



Defense (Noodweer) As the Reason for the Elimination of the Crime of Persecution

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ABSTRACT

Forced defense (noodweer) is one of the justifications in criminal law that can eliminate criminal liability for an act that is basically unlawful, but is carried out to defend oneself from an unlawful attack. The regulation regarding noodweer still often causes debate in judicial practice, especially in cases of abuse. This study aims to examine the regulation of forced defense in Indonesian criminal law and analyze its application in cases of criminal abuse. This study uses a normative legal method with a statutory approach and a conceptual approach, through analysis of secondary legal materials. The case study in case No. 101/Pid.B/2024/PN.Snj shows that the judge acquitted the defendant because he was proven to have committed a forced defense. The elements of defense that can eliminate criminal liability include an unlawful attack, actions carried out proportionally and subsidiary, not accompanied by malicious intent, and carried out at the place and time of the incident. These results show the importance of a proper understanding of the concept of noodweer in the criminal justice process.

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INTRODUCTION

In order to achieve order in social life, every society must comply with the rules in force and not commit acts that are contrary to the provisions in the legal regulations. Anyone who commits an offense will be sanctioned by law enforcement in accordance with applicable regulations regardless of the status of the subject of law. Criminal law is a law in force in a country that contains prohibited acts accompanied by certain criminal sanctions for perpetrators who violate the Prohibition (Lukman Hakim, 2020). Criminal acts in the Criminal Code are defined as an act prohibited by applicable law rules where for anyone who violates these rules will be subject to punishment (sanctions) in the form of certain crimes (Andi Hamzah, 2012). In the doctrine of criminal law, several reasons are known that can serve as a basis for a judge not to impose criminal sanctions on an offender who has committed a criminal act (M. Hamdan, 2014).

According To Harold J. Berman, the law is something complex and technical so we often encounter people who face the law with impatience or cynicism. The law, however, is one of the most fundamental concerns of civilized mankind everywhere, for it can offer protection against tyranny on one side and against anarchy on the other. From Berman's opinion, it can be concluded that the figure of law in society, because people will not understand the law by just looking at the law and then comparing it with reality or legal practice itself. Moreover, in reality, people often encounter the application of laws that differ from what has been formulated in the law itself. In other words, there is a gap between law in a positive sense (*rechts positiviteit*) and law in reality (*rechts werkelijkheid*) (Kadri Husin dan Budi Riski Husin, 2016).

According to the criminal law the judge has certain reasons not to impose a crime or sanction the defendant even though the defendant has violated the law and for that reason he can be released. This reason is called the reason for criminal removal. The reason causes the defendant who should get a punishment for his actions to be released from criminal bondage. For example, a person who commits a crime for reasons of self-defence, that person cannot be sentenced. The judge in trying a criminal case applies the principle of the judge will convict the guilty defendant and will release the innocent. A person will be punished if a person's actions meet the elements of the offense that has been established by the Criminal Code (KUHP). So if in a person who has committed a crime has an element that eliminates the unlawful nature of the act or person, then it is not punished. The reason for justification is the reason that can eliminate the unlawful nature of an act, so that what is done by a defendant can become a proper and correct Act. While the reason for forgiveness is a reason that can eliminate the guilt of a defendant but the act committed by a defendant is still against the law, so it remains a criminal act, but cannot be penalized because there is no fault and there is an element of forgiveness. One of the forms of forgiving excuses is the "existence of a forced defense" (Noodweer).

Forced defense is provided for in Article 43 of the new Criminal Code which reads: "Everyone who carries out a forced defense that exceeds the limits directly caused by a great shock of the soul due to an attack or threat of an unlawful instantaneous attack, shall not be punished for the own property or other property of a person who opposes the right immediately at the same time, shall not be punished." This article can be interpreted in an event can be declared the occurrence of forced defense when getting an attack or threat that exceeds the limits and causes great mental shock. In addition, the attack or threat must occur at a moment's notice that allows the resistance or defense to save itself. In such a situation the reasons for the reasons and elements of the occurrence of a forced defense that goes beyond the limits (Noodweer excess) should be carefully considered by the judge and other law enforcement officials The act of Defense must be balanced with a threatening attack. The defense is forced to do because the defense is forced to defend the physical or human body, defend the honor of decency, defend property or material. The actions of people who meet certain criminal formulations, such as persecution can be in the form of beating a man who is trying to rape a woman, and can even be in the form of murder, for example, the police shot dead a robber in a bank using a firearm who had fired at officers who wanted to arrest him with a deadly shot.

The criminal code regulates the reason for the removal of the criminal as a basis for not imposing a criminal charge on the defendant. The reason for the abolition of the crime is a regulation aimed at by the judge and this regulation establishes the various situations of the offender, who has fulfilled the formulation of the offense as stipulated in the law that should be punished, but is not punished . Criminal law recognizes several reasons that can serve as a basis

for a judge not to impose a sentence or Crime on a defendant who is presented to the court for having committed a criminal offense. These reasons are called criminal removal reasons (Ni Putu Kristin Ningtyas Kusuma, 2023).

According to the criminal provisions governing the forced defense (*noodweer*), if certain legal interests of a person are unlawfully attacked from another person, it can be justified to carry out a defense against the attack even in a way that harms the legal interests of the attacker who in ordinary circumstances, such a way is a prohibited act in which the perpetrator has been threatened with a penalty (P. A. F. Lamintang, 2014). In other words, *noodweer* is used as a justifying reason, but not a reason that justifies an unlawful act, but rather a person who is forced to commit a criminal offense can be forgiven for a violation of the law that preceded the act (Rani Angela Gea, 2016).

Self defense is one of the rights and obligations given by law to everyone to maintain the safety of his life, both the safety of life, property and honor. And basically self-defense is a right that becomes the instinct of every person to defend himself or others, their property and honor from the evil deeds of others, who want to damage or harm against the law (Nursolihi Insani, 2019). The reason can be interpreted as a reason for the abolition or non-abolition of the criminal. The reason for the removal of the criminal is a regulation that is primarily indicated to the judge (Kusbainto, Rina Melati, 2020). This regulation establishes the situation of a person who has fulfilled the elements of the offense, which, as stipulated in the law, should be subject to criminal sanctions, but not convicted (Eva Achjani Zulfa, 2010). There are two kinds of forgiveness: repentance and forgiveness. The difference between the justifying reason and the forgiving reason is that both have different functions, namely the justifying reason leads to the justification of the act committed while the forgiving reason has an impact on the forgiveness of unlawful acts (Mahrus Ali, 2022).

One of the reasons for the abolition of the crime is the forced defense formulated in Article 49 (1) of the Criminal Code. Forced defense is the reason for eliminating the unlawful nature, then the reason for eliminating the criminal nature is also said to be a reason to justify acts that are generally criminal acts are called reasons that negate or remove the unlawful nature of the act so that the act can be justified (Wirjono Prodjodikoro, 1989). Examples of cases related to forced defense (*noodweer*) in the Sinjai District Court with Decision number 101/Pid.B/2024 / PN.Snj where the case psychology began on Wednesday, June 26, 2024 at approximately 22.30 WITA, the defendant was nokrong in front of the defendant's house with witness Nur and friends – another defendant friend, then the defendant saw the victim's witness Adlin then the defendant reprimanded the victim's witness Aldin because he often Gas his motorcycle when passing in front of the defendant's house but after the defendant reprimanded the victim's witness by using regional language “woe janganko mappangerang ngerang motor here because of the seize and many parents here” which means “ do not you Gas your motorcycle here because of the seize and many parents” then the victim's witness Aldin replied using regional language “kenapai Kah urusanku” which means “ weve why, this is my business”. Then after a heated argument between the defendant and the victim witness, the brother of the victim witness Aldin Ajis witness suddenly came and did not accept that the victim witness has been reprimanded by the defendant. Then Ajis witness took a machete then Ajis witness approached the defendant and immediately slashed the defendant using a machete and the right hand of the defendant and the defendant fell and at that time also Ajis witness again tried to cut the defendant for the second time and the right thigh of the defendant causing

the defendant injured. Furthermore, the defendant tried to escape by taking a beam near the defendant by using the defendant's right hand and the defendant swinging the beam on the right shoulder of the victim Adlin witness as much as 1 time then after the defendant swinging the beam and the victim Aldin witness the defendant ran to the fields behind the defendant and Lei's neighbor's House. Ajis witness tried to pursue the defendant but failed to approach the defendant., but Ajis witnesses still rebelled to find the defendant to want to enter the defendant's neighbor's house, because Ajis witnesses thought that the defendant was hiding in the house and then a few moments later when the situation was quiet and felt safe the defendant returned to the defendant's House. As a result of the incident resulted in witnesses Aldin victim suffered bruises on the right shoulder.

In the example of the case that has been described above in the trial process has been heard by witnesses and evidence has been shown then in this case the judge has confidence that the actions taken by the defendant is a forced defense (noodweer) so that the judge handed down the verdict regardless of all lawsuits. In this case the judge decided to release the defendant from all lawsuits. The interesting thing to research is related to the fulfillment or not of the element of forced defense (noodweer) contained in Article 49 (1) of the Criminal Code which reads :“Not convicted, anyone who commits acts of forced defense for themselves or others, honor, decency, or property of themselves or others, because of an attack or threat of attack against the law at that time.” Based on Article 49 (1) of the Criminal Code, it can be explained that forced defense is a person's attempt to protect themselves or others, honor, decency, or property of themselves or others, caused by an attack or threat of unlawful attack. For this reason, this study was conducted in order to assess the consideration of the judge who stated that the defendant's Act was a forced defense (noodweer). In reviewing the judgment of the judge is based on the provisions of applicable law and doctrine. Based on the thinking of the above description, This is what makes the author interested in analyzing and conducting research entitled Defense (Noodweer) As the Reason For the Elimination of the Crime Of Persecution.

METHODS

This study uses normative juridical method, which is a legal research approach conducted by examining primary, secondary, and tertiary legal materials to understand the application of positive legal norms related to forced defense (noodweer) in criminal cases (Ariman Sitompul, 2022).The approach used in this study is: statutory approach (statute approach): to examine the provisions of Article 49 of the criminal code on forced defense and case approach (case approach): conducted by reviewing the decision number 101 / Pid.B/2024 / PN.Snj as a focus of study to see how the principles and theories of noodweer applied in judicial practice.

RESULTS AND DISCUSSION

Identity of The Perpetrator in Decision Number 101 / Pid.B / 2024 / PT. Snj

Identity Of The Accused: Name: Afdan Maulana Bin Ambo Place Of Birth: Sinjai Age / Date Of Birth: 23 Years Old/27 September 2001 Gender: Male Nationality: Indonesia Place of residence: Labettang Hamlet, Palae Village, Sinjai District South, Sinjai Regency Religion: Islam Occupation: Student/College Student.

That starting on Wednesday, June 26, 2024 at approximately 22.30 wita, the defendant was hanging out in front of the defendant's house with witnesses.NUR and Friends of other defendants, then the defendant saw the victim's witness ADLIN then the defendant reprimanded

the victim's witness ADLIN because he often Gas his motorcycle when passing in front of the defendant's house but after the defendant reprimanded the victim's witness by using regional language “woe janganko mappangerang-ngerang motor here because of the noise and many parents here” which has the meaning.

The victim's witness ADLIN replied using regional language “kenapai kah, urusanku ” which means “weve why, this is my business”; That then after a shootout between the defendant and the victim witness, the brother of the victim witness ADLIN namely AJIS witness suddenly came and did not accept that the victim witness has been reprimanded by the defendant, Ajis witness then took a machete then AJIS witness approached the defendant and directly slashed the defendant using a machete and the right hand of the defendant and the defendant fell and at that time also AJIS witness again tried to slash the defendant for the second time and the right thigh of the defendant causing injuries, furthermore, the defendant tried to escape by taking a beam near the defendant by using the defendant's right hand and the defendant swung the Beam and hit the right shoulder of the victim Adlin witness as much as 1 (one) time, then after the defendant swung the beam and hit the victim Adlin witness, the defendant ran to the fields behind the defendant's neighbor's House and Lel. AJIS tried to pursue the defendant, but failed to approach the defendant, however, Ajis witnesses still rebelled to find the defendant to want to get into the defendant's neighbor's house, because AJIS witnesses thought that the defendant was hiding in the house, then a few moments later when the situation was quiet and felt safe the defendant returned to the defendant's; The victim's witness ADLIN replied using regional language “kenapai kah, urusanku ” which means “weve why, this is my business”; That then after a shootout between the defendant and the victim witness, the brother of the victim witness ADLIN namely AJIS witness suddenly came and did not accept that the victim witness has been reprimanded by the defendant, Ajis witness then took a machete then AJIS witness approached the defendant and directly slashed the defendant using a machete and the right hand of the defendant and the defendant fell and at that time also AJIS witness again tried to slash the defendant for the second time and the right thigh of the defendant causing injuries, furthermore, the defendant tried to escape by taking a beam near the defendant by using the defendant's right hand and the defendant swung the Beam and hit the right shoulder of the victim Adlin witness as much as 1 (one) time, then after the defendant swung the beam and hit the victim Adlin witness, the defendant ran to the fields behind the defendant's neighbor's House and Lel. AJIS tried to pursue the defendant, but failed to approach the defendant, however, Ajis witnesses still rebelled to find the defendant to want to get into the defendant's neighbor's house, because AJIS witnesses thought that the defendant was hiding in the house, then a few moments later when the situation was quiet and felt safe the defendant returned to the defendant's.

Judge's Judgment

Consideration of the judge is one important aspect in realizing the value of Justice (ex aequo et bono) in the judge's decision. The consideration of the judge also brings advantages and legal certainty especially for the parties to the dispute. Therefore, the consideration of the judge must be carefully, qualitatively and thoroughly considered. Because if the judge's deliberation is not wise, correct and thorough, then the judge's decision arising from the judge's deliberation must be canceled by the High Court/Supreme Court (Mukti Arto, 2004).

In considering a case, the judge needs evidence because the results of the evidence will be the basis for the judge's thinking in deciding the case. Proof is the most important stage of examination in a trial. The purpose of personal proof is to obtain confidence and certainty that

the facts or events presented are true as they are and not fabricated, in order to obtain a verdict from the judge fairly and without burdening either party (Ariman Sitompul, Maswandi 2022). Judges are the embodiment of judicial power. In deciding to judge a case, in addition to having intellectual capacity, judges must also demonstrate high moral quality and integrity so that they reflect a sense of justice and guarantee the law. certainty and security can provide benefits to society. The judge cannot make a decision until it is clear to him that the event / incident has actually taken place, that is, it has been proven to be true, so that it appears that there is a legal relationship between the parties.

In making a decision the judge must consider aspects in order to achieve justice. Some aspects to consider are the following: 1. Juridical Considerations Juridical consideration is the consideration of the judge based on the facts revealed in front of the trial that must be contained in the verdict and based on the provisions of the law. Consideration in question is: a) indictment of the public prosecutor; B) witness testimony; (a) the testimony of the accused d) articles in related laws.

Non-Juridical Considerations Things that are used as a basis for consideration in the consideration of non-juridical nature of: a) background of the defendant, the background of the defendant, which includes all acts of violence that cause a strong desire and urge for the defendant to commit the crime. b) as a result of the defendant's Act, the criminal act committed by the defendant will necessarily cause harm or loss to the other party. Even though the consequences of the actions of the accused and the crimes committed can also have a bad impact on society in general, at least the security and peace of the community are always threatened.

The defendant's personal condition means that the defendant's personal circumstances are his physical and psychological state before committing a criminal offense, including his social status. Physical condition in question is the age and level of maturity, while

1. The psychic condition in question is related to emotions that can be in the form of pressure from others, confused thoughts, States of anger, among others. The social Status in question is a predicate that is owned in society.
2. Religion of the accused attachment to the judge to the teachings of religion is not enough if just put the word " Godhead" on to the verdict, but should be a measure of assessment of every action both the actions of the judges themselves and and especially the actions of the perpetrators of crime.

Forced Defense Arrangements in Indonesian Positive Law

The forced defense is regulated in Article 43 of the amendment to Article 49 of the Criminal Code which reads: "Any person who commits a forced defense that exceeds the limit directly due to severe mental shock due to an attack or threat of an instantaneous attack against the law, shall not be punished." This article can be interpreted in an event can be declared the occurrence of forced defense when getting attacks or threats that exceed the limits and cause great mental shock. In addition, the attack or threat must occur at a moment's notice that allows the resistance or defense to save itself. In such a situation the reasons for the reasons and elements of the occurrence of forced defense (Noodweer) should be carefully considered by the judge and other law enforcement officials.

In the Criminal Code on the basis of self-defense or forced defense (noodweer) a crime committed cannot be punished. Under Article 49 of the Criminal Code (1) states that, "whoever is forced to commit an act for defense, because there is an attack or threat of attack immediately against the law, against himself or others, shall not be punished (Sabela Gayo, Ariman sitompul,

2023), 20.” This is because in a threatening and desperate situation that endangers others or his safety is included in the concept of forced defense by someone. If the circumstances pose a "grave threat to honor, wealth, and property, the act of self-defense may not only be self-defense, but it may also be applied to the defense of others as well (Agung, 2021).

In addition, noodweer exces is “an act of transgression resulting from a great shaking of the soul”. Noodweer Exces or forced defense beyond the limit stipulated in Article 49 paragraph (2) of the Criminal Code states that, “forced defense beyond the limit, caused by severe mental shock due to the attack or threat of attack, shall not be punished”. Noodweer excesses are allowed by law, if due to severe mental shock due to threats or attacks. Noodweer or forced defense is translated by the National Law Development Agency with the definition of “criminal offense, anyone who commits acts of forced defense for themselves or others, honor of decency or property of themselves or others because there is an attack or threat of attack that is very close at that time against the law”. However, it is still possible for the perpetrator to be sentenced for a defense beyond the requirements in Article 49 paragraph (1) of the Criminal Code. The condition of the condition describes that if someone seeks forced defense must include the following:

1. There must be an attack, but self-defense cannot be done in all types of attacks, this self-defense can only be done if the attack meets the conditions: A) the threat of such an attack is sudden and sudden (ogenblikkelijk of on mid delijk dreigen); b) the legal nature of the attack received (wederrech-telijk aanranding).
2. A counterattack is required to be done as a self-defense but in fact not all self-defense that we do is noodweer, there are conditions that must be met so that it can be said to be a noodweer, namely: A) it is a necessity for the defence to be made; being a forced defence, the defence to be made; or B) is the defense of ourselves or of others, for objects or honor, the defense effort made. As stipulated in Article 49 paragraph (1) of the criminal code, when obtaining an unlawful attack from a person on certain legal interests, then a defense against the attack can basically be justified to be carried out, even if the attempt may result in harm to the legal interests of the attack. For example, when someone is getting a threat by another person to be shot with a gun or a threat to stab his body with a knife, then the action of resistance by that person to his attacker can be justified, one form of resistance that can be done is to dismiss the attacker's arm carrying a firearm or a knife so that the firearm or knife owned by the attacker regardless of his control by using a piece of wood or a piece of iron. Even though the beating attempt resulted in the attacker's hand being injured and in pain, or even made the attacker have to be killed if his actions had led to a threat that claimed his life.

If in general this method is a criminal offense prohibited by law, but in this kind of condition to eliminate the attack it is necessary to ask for help to others in this context the authorities or authorities. But in urgent or emergency conditions like this Article 49 paragraph 1 of the Criminal Code states that this is a form of resistance and self-defense which is classified as self-defense. This is because the attempt to ask the authorities for help was not owned by the person at the time and thus without the help of state instruments, the effort he made can be said to be appropriate to eliminate independently the attempted attack (Andriani, 2022).

In addition to noodweer (forced defense) there is also a so-called noodweer exces (forced defense beyond the limit). Noodweer exces are regulated in Article 49 paragraph 2 of the Criminal Code. In this article, it is said that a person who makes a defense is forced to exceed the limit at that time because of an attack or threat that causes mental shock to that person. When doing self-defense there are limits in the positive law that cannot be crossed, the principle of self-

defense or the principle of noodweer is the principle of balance. In self-defense of oneself, honor, wealth or others must be carried out in a balanced and equal manner to the threat received. In defense of the attack on him, a person is not allowed to overdo it. For this reason, if he has the ability and opportunity to escape, it is more advisable for someone to escape or avoid. When there is a "shaking of the soul" the self-defense carried out by a person is excluded for the principle of balance so as provided for by Article 49 paragraph 2 of the Criminal Code. However, the meaning of "shaking of the soul" has various interpretations from many sides. One of the figures who gave his opinion was Prof. Satochid Kartanegara. In his opinion he stated that the shock of the soul is a condition in which the soul is very depressed. Another opinion is expressed by Tiraamidjaja, which in his interpretation is referred to as "the very movement of the soul". While Utrecht gives the definition of soul shaking as "a very hot feeling of the heart". And the last is marapaung which gives the definition of mental shock as "a condition in which a person is not normal in thinking" (Ariman Sitompul, Sabela Gayo, Firman Halawa, 2021). This difference in interpretation makes the researcher provide a description of the elements that must exist in a Noodweer excess, namely:

1. Make a defense that goes beyond the limits of what is necessary. This element can occur due to the fact that in order to carry out self-defense it is necessary to have a harder tool than the object used by the aggressor so that the person has the opportunity to escape.
2. There is a soul shaking that occurs violently. Noodweer excess caused by mental shock, as stated in Article 49 paragraph 2 of the Criminal Code, R. Soesilo gives an example that when his wife was raped by another police agent, then pulled out his gun owned by him and fired at the person repeatedly at the person, it can be said that the person's emergency defense has exceeded the limit, because in general someone will stop the action he did and ran away by only shooting once. The police agent cannot be charged and sentenced for his actions if the judge declares before the trial that his efforts crossed the line because he was very angry."
3. The causal relationship between mental shock and attack. Noodweer excess as has been described, although it gives the effect of harm to others and its unlawful nature cannot be eliminated, but for the condition of someone experiencing a mental shock, this can be a forgiving reason and a justifying reason so that criminal elimination can occur, thus free from prosecution against the defending party. a emergency defense regarding self-defense in the sense of noodweer excess, in this case there must be an immediate attack that is also sudden or threatening. The category of "exceeding the limits of necessary defense" can be pinned to those who defend using firearms when in fact only beating using self-defense wood done by him can save him. Provided that caused by the attack resulted in a great shock of feelings, the exceeding of this limit committed by law is allowed. Feeling very angry is one example of a great emotional shock.

Andi Hamzah in his opinion said that Noodweer and Noodweer excess have similarities and differences. The similarity between the two is that there are attacks carried out against the law, on Honor, wealth, morality and body to both one's own and others. The difference between the two is that in the case of noodweer excess, there is a great mental shock experienced by the perpetrator. Therefore, only the person is not punished for a severe shock of the soul, the act of self-defense beyond the limits that he committed remains against the law. Furthermore, this excess noodweer turns into a forgiving *dasa* while for noodweer because against the law there is no categorized as a justifying basis. In the course of taking into account the whole thing on the events need to be reviewed one by one each incident whether it can be said to fall into the scope

of forced defense, which must determine to what point the need for self-defense is a sense of Justice. And what makes the deeds concerned lawful is the sense of Justice (noodweer).

Jury Verdict

The judge's decision is the final act of the judge in a trial and determines whether the perpetrator will be punished. Therefore, the decision of the judge is a statement made by the judge at the time He has a right to judge in the court of law and a right to remain in the court of law. The judge in deciding a case must be based on two pieces of evidence and one conviction of the judge. This means that in the examination there must be valid evidence as described in Article 184 paragraph (1) of the code of Criminal Procedure which reads: valid evidence is: 1. Witness testimony; 2. Member description; 3. Surat; 4. Instructions; 5. Testimony of the accused.

In the Code of Criminal Procedure (KUHP) judge's decision consists of three types, namely free decision, loose decision and conviction decision. An acquittal is a judgment handed down when acquittal occurs when the defendant's guilt in the alleged act cannot be proven conclusively legally, resulting in the defendant being acquitted. This means that the crime really happened, but the problem is that the evidence in this case does not meet the standards of validity and persuasiveness.

Validity and persuasiveness. The problem allegedly lies in a series of processes including investigations, inquests, indictments, and indictments that fail to find and present perfect evidence (Nikolas Simanjuntak, 2009).

1. The acquittal is regulated in Article 191 paragraph (1) of the Criminal Procedure Code which reads: "If the court considers that from the results of the examination at the trial, the defendant's guilt for the actions charged to him, is not proven legally and convincingly, then the defendant is acquitted".
2. The release decision is regulated in Article 191 paragraph (2) of the Criminal Procedure Code which reads: "If the court considers that the act charged against the defendant is proven, but the Act does not constitute a criminal offense, the defendant is disconnected from all lawsuits." That is, if the judge believes that the act charged against the defendant is proven, but the act is not a criminal act or violation, the defendant must be released from all lawsuits. This ruling is called release from all lawsuits (*onslag van rechtavervolging*) or commonly abbreviated as *onslag* (Djoko Prakoso, 1985).

The verdict of conviction or "*veroordelling*" can be handed down by the judge if the judge gets a conviction that can prove that the defendant is legally proven to have committed a criminal offense and the judge considers that the actions carried out by the defendant can be punished (Tolib Effendi, 2014). "The verdict of conviction is stipulated in Article 193 paragraph (1) of the Criminal Procedure Code that: "if the court considers that the defendant is guilty of committing the criminal offense charged against him, then the court imposes a criminal penalty." The verdict of conviction can be handed down in excess of the criminal charges submitted by the prosecutor/public prosecutor but the verdict should not exceed the maximum threat as stipulated in the law (Lilik Mulyadi, 2010). After the verdict of conviction is read, the panel of judges must and is obliged to convey the rights of the defendant related to the verdict, namely : a. Accept or reject the verdict. b. Studying the verdict. c. Request the suspension of the execution of the decision in the framework of filing for clemency. d. Filed an appeal. e. Revoke the statement to accept or reject the verdict.

CONCLUSION

Based on the description above, the defense submitted a request for case number 101/Pid.B/2024/PN.Snj, that the Judge has stated that the Defendant Afdan Maulana Bin Ambo mentioned above has been proven to have committed the act as stated in the indictment, but cannot be sentenced to a criminal sentence because it is only based on a defense of a compelling nature (noodweer); acquit the Defendant therefore from all legal charges; the order for the Defendant to be released from detention immediately after the verdict is pronounced.

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