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Individualized Sentencing in Severed Group-Assault Cases: A Comparison of Kolaka District Court Decisions Nos. 44 and 61 of 2023

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Abstrak

Artikel ini menelaah hubungan antara pemisahan berkas perkara pidana (splitsing), pembuktian kekerasan bersama, dan pemidanaan individual dalam dua putusan Pengadilan Negeri Kolaka yang berasal dari satu peristiwa pengeroyokan: Nomor 44/Pid.B/2023/PN Kka dan Nomor 61/Pid.B/2023/PN Kka. Penelitian hukum normatif ini menggunakan pendekatan perundang-undangan, kasus, dan konseptual, dengan perbandingan terstruktur atas perbuatan yang didakwakan, dasar pembuktian, keterlibatan masing-masing terdakwa, tuntutan jaksa, keadaan yang meringankan, serta pidana yang dijatuhkan. Tiga terdakwa dalam Putusan Nomor 44 dijatuhi pidana penjara sepuluh bulan, sedangkan empat terdakwa dalam Putusan Nomor 61 dijatuhi pidana enam bulan. Perbedaan hasil tersebut berjalan bersama tuntutan jaksa masing-masing lima belas dan sepuluh bulan. Adanya disparitas tidak dengan sendirinya membuktikan ketidakadilan karena peran terdakwa dan keadaan proseduralnya juga berbeda. Akan tetapi, uraian dalam ringkasan putusan yang dianalisis akan lebih kuat apabila secara tegas menghubungkan perbuatan serta keadaan pribadi setiap terdakwa dengan pidana yang dijatuhkan. Splitsing merupakan perangkat prosedural, bukan alasan tersendiri untuk menjatuhkan pidana yang tidak setara. Artikel ini menawarkan matriks perbandingan yang tidak mengikat dan dapat ditinjau kembali untuk menjaga kemandirian pembuktian sekaligus mendorong analisis proporsionalitas yang transparan. Undang-Undang Nomor 1 Tahun 2023 dibahas hanya sebagai tolok ukur normatif ke depan dan tidak diterapkan secara surut pada putusan tahun 2023.

Kata Kunci: pemidanaan individual; splitsing; kekerasan bersama; pertimbangan hakim; proporsionalitas; Pengadilan Negeri Kolaka

Abstract

This article examines the relationship between the separation of criminal case files (splitsing), proof of joint violence, and individualized sentencing in two Kolaka District Court decisions arising from a single group-assault incident: No. 44/Pid.B/2023/PN Kka and No. 61/Pid.B/2023/PN Kka. It applies normative legal research using statutory, case and conceptual approaches, with a structured comparison of charged conduct, evidentiary basis, individual participation, prosecutorial demands, mitigating circumstances and final sentences. Three defendants in Decision No. 44 received ten-month custodial terms, while four defendants in Decision No. 61 received six-month terms. Those outcomes differed alongside prosecutorial demands of fifteen and ten months respectively. The

existence of disparity does not establish injustice because the defendants' roles and procedural circumstances also differed. However, the decisions as described in the available case summaries would benefit from more explicit reasoning connecting each defendant's acts and personal circumstances to the sentence imposed. Splitsing is a procedural device, not an autonomous ground of unequal punishment. The article proposes a nonbinding, reviewable comparison matrix that safeguards evidentiary independence while encouraging transparent proportionality analysis. Law Number 1 of 2023 is discussed only as a prospective normative benchmark and is not applied retroactively to the 2023 judgments.

Keywords: Individualized sentencing; splitsing; collective violence; judicial reasoning; proportionality; Kolaka District Court.

INTRODUCTION

The criminal responsibility of persons involved in collective violence presents a dual challenge. The prosecution must establish the circumstances in which violence was committed openly and with joint force, while the sentencing court must still attend to the conduct and culpability of each accused. A collective charge does not logically require identical punishment for every participant. [1] Conversely, different final sentences do not by themselves prove inconsistent treatment: differences in initiating conduct, injury, evidence, personal mitigation, guilty pleas and prosecutorial submissions may legitimately explain different outcomes. [2]

The cases examined here originated in an assault at the Kolaka ferry-port area. According to the decision summaries examined, three defendants—Sukri, Resandi and Basrawan—were tried in Decision No. 44/Pid.B/2023/PN Kka, while another group—Saenal, Ruslan, Wahyudi and Rahmat—was tried separately in Decision No. 61/Pid.B/2023/PN Kka. The judgments describe connected events and overlapping material evidence, including accounts of the victim, witnesses, electronic recordings and medical examination. The use of separate prosecutions raises a question of how courts can preserve a coherent factual narrative without displacing each defendant's right to an independent assessment of guilt and sentence. [3]

Case separation or splitsing is a criminal-procedure mechanism for handling connected suspects and evidence; it is not an offense element, a sentencing enhancement or a sufficient causal explanation for divergent judgments. Literature on separated prosecutions discusses the practical advantages of organized proof while also acknowledging risks of uneven records and cross-file testimony. [4] The present problem is narrower: were the reasons used to individualize punishment transparent and compatible across related judicial decisions? [5]

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[1] Yogi Pratama, "Analisis Pemisahan Berkas Perkara Pidana (Splitsing) dalam Proses Pembuktian Tindak Pidana Korupsi," *E-Jurnal Fatwa Hukum* 8, no. 2 (2025).

[2] Republic of Indonesia, Criminal Code in force in 2023 (Wetboek van Strafrecht), art. 170(1).

[3] Kolaka District Court, Decision No. 44/Pid.B/2023/PN Kka (2023).

[4] Harold Anis, Veibe V. Sumilat, and Ignasius A. Tiolong, "Wewenang Pemecahan Perkara (Splitsing) Oleh Penuntut Umum Menurut Pasal 142 Undang-Undang Nomor 8 Tahun 1981," *Lex Crimen* 7, no. 6 (2018).

[5] Ricky Saputra, Sukhebi Mofea, and Raendhi Rahmadi, "Tinjauan Yuridis Efektivitas Pelaksanaan Pemisahan Berkas Perkara Pidana (Splitsing) oleh Jaksa Penuntut Umum dalam Proses Penuntutan," *Lex Veritatis* 1, no. 2 (2022): 95–103.

Febrian examines splitsing through procedural efficiency and protection against self-incrimination.[6] Riwu Lobo and colleagues examine its evidentiary use through crown witnesses.[7] These inquiries make the integrity of each separated record relevant, without establishing that severance caused the sentencing difference in Kolaka. The comparison must identify what each judgment actually states before attributing a difference to the procedural mechanism.

The relevant comparison has two levels. Across the files, it asks why two groups connected to one incident received different terms. Within each file, it asks why defendants with distinguishable physical acts received the same term. A study confined to the first question may overlook the second, while a demand for different punishment for every different act may mistake individualization for an arithmetic allocation of blows. The court must assess the aggregate legal significance of proven participation and personal circumstances.

The demand-sentence relationship supplies another necessary control. The prosecution requested fifteen months in the first file and ten months in the second; the respective sentences were ten and six months. A comparison that omits the requests cannot distinguish a difference already present in prosecution submissions from the additional evaluation performed by the court. At the same time, different requests do not justify different sentences automatically. The judicial reasons must explain the sanction independently of the demand.

The doctrinal literature on severance, crown witnesses and sentencing disparity therefore addresses connected but distinct problems. The gap examined here is how to preserve a coherent account of a shared incident while requiring each separated judgment to rest on challengeable evidence and individual reasons. The contribution is a structured comparison of contributions, circumstances, requests and outcomes, followed by a framework for explaining the significance of each variable. It does not infer judicial motives from the sentence lengths alone.

This article contributes an explicit comparison of the two decisions, distinguishing the existence of a difference from proof that the difference lacked justification. It also proposes an analytical model that could be tested in further samples of collective-violence judgments. The goal is not to construct a numerical tariff or to displace judicial discretion, but to make the factors underlying that discretion visible and reviewable.

RESEARCH METHOD

The study is normative and employs statutory, case and conceptual interpretation. The primary case materials are the two specified judgments, selected because they concern defendants prosecuted in separated files arising from the same alleged incident, share evidentiary features, and show different sentence lengths. No broader systematic sample of other group-assault judgments was reviewed, and the paper does not establish that these were the only connected proceedings. The legislative framework applicable to the judgments is the Criminal Code in force in 2023, particularly Article 170(1), together with relevant criminal-procedure

[6] Elwindhi Febrian, "Splitsing dalam perspektif asas contante justitie dan asas non self incrimination," *Majalah Hukum Nasional* 49, no. 2 (2019): 107–130, https://doi.org/10.33331/mhn.v49i2.32.

[7] Martina Nencylia Riwu Lobo, Simplexius Asa, and A Resopijani, "Mekanisme pemisahan perkara (splitsing) oleh jaksa penuntut umum dalam proses pembuktian oleh saksi mahkota," *Petitum Law Journal* 3, no. 2 (2026): 638–653, https://doi.org/10.35508/pelana.v3i2.22776.

principles. The sentencing principles of Law Number 1 of 2023 are used separately as an evaluative reference for future practice, not as the governing law in those cases. [8]

The decision summaries were compared by incident and charge, evidence and contribution attributed to each defendant, any immediate-necessity defense, aggravating and mitigating circumstances, prosecutorial demand, and the sentence with its stated reasons. Coding is confined to the judicial material summarized in the study and does not substitute for the complete prosecution files or courtroom record. An unspecified variable is treated as unverified rather than assumed absent. The analysis distinguishes descriptive findings from proposed improvements to judicial reasoning.

The method distinguishes three analytical layers: whether joint violence was legally established; whether individual acts and circumstances were separately considered; and whether final outcomes were accompanied by reasons capable of explaining both equal treatment within a file and differences between files. This distinction prevents the procedural fact of splitsing from being mistaken for the substantive cause of disparity. The research is not an empirical study of judicial motives or general sentencing patterns in Indonesian courts. [9]

RESULTS AND DISCUSSION

Joint Violence, Individual Contribution and the Integrity of Proof

Article 170(1) of the Criminal Code applicable in 2023 concerned the public, joint use of violence against persons or property. Both prosecutions are situated in the same public-port incident. Decision No. 44 is summarized as considering video material, victim and eyewitness accounts, admissions and medical examination.[10] Decision No. 61 is summarized as considering victim and cross-file testimony, closed-circuit footage, admissions and medical examination.[11] The shared incident and narrative support comparison of the pair; a common medical record alone would not establish that the defendants' acts or culpability were identical.

In Decision No. 44, Sukri is described as striking the victim and stepping on the face, Resandi as striking the face repeatedly and initiating one sequence of blows, and Basrawan as striking the face and abdomen.[12] In Decision No. 61, Wahyudi is described as striking the back of the head, Rahmat as kicking, and Saenal and Ruslan as delivering separate blows from behind.[13] These reported contributions distinguish the participants' acts, but do not establish a complete comparative ranking of culpability. Awareness, duration, motive, injury, opportunity to withdraw and personal mitigation require separate assessment.

The account that a bladed weapon had been secured before further blows raises a defendant-specific question about immediate threat. If the danger had ceased before a participant used force, a necessity or self-defense explanation would be

[8] Kolaka District Court, Decision No. 44/Pid.B/2023/PN Kka.

[9] Murniati, "Analisis Yuridis terhadap Pemisahan Surat Dakwaan (Splitsing) oleh Penuntut Umum dalam Tindak Pidana Pertambangan dan Mineral dan Batu Bara Tanpa Izin" *(undergraduate thesis, Universitas Hasanuddin,* 2024).

[10] Kolaka District Court, Decision No. 44/Pid.B/2023/PN Kka.

[11] Kolaka District Court, Decision No. 61/Pid.B/2023/PN Kka (2023).

[12] Kolaka District Court, Decision No. 44/Pid.B/2023/PN Kka (2023).

[13] Kolaka District Court, Decision No. 61/Pid.B/2023/PN Kka (2023).

more difficult to sustain. That conclusion nevertheless requires the sequence, perception, necessity and proportionality of the individual response to be established. The court should not transfer one participant's awareness to all others merely because the incident was collective. The present summaries do not independently establish every participant's perception at each stage.

Lau and colleagues analyze judicial consideration of collective violence in Kupang.[14] Pratiwi and Indawati examine ratio decidendi and disputed responsibility in a Bangkinang prosecution.[15] Putri and colleagues examine the joint-action element in a Surabaya judgment.[16] These studies support separate inquiries into the offense elements, individual contribution and reasons for punishment. Their different records cannot establish the acts of the Kolaka defendants or prescribe the same sanction for them.

Yusman's study of corruption proceedings examines crown-witness evidence after separation of cases.[17] Sukadana and colleagues address its evidentiary use in a theft prosecution.[18] These settings reveal a recurring issue: a participant's testimony must be assessed together with the person's position in related proceedings and the other properly introduced evidence. Severance organizes the files but does not make testimony inherently independent or reliable.

Rahman and colleagues emphasize the protection of crown witnesses in criminal examination.[19] Febriani and colleagues address their use in narcotics proof.[20] The concern relevant to this study is procedural: statements should be assessed for consistency, corroboration and the circumstances of their production, while respecting the speaker's position in related proceedings. These studies do not verify the contents of the cross-file testimony summarized in the Kolaka case materials.

Suara examines the prosecutor's authority in the use of crown witnesses in corruption cases.[21] Razzak and Dewi examine judicial assessment of such testimony

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[14] Etriwan O.S.Lau, Rudepel Petrus Leo, and Darius A.Kian, "Pertimbangan Hakim dalam Penerapan Hukum Bagi Tindak Pidana Kekerasan yang Dilakukan Secara Bersama-Sama Terhadap Orang di Muka Umum," *Referendum : Jurnal Hukum Perdata dan Pidana* 1, no. 3 (2024): 113–125, https://doi.org/10.62383/referendum.v1i3.90.

[15] Annisa Diana Pratiwi and Yana Indawati, "Dasar Pertimbangan Hukum Tindak Pidana Pengeroyokan: Kajian Ratio Decidendi Putusan Nomor 355/Pid.B/2017/PN Bkn," *Jurnal Hukum Lex Generalis* 6, no. 7 (2025), https://doi.org/10.56370/jhlg.v6i7.854.

[16] Intan Yuwanita Putri et al., "Pertimbangan Hakim dalam Menilai Unsur Bersama-Sama dalam Tindak Pidana Pengeroyokan (Pasal 170 KUHP jo. Pasal 55 KUHP): Analisis Putusan Nomor 1783/Pid.B/2024/PN.Sby," *EDU RESEARCH* 7, no. 2 (2026): 7610–7621, https://doi.org/10.47827/jer.v7i2.3435.

[17] Yusman, "Saksi mahkota dalam proses penyelesaian perkara (splitsing) dalam perkara tindak pidana korupsi," *Rechtsregel : Jurnal Ilmu Hukum* 2, no. 1 (2019), https://doi.org/10.32493/rjih.v2i1.2984.

[18] I Made Sukadana, Amiruddin, and Lalu Parman, "Alat bukti keterangan saksi mahkota dalam perkara pidana pencurian," *LAW REFORM* 14, no. 2 (2018): 262–274, https://doi.org/10.14710/lr.v14i2.20873.

[19] Habibie Rahman, Lilik Purwastuty, and Dessy Rakhmawati, "Perlindungan Hukum Terhadap Saksi Mahkota dalam Proses Pemeriksaan Perkara Pidana," *PAMPAS: Journal of Criminal Law* 1, no. 3 (2020): 120–138, https://doi.org/10.22437/pampas.v1i3.11088.

[20] Nadia Febriani, Haryadi, and Dessy Rakhmawaty, "Penggunaan Saksi Mahkota (Kroongetuige) dalam Pembuktian di Persidangan Terhadap Tindak Pidana Narkotika," *PAMPAS: Journal of Criminal Law* 1, no. 2 (2020): 43–67, https://doi.org/10.22437/pampas.v1i2.9614.

[21] I Putu Gede Sumariartha Suara, "Reformulasi kewenangan penuntut umum terhadap penerapan saksi mahkota dalam pembuktian tindak pidana korupsi," *Jurnal Magister Hukum Udayana*

in assisted murder.[22] Syahputra and colleagues analyze its use in narcotics proceedings.[23] The different offenses reinforce the need to identify the particular evidentiary problem instead of treating testimony from a separated defendant as a standard solution. A claim about the Kolaka evidence requires the relevant statement and its lawful introduction in that file.

Individualization begins before the sentence is selected. Proof should distinguish presence at the incident from a contribution to joint force, and contribution from the degree of culpability relevant to punishment. The use of one description for the entire group may conceal when a participant joined, what the person did and what the person could perceive. Those distinctions also matter to any claim that force responded to a threat. The proposed analysis therefore records the evidence supporting each attribution rather than relying solely on the collective charge.

A finding of shared responsibility does not make every act legally identical. Repeated blows to the face and a single act from behind may differ in duration, targeted body part and potential harm, yet the summaries alone do not establish all circumstances needed to rank them. The court's task is to explain which distinctions were proven and how they mattered. Where a factor was not established, transparent reasoning identifies that limit instead of treating an assumed fact as aggravation or mitigation.

The connection between files must accordingly be evidentiary rather than informal. A fact accepted against one defendant cannot bind another simply because the prosecutions arose from the same incident. Coherence is pursued by lawfully introducing relevant material, allowing challenge and explaining any different evaluation. This safeguard prevents a desire for consistency from displacing each accused person's independent adjudication.

Comparing the Demands, Sentences and Individual Reasons

Table 1. Comparative Sentencing Results in Kolaka District Court Decisions Nos. 44 and 61 of 2023

Decision	Defendant and conduct reported	Demand	Sentence
44/2023	Sukri: blow and step on face	15 months	10 months
44/2023	Resandi: repeated blows to face	15 months	10 months
44/2023	Basrawan: blows to face and abdomen	15 months	10 months
61/2023	Saenal: blow from behind	10 months	6 months
61/2023	Ruslan: blow from behind	10 months	6 months
61/2023	Wahyudi: blow to back of head	10 months	6 months

(Udayana Master Law Journal) 6, no. 3 (2017): 369, https://doi.org/10.24843/jmhu.2017.v06.i03.p08.

[22] Icha Hanifah Razzak and Putri Maha Dewi, "Pertimbangan hakim dalam menilai saksi mahkota pada tindak pidana membantu melakukan pembunuhan berencana," *Verstek* 11, no. 3 (2023): 479, https://doi.org/10.20961/jv.v11i3.73296.

[23] Muhammad Syahputra, Muhammad Hatta, and Zulfan Z, "Saksi Mahkota dalam pembuktian pidana kasus Narkotika," *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 4, no. 2 (2021), https://doi.org/10.29103/jimfh.v4i2.4075.

Decision	Defendant and conduct reported	Demand	Sentence
61/2023	Rahmat: kick	10 months	6 months
Source	Decision summaries analyzed in this study	Group demand	Custodial outcome

The sentencing summaries reveal a notable distinction between the two groups, but they also reveal differences in the prosecution's requests. In Decision No. 44 the prosecutor sought fifteen months of imprisonment and the court imposed ten months on each of three defendants. In Decision No. 61 the prosecutor sought ten months and the court imposed six months on each of four defendants. Those differences should be considered before inferring that identical factual conduct attracted arbitrarily unequal treatment. An assessment based solely on the final ten-versus-six-month contrast would omit a material procedural variable. [24]

Mitigating circumstances described in Decision No. 44 include courtroom courtesy, admissions, remorse, promises not to repeat the conduct, absence of prior convictions and reconciliation with the victim. For Decision No. 61, the available decision summary similarly mentions respectful conduct, admissions, remorse, absence of earlier convictions and the victim's forgiveness. Both files refer to disturbance of public order as an aggravating factor. These factors may rationally support the reduction below the prosecution's demands. Nevertheless, where multiple defendants received exactly the same sentence despite distinguishable physical acts, sound judicial reasoning should explain why their aggregate culpability and mitigation warranted equivalent outcomes. [25]

The proper methodological conclusion is not that equal custodial terms within a group necessarily violate individualized sentencing. Equal sentences may be defensible where materially different acts nevertheless amount to comparable wrongdoing after consideration of seriousness, shared purpose, personal circumstances and restoration. The problem arises if the court identifies different roles but provides no reviewable explanation for why those differences did or did not alter the sentence. This is a concern about reasons, not proof of substantively unjust punishment.

Saragih and colleagues examine disparities in prosecutorial demands for assault offenses.[26] Ateng and Adhari distinguish sentencing differences that can be justified by relevant criteria from differences without adequate explanation.[27] Applied here, these approaches require the comparison to retain both the demands and the courts' reasons. The demand helps identify the procedural starting point, while the sentence remains a judicial determination requiring its own justification.

The numerical comparison illustrates the limits of the descriptive finding. The difference in demands was five months, while the difference in sentences was four months. The reduction from demand to sentence was five months in Decision No. 44 and four months in Decision No. 61. Expressed as proportions, the sentences were

[24] Kolaka District Court, Decision No. 44/Pid.B/2023/PN Kka.

[25] Kolaka District Court, Decision No. 61/Pid.B/2023/PN Kka.

[26] Benny Leonard Saragih, Ediwarman, and Muaz Zul, "Disparitas Penuntutan Pada Perkara Tindak Pidana Penganiayaan dalam Sistem Pemidanaan di Indonesia," *ARBITER: Jurnal Ilmiah Magister Hukum* 1, no. 1 (2019): 55–67, https://doi.org/10.31289/arbiter.v1i1.107.

[27] Kenny Viano Lewi Kong Ateng and Ade Adhari, "Kriteria Disparitas Pemidanaan yang Dapat Dipertanggungjawabkan," *Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 3 (2025): 2019–2028, https://doi.org/10.38035/jihhp.v5i3.3843.

two-thirds and three-fifths of their respective demands. These calculations describe the recorded outcomes; they do not demonstrate a sentencing formula, causal mechanism or degree of culpability.

The more significant issue is the explanation linking factors to outcomes. Courtesy, admission and remorse may appear in both files, but their presence as labels does not reveal their weight. Reconciliation and forgiveness also require attention to the actual act described and its relevance to restoration. Disturbance of public order may apply collectively, while the seriousness of a particular contribution may differ. Reasons should identify which factors applied to everyone and which were individual, without claiming that a factor must receive a predetermined numerical value.

Equal terms within a file can be defensible through an express balancing explanation. A court may find that different physical contributions were outweighed by comparable culpability and mitigation. Conversely, a difference in initiating conduct or the intensity of participation may justify differentiation when proven and legally relevant. In either event the conclusion should follow from the assessment, rather than from an assumption that membership of a group necessarily requires uniform punishment.

Comparative scholarship provides a method for asking these questions across offense settings. Maharani and Kartika study violence against officials.[28] Sutikno examines continuing violent theft.[29] Arafat and colleagues consider narcotics conspiracy through sentencing purposes.[30] Romdoni and Fitriasih examine narcotics disparity in Tangerang.[31] These works underline the relevance of offense context and reasons. Their sentences cannot be imported as tariffs for collective assault.

The pair thus supports an assessment of the adequacy of reasons more strongly than a conclusion about substantively unjust punishment. The summaries identify requests, sanctions, attributed acts and stated mitigation, but do not establish every evidentiary and personal variable. If fuller records disclose a material difference, that difference may support the outcome. If they disclose comparable relevant circumstances without an adequate explanation, the criticism concerns the reviewability of the judgment. Both possibilities must remain visible.

A Framework for Individualized Reasons and Lawful Comparison

The principle of individualized sentencing requires an intelligible connection between wrongdoing, culpability, personal circumstances and sanction. The judge should consider who initiated the violence, degree and duration of participation, tools used, body parts targeted, foreseeability of harm, ability to withdraw, prior

[28] Riyana Maharani and Arie Kartika, "Kajian Hukum Disparitas Pemidanaan dalam Tindak Pidana Kekerasan Terhadap Pejabat," *Jurnal Hukum Sasana* 12, no. 1 (2026): 240–251, https://doi.org/10.31599/sasana.v12i1.4666.

[29] Sutikno, "Disparitas Pemidanaan Terhadap Pelaku Tindak Pidana Pencurian Dengan Kekerasan Secara Berlanjut," *Jurnal Sosial Humaniora Sigli* 8, no. 1 (2025), https://doi.org/10.47647/jsh.v8i1.3326.

[30] Muhammad Rusli Arafat, Sigid Suseno, and Widiati Wulandari, "Disparitas Pemidanaan Terhadap Pelaku Permufakatan Jahat Melakukan Tindak Pidana Narkotika dalam Prespektif Tujuan Hukum," *Kosmik Hukum* 23, no. 2 (2023): 137–149, https://doi.org/10.30595/kosmikhukum.v23i2.18361.

[31] Muhamad Romdoni and Surastini Fitriasih, "Disparitas pemidanaan dalam kasus tindak pidana khusus narkotika di pengadilan negeri tangerang," *Masalah-Masalah Hukum* 51, no. 3 (2022): 287–298, https://doi.org/10.14710/mmh.51.3.2022.287-298.

record, remorse and concrete reparation. These are analytical factors, not obligatory numerical weights. The decision must remain sensitive to the evidence admitted against each accused. [32]

Table 2. Factors for Individualized Sentencing

Factor	Questions for written reasons
Individual contribution	Initiation, number and severity of blows, weapon use, opportunity to stop
Mental element	Knowledge, intention, awareness of continued collective harm
Impact	Injury, vulnerability of victim, causation, collective effect
Personal circumstances	Record, remorse, admission, reconciliation, restoration
Procedural comparability	Charges, prosecutor's demand, evidence, posture, legitimate distinctions
Safeguards	Separate evidentiary hearings, right to contest cross-file material, judicial independence
Status of table	Authors' analytical aid, not a mandatory sentencing tariff

The proposed matrix is an aid to transparent judicial explanation, not a new statutory sentencing schedule. A court could expressly state which factors were proven for each individual, which mitigation applied equally, and why the total evaluation produced equal or different sanctions. The framework cannot predetermine sentencing outcomes or weaken the independence of the judge in each case. It is designed to facilitate appellate review, public understanding and coherent practice without converting professional discretion into a mechanical scoring exercise. [33]

A separate safeguard is necessary for related files. Prosecutors may identify linked evidence and provide the necessary lawful records, but the court must confine its findings to properly introduced, challengeable evidence in each proceeding. Where an accused in one file is called as a witness in another, self-incrimination protections and applicable procedural rules require careful attention. Factual consistency must be pursued through lawful evidence and reasoned judgments, not informal exchange of judicial opinions or assumptions that a finding in one case binds the defendant in another.

Al Idrus's examination of online-fraud sentencing makes the stated reasons a central object of comparison.[34] Kovalaski and Rustamaji examine judicial reasons for disparity in corruption cases against criminal-procedure requirements.[35] Their different offense settings support a method of review, not a numerical standard for the Kolaka pair. The proposed framework consequently asks whether an outcome is intelligible from the proven factors and the explanation given.

The proposed matrix is applied in sequence. First, the court records the proven contribution and the evidence admitted against the individual. Second, it identifies culpability and personal circumstances relevant to punishment. Third, it

[32] Eddy O. S. Hiariej, Prinsip-Prinsip Hukum Pidana (Yogyakarta: Cahaya Atma Pustaka, 2022).

[33] Barda Nawawi Arief, Kebijakan Hukum Pidana (Jakarta: Kencana, 2021).

[34] Nur Fadilah Al Idrus, "Disparitas putusan pemidanaan perkara penipuan online," *Jurnal Yudisial* 16, no. 3 (2023): 325–341, https://doi.org/10.29123/jy.v16i3.598.

[35] Katherine Kovalaski and Muhammad Rustamaji, "Kesesuaian pertimbangan hakim yang menyebabkan disparitas pemidanaan dalam tindak pidana korupsi dengan kuhap," *Verstek* 11, no. 1 (2023): 146–155, https://doi.org/10.20961/jv.v11i1.70923.

distinguishes factors shared across defendants from those that differ. Fourth, it explains whether the differences alter the aggregate assessment. Finally, it states why the chosen sanction is appropriate within the governing legal range and sentencing purposes. No stage requires a numerical score.

The same sequence can make related files intelligible. Each judgment should identify the connected event without importing untested findings. A difference in the available admissible evidence should be stated when it affects an attribution. A difference in the prosecutorial request may be noted, but the court still explains its own evaluation. Where related defendants receive equal or different terms, the reader can then see whether the outcome follows from culpability, mitigation, proof or a combination of factors.

Law Number 1 of 2023 includes statutory guidance emphasizing sentencing purposes, proportionality and individual circumstances, including Article 54. That reform is useful for evaluating the direction of future sentencing practice. It is not treated as the law determining criminal liability or punishment for these 2023 judgments, and no retrospective operation is suggested. The distinction matters for legality as well as for a sound comparison between old and new sentencing frameworks. [36]

The temporal distinction is part of this framework. Article 54 can guide analysis of the direction of the national sentencing reform, but it is not presented as the provision applied by the court in 2023. The study evaluates the historical judgments through their governing framework and uses the later guidance for a prospective proposal. It does not decide any separate question about the legal consequences of subsequent legislative change for a particular convicted person.

The present study concerns a small, purposeful case pair from a single district court. The judgments' summaries do not reliably establish every relevant personal circumstance, all prosecution papers, or the complete record of connected cases. It cannot show a causal relationship between splitsing and nationwide sentencing differences. Further research should code a larger set of split and non-split collective-violence prosecutions, include full prosecution submissions and mitigating factors, and interview legal practitioners where authorized. The present framework offers variables for that validation rather than asserting that such fieldwork has been completed.

Future validation should distinguish absence of a stated reason from absence of a relevant circumstance. A larger study could code whether a factor was proved, mentioned, assessed and connected to the outcome, while recording the completeness of each source. This would show how often reasons permit individualized comparison. The present case pair supplies those variables and demonstrates their application to the reported results, while leaving broader causal claims for a more complete research design.

CONCLUSION

The Kolaka pair illustrates why proof of joint violence must be distinguished from the individualized choice of punishment. Ten-month sentences in Decision No. 44 and six-month sentences in Decision No. 61 accompanied different prosecutorial demands and reported contributions. This establishes a descriptive difference, not by

[36] Republic of Indonesia, Law No. 1 of 2023 concerning the Criminal Code, art. 54, effective January 2, 2026.

itself wrongful sentencing. The central question is whether the reasons relate each defendant's proven conduct, culpability and mitigation to the sanction, including why distinguishable acts warranted equal terms within each file.

Splitsing is a procedural mechanism and cannot be treated as an independent explanation of the sentencing difference. Its appropriate use depends on the needs of the particular prosecution, as the thesis literature on severance criteria also indicates.[37] A nonbinding matrix can support coherent comparison by identifying individual factors, evidentiary limits and the reasons for equal or different outcomes. The prospective guidance in Article 54 strengthens that policy argument while the historical evaluation remains tied to the law applicable to the 2023 judgments. A larger and fully documented sample is required before attributing general sentencing patterns to severance.

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