

Accumulation of Criminal Penalties for Different Offences Committed against a Child: A Study of Supreme Court Decision No. 10825 K/Pid.Sus/2025

Antonio Tinambunan*

Universitas Negeri Semarang, Semarang, Indonesia
antonio@students.uny.ac.id

DOI: <https://doi.org/10.65815/mbwbcx63>

Submitted: 22-08-2025

Revised: 12-11-2025; 07-01-2026

Accepted: 02-02-2026

*Corresponding Author

Abstract

The imposition of multiple criminal sanctions for different offences arising from a single course of conduct presents a complex issue in Indonesian criminal law, particularly when the victim is a child. The problem becomes more significant where offences involving sexual abuse, violence, or other forms of harm are charged cumulatively, potentially resulting in substantial differences in sentencing outcomes. This study examines Supreme Court Decision No. 10825 K/Pid.Sus/2025 to analyse the legal basis for the accumulation of criminal penalties for different offences committed against a child. The research seeks to determine how the Supreme Court distinguishes between multiple offences, establishes their relationship within the same factual circumstances, and applies the relevant rules on concurrence of offences and sentencing. This study employs a normative juridical method using statutory, conceptual, and case approaches. The primary materials include the Supreme Court decision, relevant provisions of Indonesian criminal legislation, and regulations concerning child protection and sexual offences. The analysis focuses on the judicial reasoning used to determine whether separate criminal liabilities may be imposed cumulatively and whether such an approach adequately reflects the seriousness of harm suffered by child victims. The study argues that cumulative sentencing should be based on clearly articulated criteria concerning the plurality of offences, protected legal interests, and the distinct nature of the resulting harm. The case demonstrates the need for greater doctrinal consistency in applying cumulative punishment while maintaining proportionality and prioritising the protection of children.

[Penerapan sanksi pidana ganda untuk berbagai tindak pidana yang timbul dari satu rangkaian perbuatan menghadirkan isu kompleks dalam hukum pidana Indonesia, khususnya ketika korbannya adalah anak. Masalah ini menjadi lebih signifikan ketika tindak pidana yang melibatkan pelecehan seksual, kekerasan, atau bentuk-bentuk bahaya lainnya didakwa secara kumulatif, yang berpotensi mengakibatkan perbedaan substansial dalam hasil

hukuman. Studi ini meneliti Putusan Mahkamah Agung No. 10825 K/Pid.Sus/2025 untuk menganalisis dasar hukum akumulasi hukuman pidana untuk berbagai tindak pidana yang dilakukan terhadap anak. Penelitian ini bertujuan untuk menentukan bagaimana Mahkamah Agung membedakan antara beberapa tindak pidana, menetapkan hubungannya dalam keadaan faktual yang sama, dan menerapkan aturan yang relevan tentang konkurensi tindak pidana dan hukuman. Studi ini menggunakan metode yuridis normatif dengan menggunakan pendekatan hukum, konseptual, dan kasus. Materi utama meliputi putusan Mahkamah Agung, ketentuan-ketentuan yang relevan dalam perundang-undangan pidana Indonesia, dan peraturan-peraturan mengenai perlindungan anak dan tindak pidana seksual. Analisis ini berfokus pada penalaran yudisial yang digunakan untuk menentukan apakah tanggung jawab pidana terpisah dapat dikenakan secara kumulatif dan apakah pendekatan tersebut secara memadai mencerminkan keseriusan kerugian yang diderita oleh korban anak. Studi ini berpendapat bahwa hukuman kumulatif harus didasarkan pada kriteria yang diartikulasikan secara jelas mengenai banyaknya pelanggaran, kepentingan hukum yang dilindungi, dan sifat khusus dari kerugian yang dihasilkan. Kasus ini menunjukkan perlunya konsistensi doktrinal yang lebih besar dalam menerapkan hukuman kumulatif sambil tetap menjaga proporsionalitas dan memprioritaskan perlindungan anak.]

Keywords: cumulative sentencing, child protection, concurrence of offences, criminal liability, sexual offences, Supreme Court

Introduction

The accumulation of criminal penalties arising from different offences committed by the same offender presents a fundamental problem in criminal sentencing because the legal system must reconcile two potentially competing objectives: ensuring that each criminal act receives an appropriate legal response and preventing punishment from becoming excessive or disproportionate. The problem becomes particularly complex when separate criminal proceedings concern different victims and different legally protected interests, yet involve the same offender and conduct occurring within a relatively proximate period. Supreme Court Decision No. 10825 K/Pid.Sus/2025 provides an important contemporary illustration of this problem. The case concerns Mario Dandy Satriyo, who was separately convicted in two criminal proceedings: first, to twelve years' imprisonment for aggravated assault against a child, and subsequently to six years' imprisonment and a fine of IDR 1 billion for inducing a child to engage in sexual intercourse. On November 13, 2025, the Supreme Court rejected both cassation applications in the latter case, thereby leaving the six-year sentence in force. The Supreme Court subsequently publicly clarified that the two prison terms resulted in

a total of eighteen years, referring to Article 71 of the Indonesian Criminal Code (KUHP). (Supreme Court of the Republic of Indonesia 2025).

The case is legally significant because the eighteen-year total does not arise from a single judgment formally applying *concursum realis*. Rather, the offences were investigated, prosecuted, and adjudicated in separate proceedings. The Supreme Court's public explanation nevertheless connected the aggregate duration to Article 71 KUHP, a provision designed to address situations in which an offender has already been sentenced but is subsequently convicted of another offence that had been committed before the earlier judgment. Article 71 does not simply authorize unrestricted arithmetic addition of separate sentences. Instead, it requires the earlier punishment to be taken into account by applying the rules governing multiple offences as if the offences had been adjudicated together. The distinction is important because the conventional Indonesian system of concurrence does not generally adopt unlimited cumulative sentencing for multiple imprisonment offences. Articles 65 and 66 of the former KUHP employ a system that limits the aggregate punishment, generally through the maximum penalty for the most serious offence with a one-third enhancement. (Supreme Court of the Republic of Indonesia 2025).

The normative complexity is intensified by the temporal dimension of the case. The sexual-offence proceedings followed the earlier assault case, but the conduct underlying the sexual-offence prosecution had occurred before the earlier judgment. Article 71 KUHP was historically designed precisely to prevent a defendant from receiving an unlimited or duplicative punishment merely because the prosecution or adjudication of different offences occurred separately. The provision is therefore closely related to the concept of a "forgotten" or subsequently discovered offence (*delictum perblijvend* in doctrinal terminology), rather than merely providing a general legal basis for adding all criminal sentences imposed upon an individual. The Supreme Court's explanation that the total sentence is eighteen years therefore raises a doctrinal question that extends beyond the individual defendant: whether the application of Article 71 in separately adjudicated proceedings permits the sentences to be added arithmetically, or whether the court must reconstruct the sentencing outcome as if the offences had been tried together. The Supreme Court's own judicial materials explain that Article 71 applies where multiple offences are adjudicated separately and that its purpose is to prevent excessive punishment arising from separate proceedings.

The protection of children provides a second normative dimension to the problem. Indonesian law has developed an increasingly comprehensive framework for protecting children from sexual violence, including Law No. 35 of 2014 concerning amendments to the Child Protection Law, Law No. 17 of 2016, and Law No. 12 of 2022 concerning Sexual Violence Crimes. These instruments reflect the recognition that sexual violence against children constitutes a particularly serious violation of bodily integrity, dignity, development, and psychological well-being. Scholarly research indicates that child victims of sexual violence frequently

experience long-term psychological and social consequences and may face significant barriers in accessing the criminal justice system. (Setyawan and Setiawati 2023; Krisna et al. 2024). Consequently, sentencing in cases involving child victims cannot be assessed exclusively from the perspective of offender punishment. It must also account for the protective function of criminal law and the State's obligation to provide an effective response to violence against children.

Previous studies have addressed Indonesian concurrence doctrine from different perspectives. Rannu and Adhari examine *concursum realis* and demonstrate that Articles 65 and 66 of the former KUHP and Articles 58 and 59 of Law No. 1 of 2023 establish structured mechanisms for dealing with multiple offences, while also identifying inconsistency in judicial interpretation due to the absence of sufficiently detailed technical guidance (Rannu and Adhari 2025). Other studies emphasize the distinction between *concursum idealis*, continuing offences, and *concursum realis*, and identify the importance of judicial reasoning in determining whether multiple criminal acts should be treated separately or within a concurrence framework. Meanwhile, scholarship on child sexual violence has concentrated primarily on substantive child protection, victim rights, restitution, evidentiary challenges, and protection against revictimization rather than on the interaction between child protection and the rules governing multiple criminal penalties. (Rosmalinda et al. 2021; Yustiningsih 2021).

A gap consequently remains in the literature concerning the legal architecture of cumulative punishment where separate criminal proceedings involve different offences committed by the same defendant and where one of the offences concerns a child victim. Existing scholarship on *concursum realis* provides the conceptual foundation, while research on child protection explains why sexual offences against children demand a strong criminal-law response. However, less attention has been paid to how these two normative domains should interact when separate convictions are subsequently combined in the execution of imprisonment. This study addresses that gap by examining whether the eighteen-year total associated with Decision No. 10825 K/Pid.Sus/2025 is doctrinally consistent with Article 71 KUHP, the principles of concurrence, proportionality, and the protective objectives of child-protection legislation.

This study employs a normative juridical method using statutory, conceptual, and case approaches. The statutory approach examines the relevant provisions of the former Indonesian Criminal Code, particularly Articles 65, 66, and 71, Article 272 of the Criminal Procedure Code (KUHP), Law No. 35 of 2014, Law No. 17 of 2016, Law No. 12 of 2022 concerning Sexual Violence Crimes, and relevant provisions of Law No. 1 of 2023 concerning the new Criminal Code. The case approach focuses principally on Supreme Court Decision No. 10825 K/Pid.Sus/2025 and the preceding judgments in the sexual-offence proceedings, complemented by the earlier proceedings concerning the assault against the other child victim. The conceptual approach examines *concursum realis*, cumulative sentencing, proportionality, separate adjudication, and child-centred criminal

justice. Primary legal materials are analyzed qualitatively through doctrinal interpretation, while secondary materials consist principally of scholarly journal articles and authoritative institutional publications.

The urgency of this study arises from the need to distinguish the legitimacy of imposing separate criminal liability for different offences from the legality of aggregating the resulting sentences. These questions are related but analytically distinct. An offender may legitimately be convicted of two independent offences, yet the method by which the resulting punishments are combined must still comply with statutory limitations on multiple sentencing. Conversely, a restrictive interpretation of concurrence must not inadvertently diminish the legal response to serious harm against children. The principal contribution of this article is therefore to argue that child protection and proportionality should not be treated as competing principles. Rather, the protection of child victims should inform the seriousness attributed to the underlying offences, while the rules of concurrence should continue to operate as safeguards against excessive or legally unstructured accumulation of punishment.

The Factual and Procedural Structure of Decision No. 10825 K/Pid.Sus/2025

Decision No. 10825 K/Pid.Sus/2025 concerns a criminal proceeding against Mario Dandy Satriyo arising from sexual conduct involving AG, who was a child at the relevant time. At first instance, the South Jakarta District Court found the defendant guilty of inducing a child to engage in sexual intercourse on a continuing basis and imposed two years' imprisonment together with a fine of IDR 1 billion, subsidiary to two months' imprisonment. The public prosecutor subsequently appealed. The DKI Jakarta High Court increased the principal imprisonment to six years while maintaining the fine of IDR 1 billion and its subsidiary imprisonment. The Supreme Court later rejected the cassation applications submitted by both the public prosecutor and the defendant on November 13, 2025, leaving the six-year sentence intact. (Supreme Court of the Republic of Indonesia 2025).

The sexual-offence proceeding was not the defendant's only criminal case. Mario Dandy had previously received a twelve-year prison sentence for aggravated assault with prior planning against another child victim, commonly identified by the initials DO. That conviction arose from a separate criminal proceeding and was already legally established before the sexual-offence case reached its final stage. The Supreme Court subsequently explained that the defendant therefore had to serve eighteen years in total, representing the twelve-year sentence from the assault case and the six-year sentence from the sexual-offence case. The Court's spokesperson expressly associated this aggregate period with Article 71 KUHP. (Supreme Court of the Republic of Indonesia 2025).

This procedural structure is crucial because the case should not be described simply as an ordinary *concursum realis* adjudicated in one trial. In conventional

concurus realis, multiple independent criminal acts are established and sentenced within a legal framework designed to determine the appropriate aggregate punishment. Article 65 of the former KUHP addresses multiple offences involving imprisonment and limits the aggregate sentence by reference to the most serious offence, subject to an additional one-third maximum. Article 66 deals with combinations involving life imprisonment or death and imprisonment. Article 71 extends the logic of these concurrence rules to a situation in which an offender has already been sentenced but is subsequently convicted of another offence that was committed before the earlier judgment. (Supreme Court of the Republic of Indonesia 2025).

The distinction matters because separate adjudication can create the appearance of unrestricted accumulation even though the substantive criminal law contains safeguards against excessive punishment. The purpose of Article 71 is to prevent the procedural circumstance of separate trials from producing a harsher result than would have been possible if all offences had been adjudicated simultaneously. The Supreme Court's own doctrinal material describes Article 71 as applicable to separately tried concurrence and emphasizes that the provision was designed to avoid excessive accumulation resulting from offences being adjudicated in different proceedings.

Accordingly, the central legal question is not whether Mario Dandy can be held criminally liable for both offences. The separate legal interests and factual circumstances involved in the two cases provide a strong basis for independent criminal liability. The more difficult question is whether the final eighteen-year period should be understood as the direct mathematical sum of two independently imposed sentences or as the result of applying the substantive rules that would govern those offences had they been adjudicated together. The answer determines the doctrinal character of the "accumulation" and, potentially, whether the public explanation of the eighteen-year term accurately captures the technical operation of Article 71.

Article 71 KUHP and the Distinction between Accumulation and *Concurus Realis*

The former KUHP does not adopt a single sentencing model for all situations involving multiple criminal offences. Instead, it differentiates among *concurus idealis*, continuing offences, *concurus realis*, and the situation addressed by Article 71. This differentiation reflects a fundamental sentencing principle: the number of offences committed by an offender does not automatically determine the number of punishments that may be accumulated without limitation. The law seeks to recognize multiple criminal wrongs while simultaneously preventing disproportionate punishment. Rannu and Adhari emphasize that Indonesian law has historically structured *concurus realis* through Articles 65 and 66, with judicial

practice demonstrating continuing variation in how the relevant provisions are interpreted. (Rannu and Adhari 2025).

Article 65 is particularly relevant because it embodies what may be described as a modified absorption model. Where several offences are punishable by imprisonment and are treated as a concurrence, the sentence is not simply the sum of all statutory or judicial punishments. Rather, the applicable framework takes the most serious punishment as the principal reference point and allows an increase subject to statutory limitations. The rationale is to recognize the plurality of criminal acts without permitting punishment to escalate indefinitely. Scholarly analysis of *concursum realis* similarly identifies the system as an attempt to balance recognition of multiple offences with legal certainty and proportionality. (Rannu and Adhari 2025).

Article 71 extends this principle to separately adjudicated offences. Its wording provides that where an individual has already been sentenced and is subsequently declared guilty of another offence committed before the earlier judgment, the earlier punishment must be taken into account using the rules governing multiple offences as if the matters had been tried simultaneously. The provision therefore operates as a procedural corrective. It prevents the State from obtaining a substantially harsher sentencing outcome merely because the criminal justice system happened to discover, prosecute, or adjudicate the offences at different times. The Supreme Court's 2025 institutional guidance explicitly characterizes Article 71 as applicable where concurrence is tried separately and explains that the provision requires the earlier sentence to be calculated together with the subsequent sentence through the rules applicable to simultaneous adjudication.

This doctrinal construction creates an important qualification to the expression "cumulative sentencing." If accumulation is understood to mean simple arithmetic addition, Article 71 does not naturally support such an interpretation. The text instead incorporates the legal framework applicable to simultaneous adjudication. Consequently, an academic analysis of Decision No. 10825 K/Pid.Sus/2025 should distinguish between aggregation for purposes of sentence administration and cumulative sentencing as a substantive sentencing rule. The former may describe the practical fact that the defendant must serve more than one prison term. The latter requires a legal basis for determining how those terms interact and whether the aggregate duration is subject to the limitations contained in the concurrence provisions.

The distinction becomes especially important because the Supreme Court's public statement described the eighteen-year total as "12 plus 6" and attributed the result to Article 71. If Article 71 is interpreted according to its statutory structure, however, the analysis should begin by asking what the aggregate punishment would have been if both offences had been adjudicated simultaneously. The relevant legal maximums, the classification of the offences, and the relationship between the two statutory regimes would then become material. A court should explain why the

separate six-year sentence remains fully additive rather than being incorporated into the earlier sentence through the concurrence mechanism.

The issue is therefore one of legal characterization, rather than merely arithmetic calculation. If the two offences constitute legally independent acts committed before the first judgment, Article 71 is potentially applicable. If, however, the second offence was committed after the first judgment, the doctrinal basis would be different because the temporal condition of Article 71 would not be satisfied. Similarly, if the offences are not legally capable of being treated as a concurrence because of their temporal or substantive relationship, the execution of separate sentences would require a different legal basis. The decision consequently demonstrates the importance of explicitly identifying the temporal relationship between offences, judgments, and the commencement of sentence execution.

The new Criminal Code reinforces the importance of this distinction. Law No. 1 of 2023 reorganizes the rules concerning multiple offences and separately adjudicated offences, including provisions that correspond functionally to the former Articles 65–71. Rannu and Adhari observe that Articles 58 and 59 of the new Criminal Code regulate *concurso realis* and related sentencing consequences, while Article 131 addresses the situation in which a person is subsequently convicted of an offence committed before an earlier judgment. (Rannu and Adhari 2025). This reform indicates that the Indonesian legislator continues to recognize the need for a structured mechanism to prevent procedural fragmentation from producing arbitrary punishment.

Child Protection, Multiple Legal Interests, and the Justification for Separate Criminal Liability

The fact that one of the offences involved a child victim is central to the normative assessment of the case. Indonesian child-protection law recognizes children as persons requiring special protection because of their physical, psychological, social, and developmental vulnerability. Law No. 35 of 2014 strengthens the protective framework established by Law No. 23 of 2002, while Law No. 17 of 2016 further strengthened the State's response to sexual offences against children. Law No. 12 of 2022 concerning Sexual Violence Crimes subsequently introduced a broader victim-oriented framework addressing sexual violence and associated rights. Scholarly literature consistently identifies the need for special protection because sexual violence can produce enduring physical and psychological consequences for children. (Setyawan and Setiawati 2023; Krisna et al. 2024).

The child-protection dimension is relevant to sentencing because criminal punishment performs more than one function. It expresses condemnation of unlawful conduct, protects potential victims, deters future offending, and communicates the seriousness with which the legal system treats particular forms of harm. In cases involving sexual violence against children, these functions are reinforced by the victim's heightened vulnerability. Research on Indonesian child

victims indicates that criminal proceedings themselves may produce secondary trauma or revictimization, making a victim-centred approach essential throughout investigation, adjudication, and sentencing. (Yustiningsih 2021).

The existence of a child victim, however, should not automatically justify unrestricted accumulation of sentences. The principle of proportionality remains applicable even in cases involving exceptionally serious offences. The purpose of proportionality is not to minimize the gravity of the offence but to ensure that the severity of state punishment remains rationally connected to the number and seriousness of criminal wrongs established against the defendant. A sentencing system that permitted unlimited accumulation solely because each offence involved an important protected interest could produce punishment that exceeded the legally established limits of the penal system.

At the same time, proportionality should not be understood solely from the perspective of the offender. A victim-centred conception of proportionality recognizes that serious and distinct harms to different victims may justify distinct criminal liability. In the present case, the assault against DO and the sexual offence involving AG concerned different victims, different factual circumstances, and different forms of harm. The legal interests protected by the respective provisions also substantially overlap only at a high level of generality. Physical integrity, bodily security, sexual autonomy, dignity, and child development represent related but distinguishable protected interests. Consequently, treating the offences as legally independent is compatible with the principle that each victim deserves recognition within the criminal process.

This distinction also prevents the concept of concurrence from becoming an instrument for artificially collapsing different harms. *Concursus realis* does not mean that multiple offences are legally transformed into one offence. Rather, it establishes a sentencing mechanism for dealing with multiple independent criminal acts. The existence of a concurrence mechanism therefore preserves multiple findings of criminal responsibility while limiting the manner in which punishment is aggregated. This is particularly appropriate where the offences involve different victims, because the legal system must recognize the distinct wrongfulness of each act even when sentencing rules prevent unrestricted accumulation.

Research on child sexual violence in Indonesia further indicates that formal legal protection does not always translate into effective protection in practice. Krisna et al. find continuing challenges in implementing the rights of child victims despite the existence of multiple statutory instruments, while Huang, Gunawan, and Rinaldi emphasize difficulties relating to evidence, access to justice, and victim-sensitive procedures (Krisna et al. 2024; Huang, Gunawan, and Rinaldi 2024). The significance of Decision No. 10825 K/Pid.Sus/2025 therefore extends beyond the duration of imprisonment. It demonstrates how the criminal justice system must simultaneously recognize the seriousness of sexual violence against children and maintain doctrinal discipline in determining how separate punishments are combined.

The proper approach is consequently one of **differentiated accountability**. Each independent offence should receive an independent legal characterization and should be reflected in the offender's criminal responsibility. However, once the separate liabilities have been established, the aggregate punishment should be calculated according to the statutory framework governing multiple offences. This approach avoids two opposite errors: first, underestimating the harm to child victims by treating multiple offences as though they were a single wrong; and second, treating the seriousness of child sexual violence as a justification for bypassing statutory safeguards against excessive punishment.

Proportionality, Legal Certainty, and the Significance of the Eighteen-Year Aggregate

The eighteen-year aggregate associated with Decision No. 10825 K/Pid.Sus/2025 raises a final question concerning proportionality and legal certainty. From one perspective, an eighteen-year prison term can be viewed as proportionate because the defendant committed two serious offences involving different victims and different forms of harm. The twelve-year sentence for aggravated assault and the six-year sentence for the sexual offence against a child reflect the seriousness of the respective offences as determined in separate judicial proceedings. The aggregate therefore communicates that criminal responsibility is not extinguished merely because the offender has already been convicted for another offence.

From another perspective, however, the legal basis for reaching eighteen years must be distinguished from the normative desirability of an eighteen-year sentence. The fact that two sentences total eighteen years mathematically does not itself demonstrate that eighteen years is the legally required aggregate. Article 71 requires the earlier punishment to be taken into account according to the rules applicable to simultaneous adjudication. The Supreme Court's institutional guidance similarly explains that Article 71 is intended to prevent excessive accumulation in separately adjudicated concurrence cases. Accordingly, a rigorous judicial analysis should explain the precise mechanism through which the twelve-year and six-year sentences interact under Article 71.

This point is particularly important for legal certainty. Legal certainty requires not only that the final result be known but also that the legal route leading to that result be intelligible and reproducible. If two sentences are simply added because they arise from different cases, courts and prosecutors may find it difficult to determine whether the same method should apply in future cases involving multiple offences. By contrast, if the Court clearly establishes that the relevant offences fall within a particular category of separate concurrence and explains how Article 71 interacts with the applicable sentencing rules, subsequent cases can be assessed against an identifiable doctrinal standard.

Recent Indonesian scholarship supports this concern. Rannu and Adhari identify significant variation in the application of *concurso realis*, particularly

concerning the interpretation of the relationship among multiple offences and the resulting sentence. They argue that the absence of detailed technical guidance contributes to inconsistency and uncertainty (Rannu and Adhari 2025). Similar concerns appear in scholarship concerning judicial discretion more broadly: sentencing systems require sufficient flexibility to individualize punishment but also require standards that constrain unexplained disparities.

The execution stage also needs to be distinguished from the sentencing stage. Article 272 KUHAP provides that where a convicted person receives another sentence of the same type before the earlier sentence has been completed, the sentences are served consecutively. The provision concerns the execution of sentences rather than independently determining the substantive maximum applicable to multiple offences. The Constitutional Court has previously discussed the relationship among Articles 65, 66, 71 KUHP and Article 272 KUHAP in the context of separately adjudicated multiple offences, emphasizing that Article 71 provides a mechanism for dealing with offences that were not adjudicated together, while Article 272 concerns consecutive execution. This distinction is highly relevant to understanding how a defendant can practically serve multiple prison sentences without assuming that every separate sentence is substantively unrestricted.

The Supreme Court's public statement should therefore be interpreted carefully. It establishes, as a matter of institutional communication, that Mario Dandy is expected to serve eighteen years in total and that the Court associates this result with Article 71. Nevertheless, from a doctrinal standpoint, the case invites further clarification regarding whether the eighteen-year duration represents an Article 71 calculation, an execution consequence under Article 272 KUHAP, or a combination of the two. The distinction matters because the substantive concurrence rules and the procedural execution rules serve different legal functions.

A more coherent doctrinal framework would proceed through four stages. First, the court should establish that each offence is independently proven and legally distinct. Second, it should determine whether the temporal relationship between the offences and the earlier judgment satisfies the requirements of Article 71. Third, it should reconstruct the sentencing consequence according to the concurrence provisions that would have applied had the offences been tried together. Fourth, after the legally determined aggregate punishment has been established, the court or correctional authority should determine how the sentences are executed consecutively in accordance with the applicable procedural rules. Such a framework would preserve both the seriousness of criminal responsibility and the safeguards against excessive accumulation.

This approach is particularly important in child-related offences because strong child protection should be achieved through clear and consistently applied criminal law, rather than through ad hoc expansion of punishment beyond the statutory framework. The protection of children is strengthened when victims can

rely upon a system in which serious offences are recognized, offenders are held accountable, and sentencing outcomes are predictable. Legal certainty and child protection are therefore mutually reinforcing rather than contradictory objectives.

Conclusion

Supreme Court Decision No. 10825 K/Pid.Sus/2025 demonstrates the complexity of accumulating criminal penalties where one offender has been convicted in separate proceedings for different offences involving different victims. The Supreme Court rejected the cassation applications in the sexual-offence case and thereby maintained the six-year imprisonment and IDR 1 billion fine imposed at the appellate level. Because the defendant had previously received a twelve-year sentence for aggravated assault against another child, the Supreme Court subsequently stated that the total imprisonment to be served was eighteen years and associated this result with Article 71 KUHP. The case therefore confirms that separate criminal liability may produce a substantial aggregate custodial consequence when the offences are legally independent and have been adjudicated in different proceedings.

Nevertheless, the doctrinal meaning of the eighteen-year aggregate requires more careful analysis. Article 71 KUHP is not simply a provision authorizing unrestricted arithmetic addition of separate prison sentences. Its function is to address offences committed before an earlier judgment but adjudicated subsequently by requiring the earlier punishment to be taken into account through the rules applicable to multiple offences as if the matters had been tried together. The distinction between *concursum realis*, Article 71, and the consecutive execution of sentences under Article 272 KUHP is therefore essential. The decision and subsequent institutional explanation would benefit from a more explicit articulation of this relationship so that the method of calculating and executing aggregate punishment can be consistently applied in future cases.

The case also demonstrates that the protection of child victims should remain a central consideration in sentencing without displacing the principles of proportionality and legality. The distinct physical, psychological, sexual, and developmental harms suffered by child victims justify independent criminal responsibility for separate offences, particularly where different victims are involved. At the same time, the aggregate punishment must remain within the statutory architecture governing multiple offences. The principal lesson of Decision No. 10825 K/Pid.Sus/2025 is therefore that effective child protection requires both substantive severity and doctrinal discipline. Future judicial practice should provide clearer reasoning concerning the temporal requirements of Article 71, the relationship between separate proceedings and *concursum realis*, the calculation of aggregate punishment, and the distinction between sentencing and sentence execution. Such clarification would strengthen legal certainty, proportionality,

consistency, and public confidence while ensuring that the criminal justice system responds adequately to the seriousness of offences committed against children.

References

- Huang, Jennifer, Debora Natasia Gunawan, and Mutiara Rinaldi. 2024. "Quo Vadis Legal Protection for Child Victims of Sexual Violence." *Journal of Interdisciplinary Legal Inquiries* 1 (2).
- Indonesia. 1981. *Law No. 8 of 1981 concerning the Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana)*.
- Indonesia. 2014. *Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection*.
- Indonesia. 2016. *Law No. 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection*.
- Indonesia. 2022. *Law No. 12 of 2022 concerning Sexual Violence Crimes*.
- Indonesia. 2023. *Law No. 1 of 2023 concerning the Criminal Code*.
- Krisna, Liza Agnesta, Wilsa Wilsa, Andi Rachmad, Hanri Aldino, Vivi Hayati, Zuleha, and Lola G. Nazarova. 2024. "Fulfilling the Rights of Child Victims of Sexual Violence in the Criminal Justice System in Indonesia." *Jurnal Pembaharuan Hukum* 11 (1).
- Nugroho, Fajar Seto, Mega Ayu Ningtyas, Bambang Eko Muljono, and Ferdiansyah Safi'i Hidayatullah. 2025. "The Concept of *Concursus Realis* in Criminal Law: A Legal Study of the Crimes of Rape and Murder." *Jurnal Independent* 13 (2): 207–217. <https://doi.org/10.30736/ji.v13i2.388>.
- Ramaida, Rizka Amalia, Emi Puasa Handayani, and Nur Chasanah. 2025. "Implementation of Article 70 of Law on Sexual Violence Criminal Acts Number 12 of 2022 on the Protection of the Rights of Child Victims of Sexual Violence." *UNISKA Law Review* 5 (1). <https://doi.org/10.32503/ulr.v5i1.6268>.
- Rannu, Delycia Anwar, and Ade Adhari. 2025. "Multiplicity of Crimes in Indonesian Law: Regulation and Determination of *Concursus Realis*." *Jurnal Al-Dustur* 8 (1): 1–13. <https://doi.org/10.30863/aldustur.v8i1.8633>.
- Rosmalinda, Ningrum Natasya Sirait, Suhaidi, and Edy Ikhsan. 2021. "The Right of Restitution for Child Victims of Sexual Violence in Indonesia." *IIUM Law Journal* 29 (S2). <https://doi.org/10.31436/iiumlj.v29iS2.684>.
- Setyawan, Charlintang Zahra Difa, and Diana Setiawati. 2023. "Strengthening Legal Protections for Child Victims of Sexual Violence in Indonesia." *Borobudur Law Review* 5 (2): 98–111. <https://doi.org/10.31603/burrev.10696>.

- Supreme Court of the Republic of Indonesia. 2025. "Penerapan dan Penghitungan Pidana Berdasarkan Ketentuan Pasal 71 KUHP." Jakarta: Supreme Court of the Republic of Indonesia.
- Supreme Court of the Republic of Indonesia. 2025. *Decision No. 10825 K/Pid.Sus/2025*. November 13, 2025.
- Widjaja, Frederik Agnar. 2026. "Perbedaan Pandangan Antara Jaksa dan Hakim dalam Memaknai Perbarengan Tindak Pidana *Concursus Realis*: Studi Kasus Putusan No. 463/Pid.B/2016/PN.Bks." *Jurnal Hukum Lex Generalis* 4 (12). <https://doi.org/10.56370/jhlg.v4i12.376>.
- Yustiningsih, Indriastuti. 2021. "Perlindungan Hukum Anak Korban Kekerasan Seksual dari Reviktimisasi dalam Sistem Peradilan Pidana." *Lex Renaissance* 5 (2). <https://doi.org/10.20885/JLR.vol5.iss2.art3>.

Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Generative AI Statement

N/A