

## ***MULTIPLICITY OF CRIMES IN INDONESIAN LAW: REGULATION AND DETERMINATION OF CONCURSUS REALIS***

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### **ABSTRACT**

*Concursus realis, or the accumulation of criminal acts, is crucial because it ensures that multiple offenses committed by the same individual are properly addressed within the judicial system. Indonesia, as a state governed by law as stipulated in Article 1 paragraph (3) of the 1945 Constitution, upholds justice and legal certainty as the primary principles of its penal system. This study aims to analyze the regulation of concursus realis in Indonesian criminal law and its application in court rulings. The research employs normative legal methods with a statutory and case analysis approach, utilizing secondary data from regulations, doctrines, and jurisprudence, which are analyzed. The findings reveal that concursus realis is regulated under Articles 65 and 66 of the Indonesian Penal Code (KUHP) and Articles 58 and 59 of Law No. 1 of 2023, stipulating cumulative penalties for independent criminal acts within a series of events, with the maximum sentence of the most severe offense increased by one-third. The application of concursus realis in judicial practice shows significant variation, influenced by judges' interpretations of the 'series of events' concept, yet often inconsistent due to the lack of technical guidelines. Therefore, regulatory revisions and the harmonization of interpretations are essential to ensure that the application of concursus realis supports the realization of justice and legal certainty.*

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## **INTRODUCTION**

Indonesia is a state governed by law as mandated in Article 1 paragraph (3) of the 1945

Constitution<sup>1</sup>. In July 2022, an Indonesian court in Central Jakarta faced a complex legal dilemma when adjudicating a case involving a defendant who had committed three separate criminal offenses within a single week: fraud against a financial institution, document forgery of official certificates, and embezzlement of company funds. The prosecution meticulously argued that each offense contained distinct elements and intentions, warranting the application of *concursum realis* provisions under Article 65 of the Criminal Code. In contrast, the defense contended that the acts constituted a continued action (*voortgezette handeling*), as they were connected by a single criminal motive of financial gain during personal hardship.

The judge, despite acknowledging the temporal proximity of the crimes, applied inconsistent reasoning in determining what constitutes "a series of events," ultimately applying a partial *concursum realis* determination that puzzled legal observers<sup>2</sup>. This case is not isolated; similar interpretative inconsistencies have emerged in cases across Bandung, Surabaya, and Makassar district courts between 2018-2022, highlighting a critical gap in Indonesia's criminal justice system that demands scholarly attention<sup>3</sup>. The varying judicial approaches to *concursum realis* not only reflect doctrinal uncertainty but also raise fundamental questions about proportional punishment and legal predictability in Indonesia's criminal jurisprudence.

Indonesia is a state governed by law as mandated in Article 1 paragraph (3) of the 1945 Constitution<sup>4</sup>. As such, one of its core principles is ensuring proportional criminal sanctions that reflect the severity and complexity of offenses committed<sup>5</sup>. This concept refers to a situation where a person commits several independent criminal offenses, although they occur in one series of events. Therefore, the regulation of *concursum realis* becomes very crucial so that law enforcement can reflect the complexity of criminal acts committed, while maintaining the principles of legal certainty and justice.<sup>6</sup>

The regulation of *concursum realis* in Indonesian criminal law is governed by Articles 65 and 66 of the Criminal Code (KUHP) and updated through Articles 58 and 59 of Law Number 1 of 2023 concerning the new KUHP. Article 65 of the KUHP states that if a person commits more than one criminal offense in one series of events, each act is considered as an independent criminal offense and can be subject to separate punishments<sup>7</sup>. Meanwhile, Article 66 of the KUHP regulates the maximum limit of punishment so as not to exceed the heaviest

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<sup>1</sup> M. A. F Syahril and A. Ambarwati, "Pengaruh Aturan Asimilasi Di Rumah Dalam Menekan Laju Penyebaran Covid 19 Terhadap Narapidana Di Lapas Kelas II A Parepare," *JUSTISI* 9, no. 1 (2023): 1-17.

<sup>2</sup> W. Anjari, "Penerapan Pemberatan Pidana Dalam Tindak Pidana Korupsi Kajian Putusan Nomor 10/PID.TPK/2021/PT.DKI," *Jurnal Yudisial* 15, no. 2 (2022): 263-81.

<sup>3</sup> W. Anjari, "Kejahatan Jabatan Dalam Perspektif Negara Hukum Pancasila," *Jurnal Widya Yustisia* 1, no. 2 (2017): 122-29.

<sup>4</sup> J. Esther, "Rekonstruksi Sistem Pemidanaan Tindak Pidana Korupsi Dan Pencucian Uang Dalam Pendanaan Pemilihan Umum," *Jurnal Hukum Samudra Keadilan* 15, no. 1 (2020): 151-70.

<sup>5</sup> L. A. L. Labamaking, M. S. Hartono, and N. K. S. Adnyani, "Implementasi *Concursum Realis* Tindak Pidana Pembunuhan Disertai Penganiayaan (Studi Putusan Nomor 194/Pid. B/2015/PN. SGR)," *Jurnal Ilmu Hukum Sui Generis* 3, no. 2 (2023): 36-49.

<sup>6</sup> Nele Audaenaert and Wendy De Bondt, eds., *Prosecuting and Punishing Multi-Offenders in the EU: A Comparative Analysis of the Legal Frameworks Regarding Offenders of a Multitude of Offences* (Cambridge: Intersentia, 2021): 22

<sup>7</sup> G. Wala and H. Firmansyah, "Konsep Restorative Justice Untuk Mengurangi Over Capacity Pada Perkara Pidana," *Jurnal Kertha Semaya*, 12, no. 2 (2024): 247-54.

applicable criminal threat. In the new KUHP, this regulation is strengthened with provisions that *concurus realis* is applied to certain cases, such as repetition of criminal offenses or abuse of authority, with adjustments to the mechanism of sentencing.

This article addresses a significant research gap by examining how the current regulatory framework of *concurus realis* in Indonesia fails to provide clear implementation guidelines for judges, resulting in legal uncertainty and disparate sentencing outcomes<sup>8</sup>. While previous studies have focused on the theoretical aspects of *concurus* doctrines, little attention has been paid to the practical challenges faced by courts when distinguishing between *concurus realis*, *concurus idealis*, and continued action in complex criminal cases<sup>9</sup>.

Moreover, the recent enactment of Law Number 1 of 2023 (the new Criminal Code) introduces modified provisions on *concurus realis* that require critical analysis regarding their potential effectiveness in addressing existing implementation problems<sup>10</sup>. By analyzing normative frameworks, examining judicial decisions from multiple districts, and drawing comparisons with the Netherlands and Germany, jurisdictions with similar legal traditions but more developed *concurus* doctrines, while this research aims to identify key factors influencing *concurus realis* determinations and propose concrete solutions to enhance legal certainty in Indonesian criminal justice practice. Understanding these challenges is not merely an academic exercise but essential for strengthening law enforcement, ensuring proportional punishment, and upholding justice in Indonesia's complex criminal law system.

## METHODS

Research is a scientific means that plays an important role in the development of science and technology in the future. The methodology applied must always be adapted to the branch of science that forms the basis of the research. Methodology has an essential role in explaining the methods used in obtaining the required data or legal materials, so that the data can be processed and analyzed systematically and in-depth.<sup>11</sup>

This research uses normative legal research methods. Normative legal research, often also referred to as doctrinal legal research, is a process to explore legal rules, legal principles, and legal doctrines to answer certain legal problems. This approach utilizes law as a normative basis in conducting analysis.<sup>12</sup>

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<sup>8</sup> Moeljatno, *Asas-Asas Hukum Pidana Di Indonesia* (Jakarta: Rineka Cipta, 1983).

<sup>9</sup> A. Prasetyo, "Analisis Hukum Positif Dan Hukum Islam Terhadap Putusan Hakim Tindak Pidana Penggunaan Uang Palsu (Studi Putusan Nomor. 123/Pid. B/2018./PN. Skt.)" (UIN Raden Mas Said, 2022).

<sup>10</sup> Dibi Vation Manik, Yasmirah Mandasari Saragih, Fauzan, Eka Suwirza, dan Romy Rohadi Saragih, "Reform of Indonesian Criminal Law Reviewed From Law Number 1 of 2023 About the Criminal Code," *International Journal of Sociology and Law* 2, no. 1 (2025): 177-191, <https://doi.org/10.62951/ijsl.v2i1.330>

<sup>11</sup> Kristiawanto, *Memahami Penelitian Hukum Normatif* (Jakarta: Prenada, 2022).

<sup>12</sup> J. Efendi and P. Rijadi, *Metode Penelitian Hukum Normatif Dan Empiris*, 2nd ed. (Depok: Prenada Media Group, 2022).

The analysis regarding the application of legal rules supported by theories and concepts in the field of law, when confronted with legal facts, often reveals a discrepancy between the expected ideal condition (*das sollen*) and the reality that occurs (*das sein*)<sup>13</sup>.

The type of data used in this research is secondary data, which includes legal materials such as legislation, legal doctrines, jurisprudence, and other related literature. This secondary data is obtained through document studies, namely the collection and analysis of legal texts relevant to the research topic, including laws, regulations, and academic literature related to the application of sentence enhancement in the concept of *concurus realis*.

The data collection technique used in this research is literature study, namely by reviewing and examining various written legal sources, including legislation, books, journals, and relevant scientific articles<sup>14</sup>. In this process, the collected data is analyzed qualitatively to understand the application of sentence enhancement in *concurus realis* and to evaluate the consistency and effectiveness of criminal law enforcement in Indonesia. This research aims to analyze how the application of sentence enhancement in *concurus realis* affects the consistency and effectiveness of criminal law enforcement in Indonesia. The results of this research are expected to contribute to broadening insights and knowledge related to criminal sanction enhancement through the *concurus realis* approach.

## RESULTS AND DISCUSSION

### Regulation of *Concurus Realis* in the Indonesian Sentencing System

Concurrent criminal offenses, known in Dutch as *samenloop van strafbaar feit* or *concurus*, refers to a situation where a person commits several criminal offenses simultaneously or at once. The term *strafbaar feit* consists of three interrelated words, namely *straf*, *baar*, and *feit*. *Straf* means criminal or law, *baar* means can or may, and *feit* refers to action, event, violation, or deed<sup>15</sup>. The legal regulation related to *concurus realis* in Indonesia is governed in the Criminal Code (KUHP) Articles 63 to 71, which provide the legal basis for assessing and categorizing concurrent criminal offenses.

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<sup>13</sup> H. A. Balanda, "Tinjauan Yuridis Terhadap Tanggung Jawab Pidana Perbarengan Menurut Hukum Positif Indonesia," *Lex Et Societatis* 7, no. 6 (2019): 164-71.

<sup>14</sup> A. Rosidi, M. Zainuddin, and I. Arifiana, "Metode Dalam Penelitian Hukum Normatif Dan Sosiologis (Field Research)," *Journal Law and Government* 2, no. 1 (2024): 46-58.

<sup>15</sup> Nursolih Insani, "The Implementation of *Concurus Criminal Offense Sanctions* Related to Article 12 Paragraph 4 of the Criminal Code," *JournalNX: A Multidisciplinary Peer Reviewed Journal* 8, no. 5 (May 2022): 136-144..

Sentence enhancement in the concept of *concurus realis* is one of the important instruments in the Indonesian criminal law system. This concept is regulated in Articles 65 and 66 of the Criminal Code (KUHP), which emphasizes that sentence enhancement can be applied if a person commits several independent criminal offenses, but still within the same series of events.

Punishment theory is a conceptual framework that continues to evolve in an effort to understand, explain, and address crime in an increasingly complex and dynamic context<sup>16</sup>. Meanwhile, the theory of sentence enhancement can be defined as the imposition of punishment that is heavier than the criminal threat specified in the law, due to certain conditions in the criminal act.

In principle, sentence enhancement in *concurus realis* aims to create a balance between the severity of the law violation committed and the punishment imposed. This relates to the principle of proportionality in sentencing, which emphasizes that each perpetrator must receive punishment commensurate with the number and severity of criminal acts committed. Sentence enhancement becomes an instrument that affirms that the perpetrator is not only responsible for one criminal offense but also for every other violation committed in that series. In Law Number 1 of 2023 concerning the Criminal Code (KUHP), there are provisions regarding sentence enhancement regulated in Articles 58 and 59. Article 58 explains that sentence enhancement can be applied to officials who commit criminal offenses by violating specific official obligations or misusing authority, opportunity, or means obtained from their position. In addition, enhancement also applies if the criminal offense is committed by utilizing state symbols such as flags, national anthems, or state emblems, as well as in cases of repeated criminal offenses or recidivism.

Article 59 complements these rules by stipulating that sentence enhancement can add punishment up to one-third of the maximum criminal threat. This provision is fundamentally not much different from the rules in the old KUHP, which also regulates sentence enhancement for abuse of position by civil servants or law enforcement officials, the use of state symbols in criminal offenses, and repetition of criminal offenses.

Article 65 of the KUHP specifically mentions that the maximum penalty threat can be increased by up to one-third, for example from 15 years to a maximum of 20 years

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<sup>16</sup>J. Gacinya, "Criminal Punishment: A Theoretical Analysis of Crime Prevention and Control," *Reviewed Journal of Social Science & Humanities* 5, no. 1 (2024): 93-120, <https://doi.org/10.61426/rjssh.v5i1.168>.

imprisonment. Article 77 affirms that the repetition of criminal offenses can be a reason for judges to impose a heavier punishment, including by not only providing a fine, especially in criminal offenses with a penalty threat of under five years<sup>17</sup>.

Meanwhile, Article 66 of the KUHP provides a limitation that the additional punishment must not exceed the maximum punishment of the most severe principal criminal offense. This provision shows attention to the principles of justice and legal certainty in determining the severity of punishment.

This is reinforced by the existence of SEMA Number 7 of 2012 which provides clear guidance regarding the maximum criminal limits that can be imposed in cases of *concursum realis*. According to this SEMA, in cases where the defendant is charged with cumulative charges and more than one charge is proven, the punishment imposed must not exceed the maximum threat of the most severe criminal offense plus 1/3.

Sentence enhancement in *concursum realis* also shows the effort of criminal law to provide a deterrent effect<sup>18</sup>. When a perpetrator is faced with a heavier punishment due to a series of criminal offenses committed, it is hoped that this can serve as a warning to the public not to commit similar acts. Sentence enhancement functions not only as a law enforcement tool but also as a crime prevention tool in the future.

The application of *concursum realis* in judicial practice often poses challenges, especially in distinguishing between criminal offenses that are part of one series of events and independent criminal offenses. Judges are required to be careful in assessing the relationship between the perpetrator's actions, including temporal and material aspects that underlie the decision to impose sentence enhancement.

The provisions of *concursum realis* are also closely related to the principle of *ne bis in idem*, which is a legal principle that prohibits a person from being tried or punished twice for the same act. Therefore, in cases of *concursum realis*, it is important to ensure that each criminal offense subject to enhancement is truly a separate act and fulfills different criminal elements.

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<sup>17</sup> T. Nurfatlah, S. H. K. Abadi, and S. Efendi, "Konsep Residive Dalam Kitab Undang-Undang Hukum Pidana Nasional Ditinjau Dalam Perspektif Tujuan Pemidanaan," *Unizar Law Review* 7, no. 1 (2024): 90-101.

<sup>18</sup> Dika Agusta, Abdul Madjid, and Nurini Apriandi, "Reforming Indonesian Criminal Law: Integrating Supervision, Punishment, and Rehabilitation for Restorative Justice," *International Journal of Islamic Education, Research and Multiculturalism* 7, no. 1 (2025): 54-68, <https://doi.org/10.47006/ijierm.v7i1.434>.

The application of *concurus realis* also requires synergy between law enforcement officials, such as the police, prosecutors, and courts, to ensure that the law enforcement process proceeds in accordance with the principles of justice and proportionality. Good coordination is needed to avoid disparity in the imposition of punishments for similar cases.

Based on the explanation above, it can be concluded that the provisions used to determine sentence enhancement in *concurus realis* can be seen from several aspects as follows:

1. **The Same Series of Events**, the provisions in Article 65 of the KUHP state that sentence enhancement can only be applied if criminal offenses are committed in a series of interrelated events. This means that the criminal offenses must have a temporal or material relationship so that they can be considered as an inseparable unit of events. This distinguishes it from *concurus idealis* which refers to one act that violates several provisions of criminal law.
2. **Independent Criminal Offenses**, criminal offenses in *concurus realis* must be legally separable from each other. Each act committed by the perpetrator must fulfill different elements of criminal offenses, although committed in one series of time. This is affirmed in Article 66 of the KUHP which stipulates that the maximum criminal threat imposed must not exceed the limit of punishment for the most severe principal criminal offense.
3. **Principle of Proportionality** In determining sentence enhancement, the principle of proportionality becomes an important criterion. This principle emphasizes that the punishment imposed must reflect the number and severity of criminal offenses committed by the perpetrator. Thus, sentence enhancement aims to create a balance between the severity of the law violation and the punishment imposed.

### **Determination of *Concurus Realis* in Various Court Decisions in Indonesia**

The determination of *concurus realis* in the Indonesian criminal justice system becomes one of the aspects that demands accuracy in the application of law<sup>19</sup>. The concept of *concurus realis*, as regulated in Articles 65 and 66 of the KUHP, affirms that the concurrence of several criminal offenses committed by the same perpetrator, but each standing alone with different legal elements, must receive cumulative criminal impositions. However, in practice, the application of *concurus realis* is not always consistent, as reflected in various court decisions.

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<sup>19</sup> A. P. K. Wardani et al., "Penerapan Asas *Concurus Realis* Pada Tindak Pidana Putusan Nomor 2/Pid. Sus-Anak/2022/PN Tmg," *Borobudur Law and Society Journal* 3, no. 5 (2024): 139-57.

For example, in the Decision of the Banjarnegara District Court Number 63/Pid.B/2023/PN Bnr, the defendant Tuhari alias Mbah Slamet was sentenced to death for proven premeditated murder (Article 340 of the KUHP jo Article 65 paragraph (1)), fraud (Article 378 of the KUHP jo Article 55 paragraph (1)), and storage of counterfeit rupiah (Article 36 paragraph (2) of Law No. 7/2011)<sup>20</sup>. The judge established *concurus realis* based on the fact that each criminal offense has different legal elements and was carried out separately, although interrelated in the aim of obtaining benefits and covering up previous crimes. The application of this cumulation principle shows firmness in the imposition of criminal punishment<sup>21</sup>.

Furthermore, the Decision of the Simpang Tiga Redelong District Court Number 87/Pid.B/2021/PN Str. Defendant Hirman alias Aman Jul committed fencing twice (Article 480 paragraph (1) of the KUHP jo Article 65 paragraph (1)) on November 29, 2020, and December 8, 2020<sup>22</sup>. The judge established *concurus realis* on the grounds that both acts occurred at different times and places, each fulfilling independent criminal offense elements. A 5-year prison sentence was imposed cumulatively, indicating that the judge considered each fencing as a separate crime that was not dependent on each other.

Decision of the Sangatta District Court Number 458/Pid.B/2021/PN Sgt. Defendants Muhammad Amin and Harsani committed theft twice (Article 363 paragraph (1) of the KUHP jo Article 65 paragraph (1)) on August 12 and 31, 2021, at different locations in the same village. The judge determined *concurus realis* based on the separation of time and place of occurrence, with each theft having independent legal elements and consequences. Each was sentenced to 1 year and 10 months imprisonment cumulatively, in accordance with Article 65 of the KUHP and the maximum limits regulated in SEMA No. 7 of 2012.

Decision of the Sambas District Court Number 273/Pid.Sus/2021/PN Sbs. The defendant committed repeated sexual harassment up to 30 times against the child victim (Article 81 paragraph (1) of Law No. 17/2016 jo Article 65 paragraph (1))<sup>23</sup>. However, the judge rejected the category of *concurus realis* and classified the act as continued *concurus* based on Article 64 of the KUHP. This determination was based on the same pattern of action, the same victim,

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<sup>20</sup> Pengadilan Negeri Banjarnegara, *Putusan Nomor 63/Pid.B/2023/PN Bnr, Perkara Pembunuhan*, didaftarkan 22 September 2023, [https://sipp.pn-banjarnegara.go.id/index.php/detil\\_perkara](https://sipp.pn-banjarnegara.go.id/index.php/detil_perkara)

<sup>21</sup> P. M. Marzuki, *Metode Penelitian Hukum* (Jakarta: Kencana Prenada Group, 2007).

<sup>22</sup> Pengadilan Negeri Simpang Tiga Redelong, *Putusan Nomor 87/Pid.B/2021/PN Str*, perkara klasifikasi Penadahan, Penerbitan, dan Pencetakan, didaftarkan pada 1 Desember 2021, [https://sipp.pn-simpangtigaredelong.go.id/index.php/detil\\_perkara](https://sipp.pn-simpangtigaredelong.go.id/index.php/detil_perkara)

<sup>23</sup> Pengadilan Negeri Sambas, *Putusan Nomor 273/Pid.Sus/2021/PN Sbs tentang Perlindungan Anak*, didaftarkan 20 Desember 2021, [https://sipp.pn-sambas.go.id/detil\\_perkara](https://sipp.pn-sambas.go.id/detil_perkara)

and the close relationship between the acts, so it was not considered as an independent criminal offense. A sentence of 10 years imprisonment and a fine of Rp100 million was imposed, reflecting the interpretation that the act was a continuous unity.

Lastly, the Decision of the Nunukan District Court Number 377/Pid.Sus/2021/PN Nnk. Defendant Ikbal committed repeated sexual harassment against a child victim from 2019 to 2021 (Article 81 paragraph (1) of Law No. 17/2016 jo Article 65 of the KUHP)<sup>24</sup>. The judge established *concurus realis* because each act occurred at different times with varying patterns of action (threats and money rewards), thus considered as independent criminal offenses. A sentence of 11 years imprisonment and a fine of Rp50 million was imposed cumulatively, according to M. Yahya Harahap's explanation that *concurus realis* applies to the concurrence of acts with similar or dissimilar criminal threats.<sup>25</sup>

The application of sentence enhancement in *concurus realis* faces a number of challenges that affect the consistency and effectiveness of criminal law enforcement in Indonesia. The principle of proportional justice, which forms the basis of sentence enhancement<sup>26</sup>. This principle aims to ensure that the punishment imposed is balanced with the level of guilt of the perpetrator and the consequences caused.

The main challenge in applying proportional justice to *concurus realis* is the difference in interpretation among judges regarding the definition of “series of events” as referred to in Articles 65 and 66 of the KUHP. The absence of standard criteria explaining the extent to which the relationship between criminal events can be considered as one series causes disparities in legal decisions. As a result, cases with similar characteristics potentially receive different decisions, thus damaging the principle of proportional justice and creating legal uncertainty.

Articles 65 and 66 of the KUHP, although being the normative basis for sentence enhancement in *concurus realis*, have not provided adequate technical guidelines. For instance, there is ambiguity in determining how to calculate sentence enhancement in cases involving several criminal offenses with different sentence threats. Is enhancement done by adding one-third of the sentence threat from the most severe criminal offense, or through evaluation of the

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<sup>24</sup> Pengadilan Negeri Nunukan, *Putusan Nomor 377/Pid.Sus/2021/PN Nnk, perkara Perlindungan Anak*, didaftarkan 13 Desember 2021, [https://sipp.pn-nunukan.go.id/index.php/detil\\_perkara](https://sipp.pn-nunukan.go.id/index.php/detil_perkara)

<sup>25</sup> D. T. D. Tarmizi, “Kebijakan Penegakan Hukum Pidana Terhadap Perbarengan Perbuatan Pidana (*Concurus Realis*),” *Hangoluan Law Review* 1, no. 1 (2022): 69–105.

<sup>26</sup> W. Ulfah and H. Yusuf, “Analisis Putusan Pengadilan Negeri Jakarta Pusat Pada Pelaku Pencuri Motor,” *MULTIPLE: Journal of Global and Multidisciplinary* 2, no. 1 (2024): 878–83.

nature and impact of each criminal offense separately? This lack of clarity opens room for too broad interpretation, so the application of the principle of proportional justice is often disrupted.

Another challenge is inconsistency in the application of sentence enhancement to *concurus realis*. Some cases show that sentence enhancement is applied significantly, while other similar cases receive lighter treatment. This inconsistency creates a negative perception of the criminal justice system. Society often doubts the ability of the legal system to enforce justice objectively. The injustice felt by victims of criminal offenses further worsens the image of criminal justice and weakens the deterrent effect that is one of the main goals of punishment.

To address these challenges, concrete steps are needed to ensure the application of the principle of proportional justice in *concurus realis*. Revisions to Articles 65 and 66 of the KUHP need to be made by adding clear technical guidelines related to the definition of “series of events” and the method of sentence enhancement. For example, standard criteria regarding the causal relationship between criminal offenses and assessment of the level of guilt of the perpetrator can be a reference in determining proportional sentence enhancement. Better training and coordination among law enforcement officials, especially judges, can improve consistency of decisions. Regular evaluation of decisions involving *concurus realis* is also important to ensure that the principle of proportional justice is applied fairly and evenly.

To realize a just penal system, the application of the principle of proportional justice to *concurus realis* must be a priority. With strengthening regulations, improving the competence of legal apparatus, and consistency in law enforcement, public trust in the criminal justice system in Indonesia can be enhanced again. The principle of proportional justice is not only a moral foundation but also an important instrument in creating effective and dignified law enforcement.

## CONCLUSION

The regulation of *concurus realis* in Indonesian criminal law is an important instrument to ensure fair and proportional law enforcement. This concept regulates the concurrence of criminal offenses that stand alone but occur in one series of events. In the old KUHP, *concurus realis* is regulated through Articles 65 and 66, while the new KUHP contained in Law No. 1 of 2023 regulates this concept through Articles 58 and 59. Sentence enhancement in *concurus realis* is applied based on the temporal or material relationship between acts with a maximum limit of the most severe punishment plus one-third. Thus, this regulation aims to maintain a

balance between justice, proportionality, and protection of human rights in accordance with the mandate of Article 1 paragraph (3) of the 1945 Constitution.

The application of *concurus realis* in judicial practice in Indonesia shows variations in interpretation and implementation that depend on the judge's analysis of legal facts in each case. This application still faces challenges in the form of unclear definition of "series of events", lack of technical guidelines, and inconsistency of decisions due to differences in judges' interpretations. To overcome these challenges, regulatory revisions with clearer technical guidelines, improvement of judges' competence through training, and regular evaluation of court decisions are needed so that the application of *concurus realis* reflects the principles of justice and legal certainty.

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