesian criminal procedural law. Article 182 paragraph (4) KUHAP appears to require strict adherence to the indictment, while Supreme Court jurisprudence permits certain exceptions. This inconsistency creates uncertainty regarding the permissible limits of judicial interpretation and legal discovery.

From a practical perspective, the findings indicate that judges require clearer normative guidance when confronted with cases involving discrepancies between the indictment and facts proven during trial. Such guidance is particularly important in juvenile justice proceedings because judicial decisions directly affect the future development, rehabilitation, and social reintegration of child offenders.

Nevertheless, this study has several limitations. First, the analysis focuses primarily on a single judicial decision, limiting the generalizability of the findings. Second, the research relies on doctrinal and case analysis without incorporating empirical perspectives from judges, prosecutors, or correctional officers. Third, the study does not examine comparative approaches adopted in other jurisdictions concerning convictions for lesser-included offenses.

Future research should therefore investigate broader patterns of judicial practice concerning convictions outside the indictment in juvenile cases. Comparative studies involving other legal systems may also provide valuable insights into how legal certainty can be balanced with restorative justice and child protection objectives. Furthermore, empirical research involving judicial actors could contribute to a more comprehensive understanding of the practical considerations influencing judicial departures from the indictment.

CONCLUSION

In this section, the author presents brief conclusions from the results of research with suggestions for advanced researchers or general readers. A conclusion may review the main points of the paper, do not replicate the abstract as the conclusion.

This research examined the juridical justification and legal implications of judicial decisions rendered outside the prosecutor's indictment in juvenile criminal cases, particularly in Decision Number 3/Pid.Sus-Anak/2023/PN Bir concerning an attempted aggravated robbery committed by a child offender. The findings demonstrate that the panel of judges based its decision on both juridical and non-juridical considerations. Although the Public Prosecutor charged the child under Article 365 paragraph (2) points 1 and 2 of the Indonesian Criminal Code, the court concluded that the elements of the charged offense were not fully proven. Instead, the court found that the proven facts fulfilled the elements of attempted aggravated robbery under Article 365 paragraph (2) points 1 and 2 in conjunction with Article 53 paragraph (1) of the Criminal Code, a provision that was not expressly included in the indictment.

From a procedural perspective, such a decision appears to conflict with Article 182 paragraph (4) of the Criminal Procedure Code (KUHAP), which requires judicial deliberation to be based on the indictment and evidence presented during trial. Nevertheless, the decision remains consistent with established Supreme Court jurisprudence, particularly Supreme Court Decisions No. 675 K/Pid/1987 and No. 693 K/Pid/1986, which permit judges to convict defendants for a similar offense carrying a lighter criminal sanction, even when such offense is not expressly charged in the indictment. Consequently, the legal implication of Decision Number 3/Pid.Sus-Anak/2023/PN Bir is that the judgment remains legally valid and enforceable insofar as no legal remedy is filed against it.

Furthermore, in the context of juvenile justice, the decision reflects the implementation of the principles embodied in the Juvenile Criminal Justice System Act, particularly the principles of the best interests of the child, restorative justice, and deprivation of liberty as a measure of last resort. The judge's approach demonstrates an effort to balance procedural legality with substantive justice by considering the child's future development, psychological condition, and social reintegration. Therefore, the decision may be viewed as a form of judicial law-finding aimed at achieving material truth and ensuring that criminal responsibility corresponds proportionally to the proven facts.

However, this study is subject to several limitations. First, the research relies primarily on normative legal analysis and a single case study, thereby limiting the generalizability of its findings to other juvenile criminal cases. Second, the research focuses predominantly on judicial reasoning contained in the judgment and does not incorporate empirical data from judges, prosecutors, correctional counselors, victims, or child offenders. Third, the study identifies an ambiguity arising from the interaction between Article 182 paragraph (4) of KUHAP and the jurisprudential doctrine allowing convictions outside the indictment for similar and lesser offenses. This limitation does not undermine the validity of the findings but indicates the existence of normative inconsistencies within Indonesian criminal procedural law that require further doctrinal and legislative clarification. Future research may therefore adopt empirical and

comparative approaches to assess the broader impact of such judicial practices on legal certainty, due process, and the protection of children's rights within the juvenile justice system.

Recommendations

First, the Supreme Court of Indonesia should formulate a more comprehensive legal guideline, preferably through a Supreme Court Circular Letter (SEMA) or other judicial policy instruments, to provide clear directions regarding the circumstances under which judges may render decisions outside the indictment. Such guidelines should establish strict limitations and criteria, particularly concerning similar offenses with lighter criminal sanctions, in order to enhance legal certainty, consistency, and uniformity of judicial practice throughout Indonesia.

Second, the Office of the Public Prosecutor should strengthen the capacity of prosecutors through continuous professional training on drafting indictments. Particular emphasis should be placed on accurate legal qualification of criminal acts, alternative and subsidiary charging techniques, and comprehensive analysis of criminal elements to minimize the possibility of judicial findings extending beyond the indictment due to deficiencies in prosecutorial drafting.

Third, legislators should consider revisiting and clarifying the provisions of Article 182 paragraph (4) of the Criminal Procedure Code to eliminate normative ambiguity between statutory law and judicial jurisprudence. Harmonization between procedural legislation and judicial practice is necessary to ensure a balance between legal certainty and substantive justice.

Fourth, in juvenile criminal proceedings, all law enforcement officials, including judges, prosecutors, and correctional counselors, should consistently prioritize the principles of the best interests of the child, restorative justice, and the use of imprisonment only as a last resort. Judicial decisions should continue to emphasize rehabilitation, reintegration, and the protection of children's rights rather than punitive objectives alone.

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