

## **Discourse on the Application of Zero Sentences as Imposition of Criminal Sanctions in Indonesia**



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**ABSTRACT:** The verdict is still rarely known by the people of Indonesia. The question in society is why judges do not add punishment to perpetrators of criminal acts who have been proven valid and guilty of committing crimes. The implementation of zero sentences is still a problem in law enforcement in Indonesia. The reason is because, a zero sentence is not included in the type of punishment mentioned in Article 10 of the Criminal Code. The research method used is normative juridical which is carried out by studying, viewing and examining legal regulations such as the Criminal Code and Circular Letter Number 1 of 2022 concerning the Enforcement of the Formulation of the Results of the 2022 Supreme Court Chamber Plenary Meeting. The results of the study show that the application of the Zero Sentence in Indonesia certainly creates problems, namely two different opinions, if the defendant has been sentenced to a maximum prison sentence of 20 years, so if there are other cases a Zero Verdict is required, especially since there is SEMA No. 1 of 2022.

**KEYWORDS:** Concursus, Principle, Zero verdict

### **I. INTRODUCTION**

In order to establish legal certainty and justice, Indonesian courts use criminal procedural law. According to Sudarto, criminal procedural law consists of regulations that outline what law enforcement officials and other parties involved in the case should do in the event that there is reason to believe that a criminal law has been broken. According to Van Bemmelen, the purpose of criminal procedural law is to seek out and present the truth, to provide judges with their decisions, and to carry those decisions out. (Candra, 2013) According to Van Bemmelen, the distribution of a judge's ruling is one of the goals of criminal procedural law. The imposition of a sentence or sentences is one of the decisions made by the judge in criminal procedural law. A null sentence is a criminal sentence that is given to a person who has already received a criminal sentence that is greater than the maximum allowed but who must be tried again because of specific circumstances that result in the criminal sentence being nullified or the maximum allowed having been reached. (Zaidan, 2022)

Zero verdict is a form of criminal imposition without any sanctions because the threat has been maximized. This is as stated in Article 67 of the Criminal Code that the imposition of death penalty or life imprisonment may only be accompanied by the revocation of certain rights and/or confiscation of items previously confiscated and/or announcement of a judge's decision. The Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP) do not explain the meaning of a Zero Verdict in a narrative manner. This Zero Sentence is a term often heard by academics and legal practitioners in the criminal justice system that a person who commits a crime cannot be given an additional sentence if the Defendant has been sentenced to death or life imprisonment. It is stated in paragraph (3) that for crimes for which the judge may impose the death penalty, life imprisonment, imprisonment for a specific time, or life imprisonment, twenty (20) consecutive years of incarceration may be imposed. in the event that the maximum of fifteen (15) years is exceeded due to additional sentences due to concurrence, repetition, or as determined by Article 52 of the Criminal Code, as well as imprisonment for a specific amount of time. (Barda Nawawi Arief, 2010)

In Article 10 of the Criminal Code, the types of punishment are regulated. These include the primary punishment, the death penalty, the prison term, confinement, fines, additional penalties, the revocation of certain rights, the confiscation of certain property, and the announcement of the judge's decision. (Arief, 2016) According to Article 12 paragraph (4) of the Criminal Code, the maximum term of imprisonment for a criminal offense cannot be longer than twenty (20) years. If referring to paragraph (1) in the same article, it is stated that imprisonment is defined as either life imprisonment or imprisonment for a specific period of time. If referring to this, it is explained in paragraph (2) that punishment for a specific period of time is defined as at least one day and a maximum of fifteen (15) years. (Hasibuan, 2019)

The use of a Zero Sentence is applied to cumulative sentences with a set amount of time to prevent someone from receiving a sentence that exceeds the maximum allowed under Criminal Code Article 12 Paragraph 4, which is 20 years of imprisonment. The specific term "punishment" in that paragraph refers to paragraph (1) in the same Article, which refers to the

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primary form of punishment in the form of imprisonment, where the actual term of imprisonment can be as short as one day and as long as fifteen consecutive years. These rules restrict the possibility of trying multiple criminals at once or separately for a total sentence of more than 20 years in prison. The Criminal Procedure Code Article 272, which states that if a convict is sentenced to imprisonment or confinement and then sentenced to a similar sentence before serving the previously imposed sentence, then the sentence will be carried out, however, enables the cumulative addition of each sentence. sequentially, with the first sentence imposed coming first.(Usman, 2014)

When a person commits a crime at a different time and place and the crimes are unrelated to one another, the provisions in Article 272 of the Criminal Procedure Code apply. Pure crimes are defined as criminal acts that are unrelated to one another and have no common denominator. According to the guidelines of Article 84 of the Criminal Procedure Code, it is said to be pure because there is no connection between one crime and another, whether they were tried at the same or a different District Court. as defined in Article 63 paragraph (1) of the Criminal Code, also known as *concursum idealis*, Article 64 of the Criminal Code, also known as continuing actions, and Articles 65, 66, and 70 of the Criminal Code, also known as *concursum realis*, does not have a special connection or does not contain elements of continuing or concurrent acts. Therefore, if a person commits a pure crime in one of the district court's jurisdictions or several of them, all of those crimes will be prosecuted. As stated in Criminal Code Article 12 paragraph, the punishment will be carried out in accordance with the provisions of KUHP 272 using the cumulation system or the total of all sentence lengths, with the maximum amount of the sum not exceeding 20 (twenty) years in prison (4). Regarding the rule of law, there is a contradiction regarding the Zero Verdict between the Criminal Code and the Criminal Procedure Code, which causes legal ambiguity in the judicial process.(Kitab Undang-Undang Hukum Pidana)

This is inconsistent with Gustav Radbruch's theory of legal certainty, which holds that normative legal certainty considers a statutory regulation to be made and promulgated with certainty because it regulates clearly and logically, it will not raise doubts because there are multiple interpretations, and it does not conflict or cause norm conflict. Criminals who have already received the maximum amount of the primary sentence are given zero sentences. Article 12 paragraph 4 of the Criminal Code states that a sentence for a specific period of time may not exceed 20 years. Article 67 of the Criminal Code states that if a perpetrator of a crime has been sentenced to life in prison, no further punishment may be imposed.(Fadlian, 2020) Article 67 of the Criminal Code also states that a perpetrator of a crime has been sentenced to death, no further punishment may be imposed.

In Indonesia, applying the Zero Sentence is still a challenge for law enforcement. The Zero Verdict does not fall under the category of punishments mentioned in Article 10 of the Criminal Code, which is why. Because of this, the Public Prosecutor frequently is unaware that the Panel of Judges has rendered a Zero Verdict. Article 12 paragraph (4) and Article 67 of the Criminal Code served as the foundation for the Panel of Judges' imposition of a Zero Verdict. In essence, a Zero Verdict is rendered when the criminals have received the maximum principal sentence allowed by Article 10 of the Criminal Code. In order to promote a peaceful and prosperous society, law serves to protect people's rights in social interactions. It is absolutely necessary for judges to render judgments in criminal cases. After the judge renders a criminal verdict, the parties to the case or the accused are expected to be able to determine their legal standing and plan legal actions and remedies for themselves. Imposing a verdict serves to ensure social justice and legal certainty. According to the rules, there are repercussions for every criminal act. Aside from that, a way of life will be preserved that demonstrates the authority of the law and the guarantee of justice, and there are benefits to any punishment, including the death penalty. This advantage is solely for more effective and modern law enforcement in Indonesia.

The author's reason for raising this issue as research is because there are still few references such as journals, articles and study research that raise this related to the Zero Verdict. So the authors hope that this research can set a new precedent in law and can become new insights and references regarding the Zero Verdict which still frequently occurs in society today. Therefore, the author will further explain the problematic discourse of applying the zero sentence in Indonesia and its relation to the zero sentence for absorption in concurrent criminal acts.

## II. LITERATURE REVIEW

The verdict, which is written in Dutch, refers to the judge's decision regarding disputes between parties in court. According to KBBI, a sentence is a judge's ruling made during a court hearing regarding the punishment in a criminal case. In a criminal court decision, the judge determines that the defendant is legally and convincingly guilty of committing the crime with which he is charged. The judge then sentences the defendant in accordance with the guidelines in Article 193 paragraph (1) of the Criminal Procedure Code. In Article 10 of the Criminal Code, it is explained that there are two divisions of punishment, namely the main punishment and additional punishment. The court's decision in the form of punishment is divided into main punishment and additional punishment, the main punishment itself.(Helnawaty, 2017)

The most severe punishment or criminal sanction available under Indonesia's criminal justice system is the death penalty. The execution of the death penalty is carried out by the executor of death (a party designated by law), who kills the life-sentenced inmate after the judge sentences him to death and the president denies the convict's request for clemency. A criminal punishment that results in loss of independence is imprisonment. According to the provisions of Article 12 paragraph (1) of the Criminal

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Code, imprisonment may be imposed as either a life sentence or a sentence of at least one day and a maximum of fifteen consecutive years, or it may be imposed as a sentence of at most twenty consecutive years. (Asmarawati, 2015)

People who break the law are sentenced to confinement, which involves limiting their freedom of movement and putting them in a correctional facility, for a minimum of one day and a maximum of 24 days while they are required to adhere to the prison's rules. The third main category of punishment under Indonesian law is fines, which are essentially only applicable to adults. A fine is a crime that also entails the seizure of property through the imposition of a financial penalty. The amount of fines that can be imposed for a crime has no maximum limit under the Criminal Code because there is no maximum cap on fines. Only the general minimum provisions for fines as stated in Article 30 paragraph (1) of the Criminal Code, which is punishable by a minimum fine of three seventy five rupiahs, are included in the criminal code of law (KUHP).

### III. METHOD RESEARCH

The research method used is a normative juridical approach carried out by studying, viewing and examining several theoretical matters relating to the Criminal Code (KUHP) along with legal principles, conceptions, views, legal doctrines, legal regulations and legal systems. law relating to the problem of this research. Then an empirical juridical approach is carried out to study law in reality or based on facts obtained objectively at the Tanjung Karang District Court, both in the form of opinions, attitudes and behavior of law enforcement officials based on legal identification and legal effectiveness. This research requires informants as sources of information to provide explanations related to the issues discussed. The sources for this research were Samsung Hidayat as a Judge at the Tanjung Karang District Court and Heni Siswanto as a Lecturer in the Criminal Law Section of the Faculty of Law, University of Lampung.

For the purpose of interpretation and drawing conclusions to address research questions, the data analysis in this study was qualitative, meaning that it was described in the form of explanations and descriptions of sentences that were simple to read and understand. Data were analyzed in a qualitative descriptive manner, which meant that explanations and sentence summaries that were simple to read, comprehend, and draw conclusions from were used to describe the study's findings.

### IV. RESULT AND DISCUSSION

#### A. Problems Of Applying Zero Sentences In Imposing Criminal Sanctions In Indonesia

The provisions in Article 272 of the Criminal Procedure Code apply in the event that a crime committed by a person is committed at a different time and place and the crime is not related to one another. Pure crimes are defined as criminal acts that are unrelated to one another and have no common denominator. It is said to be pure if there is no special connection between one crime and another crime, whether they are being tried at the same District Court or a different District Court in accordance with Article 84 of the Criminal Procedure Code, or if there are no elements of continuous or concurrent actions as defined by the Criminal Code's Article 63, Paragraph 1 (concurrency idealis), Article 64 and Articles 65, 66, and 70 (concurrency realis), respectively. (Fajrin & Triwijaya, 2019)

Therefore, if a person commits a single pure crime in one or more of the district court's jurisdictions, all of those crimes will be tried, and the punishment will be determined by applying the KUHP 272 provisions through a cumulation system or the total length of all sentences, up to a maximum of 20 (twenty) years in prison, in accordance with Criminal Code Article 12 paragraph (4). Criminal practices against defendants who have committed multiple crimes may be cumulative, resulting in a total number of prisoners serving sentences that exceed the maximum permissible provision limit, which is a maximum of 20 (twenty) years in prison. The following issues have arisen as a result of the Zero Sentence's implementation in the criminal justice system:

#### 1. Judges' inconsistent application of criminal penalties

According to Barda Nawawi, criminal disparity (disparity of sentencing) is the imposition of unequal penalties for the same offenses or for crimes of a similar gravity without a discernible justification. If the defendant has been given a sentence of up to 20 years in prison, then if there are other cases, he must be given a Zero Verdict. However, this problem naturally raises two different opinions. Samsung Hidayat holds a different opinion, arguing that even if a maximum sentence of 20 years in prison has been imposed, a higher level of punishment, such as life in prison or the death penalty, may still be applied. It is necessary to have a level of imposition of criminal sanctions by the defendant accompanied by legal facts discovered during the trial period because we do not know whether the accused received remission or reduction of his prison term while serving a 20-year sentence or a pardon. According to Heni Siswanto, this issue was then addressed in Circular Letter Number 1 of 2022 concerning the Enforcement of the Formulation of the Results of the 2022 Supreme Court Plenary Chamber Meeting as a Guideline for the Implementation of Duties for Courts. This letter's sole goal is to prevent discrepancies in the judge's decision against a Zero Verdict as part of maintaining the uniformity of the application of the law and consistency of judgments. (Suhartono, 2020)

The Criminal Chamber's formulation states that a defendant serving a 20-year prison sentence in a case with permanent legal effect may be subject to additional prison time for crimes committed while he is serving his sentence, provided that there is a maximum prison term for both a general criminal case and a special criminal case. The maximum sentence for special crimes,

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such as those involving corruption, money laundering, drug trafficking, and other offenses, is 20 years in prison. If there is an aggravation such as *concursum* (concursum) whether submitted jointly (cumulative) or not combined or because it is determined by Article 52 of the Criminal Code, as long as it is not regulated in a special law then the maximum penalty shall apply provided that the maximum threat of the principal sentence is added 1/3 according to Article 65 of the Criminal Code and Article 103 of the Criminal Code.

Additionally, in cases of corruption-related crimes, a defendant who has already been given a death or life sentence may still face additional punishment in the form of payment replacement money, provided that it does not violate Article 67 of the Criminal Code. The Zero Verdict is strengthened by Article 67 of the Criminal Code, which states that if a person is sentenced to death or life in prison, no other punishment may be imposed besides the revocation of certain rights and the judge's announcement. According to Article 65 of the Criminal Code, if multiple acts are committed concurrently but they must be treated as separate acts, they constitute multiple crimes and are subject to the same basic punishment. In this case, only one sentence is given.

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According to Article 193 (1) of the Criminal Procedure Code, if the court determines that the defendant committed the crime for which he was charged, the court will then impose a sentence. This is another thing that is stated there. According to Samsung Hidayat, the Supreme Court actually believed that a re-sentence could be given even though the defendant in this case was already serving a 20-year sentence for a previous crime that was later discovered to have been committed. However, the issue is that the judge's decision to impose a Zero Sentence prior to the creation of the SEMA raises a polemic in which the new paradigm regarding parties who are opposed to a Zero Sentence states that the maximum sentence can no longer be imposed because there is no other crime with a threat above that or more than that. has been added to the list of prior criminal threats, unless another sentence has been issued and it has permanent legal effect. (Bawangun, 2014)

There are additional reasons why the imposition of a Zero Verdict cannot be carried out, including the fact that the accused may at any time obtain a reduction or amnesty of his sentence, making it obvious that less than the full 20 years of his sentence have already passed. In essence, judges have the discretion to impose any sentence as long as it abides by the letter and spirit of the law. That higher legal remedies taken by prosecutors are not a barrier because they essentially represent the interests of the state, which does not, in its opinion, believe that justice has been served by the criminal justice system. According to the *stare decisis* doctrine, a judge must base his decision in a case on legal principles that have already been established in other judges' rulings from earlier, related cases (precedents).

Samsung Hidayat said that this principle could create a new law that could serve as a basis for other judges to resolve similar cases. That is, in this case the function of the judge is not only to establish and interpret legal regulations. In this situation, judges significantly influence the overall structure of social order. Judges are able to interpret relevant legal regulations under very broad authority. Judges have the option of applying this principle fully or making decisions based on custom. Judges can create new laws through their interpretation thanks to their extensive authority. With their jurisprudence, judges can establish standards or laws based on the justice of society.

### 2. Lack of Integrated Administration between Courts

Justice, in the opinion of R. Subekti and R. Tjitrosoedibio, is everything that has to do with the state's obligation to uphold the law and justice. The process of delivering justice in order to uphold the law is referred to as the "judicial" (*rechtspraak*, judiciary) in usage (*het rechtspreken*). According to Heni Siswanto, the Court's lack of integration in the administration of cases led to the development of a new legal paradigm that requires that multiple crimes committed by one person at various times be treated as separate offenses and prosecuted as such. Punishments for people who commit these criminal acts are then cumulative or combined, but the maximum number of penalties may not exceed the maximum threat of the heaviest sentence plus one third.

In actual trials, the court has frequently terminated the defendant's case to the fullest extent possible while, at the same time, other cases have been decided in other courts without this court's knowledge. This leads to conflicting threats of criminal penalties with a maximum possible sentence of 20 years in prison or more. According to Article 12 Paragraph 4 of the Criminal Code, the maximum sentence for a given period of time in prison is twenty years. The specific term "punishment" in that paragraph refers to paragraph (1) in the same Article, which refers to the primary form of punishment in the form of imprisonment, where the actual term of imprisonment can be as short as one day and as long as fifteen consecutive years. The judge's decision to impose a sentence is not supported by the inaccuracy of the administration of justice. This restriction, however, prevents multiple offenders from being tried concurrently or separately for a total of more than 20 years in prison.

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According to Article 272 of the Criminal Procedure Code, if a convict is sentenced to imprisonment or confinement and is then sentenced to a similar sentence before serving the previous sentence, the sentence is carried out successively beginning with the sentence that was imposed first. This allows for cumulatively adding each sentence. Samsung Hidayat said, when someone commits crimes at various times and locations without any connection to one another, the provisions of Article 272 of the Criminal Procedure Code apply. Pure crimes are crimes that have no connections between them and are independent of one another. It is said to be pure if there is no special connection between one crime and another, whether they are tried at the same District Court or a different one, or if they do not contain elements of continuous or concurrent acts, as specified in Criminal Code Article 63 paragraph (1), also known as *concursum idealis*, Criminal Code Article 64, or continuing actions, as well as Criminal Code Articles 65, 66, and 84.

Therefore, if a person commits a single pure crime in one or more of the district court's jurisdictions, all of those crimes will be tried, and the punishment will be determined by applying the KUHP 272 provisions through a cumulation system or the total length of all sentences, up to a maximum of 20 (twenty) years in prison, in accordance with Criminal Code Article 12 paragraph (4). For instance, someone might commit theft, assault, and murder within five years. According to Article 362 of the Criminal Code, theft is punishable by a maximum sentence of 5 years in prison, abuse is punishable by a maximum sentence of 2 years and 8 months in prison, and murder is punishable by a maximum sentence of 15 years in prison under Article 338 of the Criminal Code. The combined sentence for the three offenses will be 22 years and 2 months, but this sentence cannot be immediately applied to the offenders. The maximum sentence that can be imposed on the perpetrator of this crime is 20 years, even though the person should actually serve a total of 22 years and 2 months in prison. The harshest sentence in this case is imprisonment for 15 years, which is applied to the crime of murder. A third of 15 years is equal to 5 years.

### **B. Zero Verdict with Tseltsel Absorption In The Concurrent Crime**

Concurrency (*concursum*) provisions essentially become instructions on how to adjudicate disputes and impose sanctions. In the event that a single person has committed multiple crimes, none of which have been investigated or adjudicated by the court. According to Bambang Poernomo, a person who violates multiple criminal laws or commits multiple acts, each of which is a separate offense that will be tried concurrently and one of which has not yet resulted in a judge's imposing a sentence, is said to be a *concursum*. Concretely the joint provisions govern and determine. It is possible for one person to commit multiple crimes simultaneously in the same location when committing crimes in society. However, it is also possible for one person to commit multiple crimes at various times and locations. which is also known as concurrent criminal acts (*samenloop*) in criminal law and is known as *samenloop van strafbare feiten* in Dutch.

*Concursum realis* or *meerdaadse samenloop* acts refers to a series of crimes that a person commits, each of which is a separate offense (crime or violation), but which are not necessarily connected or of the same kind. It is necessary to use a sharpened absorption system in the Zero Verdict. According to D. Schaffmeister, there are three sentencing structures that deal with concurrent criminal acts (*concursum*), and one of them is the absorption structure, which has a number of criminal provisions that must be used. The most severe provision is used in this instance, and the other provisions are ignored.

According to Samsung Hidayat, this system carries the maximum penalty, but an additional 1/3 of the maximum punishment is required. This system is employed for a variety of crimes where the primary punishment is the same. In a nutshell, Article 67 of the Criminal Code governs the combining of several crimes into separate, stand-alone crimes. This article only states that the acts that have been committed are subject to similar primary punishments; it makes no distinction between similar and different acts. The legal basis for the Zero Sentence's use must be questioned because, according to the author's analysis, it has issues when it is not included in the main or additional sentences. However, in order for the Zero Sentence to be effective, it must be applied with the intention of imposing a zero sentence with a maximum of 20 years. Otherwise, the Zero Sentence takes on the meaning that a sentence is now too long to be carried out. The parameters of criminal imposition must therefore be established in this case through the keenness of the realist *concursum's* absorption. As stated above in Article 65 of the Criminal Code, it talks about a group of crimes with related penalties. It follows from the first sentence of Article 65 that if a person commits multiple crimes, only one sentence will be imposed if a type of punishment is threatened. In the meantime, Article 63 paragraph (2) states that the maximum sentence for the most serious crime plus one third may not be exceeded. According to Wiarda and Koopmans, a judge has three roles when it comes to applying the law: finding the law (*rechtsvinding*), creating the law, and simply applying the law as it is (*rechtstoepassing*). This is based on the relationship between law and the purpose of law (*rechtsschepping*). (Darmika, 2016)

According to Heni Siswanto, any unlawful or criminal behavior needs a system in place to punish offenders. Formal criminal law, also referred to as criminal procedural law, is the process for enforcing criminal penalties. The first and final duty of a judge is to make decisions in accordance with the law. Which law should be used and how should that law be applied to determine whether or not something is appropriate? This query concerns the goal of law enforcement. The author explains that applying the law to events (*rechtstoepassing*) entails doing so in an abstract manner. For this reason, in order to enable the application of legal regulations, concrete events must be transformed beforehand into legal events. As it is well known, the case

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delegation letter—which contains all the charges for the defendant's errors—must always serve as the foundation for the judge's decision in every examination through the criminal procedure process. Additionally, the judge's ruling cannot be dissociated from the outcomes of the court's proceedings or the results of the evidence's examination. If a rule clearly defines how a legal event must proceed, the judge must apply that rule without exception.

Regarding the application of the law by judges (*rechtstoepassing*) in making a decision in a case before him, this cannot be separated from the independence of the judge himself in applying articles relating to crimes, especially double crimes (concurrent) with a single actor or what is known as *concursum*. Furthermore, the theory of *concursum* is a theory in the science of law that is very difficult to apply, especially *concursum* (simultaneously) both idealistic *concursum*, continuous action. Additionally, the focal point of the *concursum* is the sentencing theory that is used in the Criminal Code and the criminal measures that are frequently linked to the criminal system (*stelsel*). According to Article 66 of the Criminal Code, if multiple acts are committed, each of which must be treated as a separate act and each of which results in a crime that is subject to a principal sentence that is not of the same type, then each sentence imposed must not exceed the one-time maximum penalty plus one-third.

As stated above in Article 65 of the Criminal Code, it talks about a group of crimes for which the penalties are not the same. Then, for each crime, all possible criminal threats are made; however, the total cannot exceed the maximum penalty plus one-third. Based on the author's analysis of the sharpness of absorption analysis, it is believed that the paradigm of applying the Zero Sentence in its problems needs to pay attention to the level of the threat of criminal sanctions, that the application of the threat of sanctions needs to be seen from prior decisions that have permanent legal force, and that the threat of criminal sanctions needs to be compared to criminal threats with recently revealed actions. (Hasibuan, 2019)

If the prison sentences for crimes with legal consequences are still higher than those for crimes that have just come to light, then only new crimes have accrued past penalties. An additional third of the prison sentence or an increase in the criminal penalty, such as a 20-year sentence that can be increased to life in prison or a 20-year sentence, can be applied if the opposite scenario occurs and a newly discovered criminal act carries a harsher punishment than the criminal sanction of the previous act. As a result, a Zero Sentence is currently governed by the law under Article 67 of the Criminal Code, which states that if a person has received a death or life sentence, no other punishment may be given aside from the revocation of certain rights and the announcement of the judge's decision. Because the defendant had committed multiple crimes and had received a sentence that exceeded 21 years in accordance with Article 12 of the Criminal Code, Paragraph 4 and Article 66 of the Criminal Code, Paragraph 1, the judge gave the defendant a Zero Verdict.

However, these provisions prevent multiple offenders from being tried concurrently or separately and receiving a total sentence of more than 20 years in prison. According to Article 272 of the Criminal Procedure Code, if a convict is sentenced to imprisonment or confinement and is then sentenced to a similar sentence before serving the previous sentence, the sentence is carried out successively beginning with the sentence that was imposed first. This allows for cumulatively adding each sentence. Basically, there are two opposing views on whether a defendant should receive a Zero Verdict in other cases if he has been given a maximum prison sentence of 20 years. This is due to the application of the Zero Sentence in Indonesia. The absence of integrated inter-court administration is a further issue that contributes to overlapping criminal penalties and takes longer than 20 years to resolve. In relation to the absorptive system, which has been sharpened, it is necessary to examine the difference in severity between crimes with ongoing legal consequences and those that are more recent and are punishable by harsher laws.

### CONCLUSIONS

Three factors, including the existence of disparities in the imposition of criminal sanctions by judges, a lack of integration of court administration that results in overlapping criminal sanctions and exceeds 20 years, and a sharpened absorptive system, are problems with the application of zero sentences in Indonesia. It is necessary to review the level between the criminal penalties that have permanent legal force with a criminal sentence that has just been revealed. Because the Zero Verdict results from the decision being maximized and no longer able to be imposed, the application of the Zero Sentence needs to be made known to the public so that they can learn more about it and ensure that there is no misunderstanding regarding the defendant's release from criminal sanctions. None related to SEMA No. 1 of 2022, which is obviously adjusted in light of the legal information gathered during the trial period in order to better ensure justice and benefits for the community.

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