

RINGKASAN

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**Analisis Hukum Terhadap Pembelaan
Terpaksa (*Noodwer Exces*) Yang Melampaui
Batas Terhadap Pelaku Tindak Pidana
Penganiayaan Yang Menyebabkan Kematian
(Studi Putusan Nomor 33/Pid.B/2024/PN.BIR)
(Dr. Muhammad Hatta, S.H., LL.M. dan Arif
Rahman, S.H., M.H.)**

Putusan Nomor 33/Pid.B/2024/PN.Bir menjadi contoh bagaimana pembelaan terpaksa (*noodweer*) yang dilakukan oleh terdakwa dapat dinilai melampaui batas atau menjadi *noodweer exces* apabila tidak memenuhi syarat proporsionalitas sebagaimana diatur dalam Pasal 34 dan Pasal 35 KUHP. Dalam perkara ini, terdakwa dinyatakan bersalah karena membalas serangan secara berlebihan hingga menyebabkan kematian, meskipun awalnya bertujuan melindungi diri dan ibunya dari ancaman langsung. Kenyataan ini menunjukkan bahwa pembelaan terpaksa yang melampaui batas tidak serta-merta menghapus pertanggungjawaban pidana, dibutuhkan analisis hukum untuk menilai sejauh mana suatu tindakan masih dapat dibenarkan menurut hukum pidana positif Indonesia. Penelitian ini bertujuan mengkaji dasar pertimbangan hakim dan akibat hukum bagi pelaku dalam Putusan Nomor 33/Pid.B/2024/PN.Bir.

Penelitian ini merupakan penelitian yuridis normatif dengan pendekatan pendekatan kasus. Sumber data berasal dari data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier. Teknik pengumpulan data dilakukan dengan studi kepustakaan, dan dianalisis melalui reduksi data, penyajian data, serta penarikan kesimpulan.

Hasil penelitian menunjukkan bahwa dalam Putusan Nomor 33/Pid.B/2024/PN.Bir, hakim menolak pembelaan terdakwa berupa pembelaan terpaksa (*noodweer*) karena perbuatan terdakwa dinilai telah melampaui batas proporsionalitas pembelaan diri dan tidak sesuai dengan Pasal 38 ayat (2) KUHP. Vonis pidana penjara selama lima tahun dijatuhkan dengan mempertimbangkan asas keadilan, kepastian hukum, dan sikap kooperatif terdakwa selama persidangan. Akibat hukum yang ditimbulkan terhadap terdakwa tidak hanya berupa pembatasan kebebasan fisik melalui pemidanaan, tetapi juga berdampak pada hak-hak sipilnya, seperti pembatasan hak politik tertentu. Meskipun demikian, sistem hukum pidana Indonesia tetap menjamin hak-hak dasar narapidana, seperti hak atas kesehatan, ibadah, dan pembinaan, sehingga pemidanaan dalam perkara ini mencerminkan tidak hanya fungsi retributif, tetapi juga fungsi rehabilitatif dan resosialisatif sesuai prinsip keadilan pidana yang humanis.

Disarankan agar lembaga pemasyarakatan menyediakan program pembinaan hukum yang terstruktur bagi narapidana kasus kekerasan untuk mendukung fungsi rehabilitatif pemidanaan.

Kata Kunci : Pembelaan Terpaksa, Pelaku, Tindak Pidana Penganiayaan, Kematian.

SUMMARY

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Legal Analysis of Excessive Self-Defense (Noodweer Exces) Against Perpetrators of Criminal Acts of Assault Resulting in Death (Case Study of Decision Number 33/Pid.B/2024/PN.BIR)
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Decision Number 33/Pid.B/2024/PN.Bir serves as an example of how self-defense (noodweer) can be deemed excessive (noodweer exces) if it does not meet the proportionality requirement as stipulated in Articles 34 and 35 of the Indonesian Criminal Code (KUHP). In this case, the defendant was found guilty of responding to an attack in an excessive manner that resulted in death, even though the initial intent was to protect himself and his mother from an imminent threat. This demonstrates that excessive self-defense does not automatically eliminate criminal responsibility; instead, a legal analysis is necessary to determine the extent to which an action can still be justified under Indonesian criminal law. This research aims to examine the judge's legal considerations and the legal consequences for the perpetrator in Decision Number 33/Pid.B/2024/PN.Bir.

This study is a normative juridical research using a case approach. Data sources were obtained from secondary data consisting of primary, secondary, and tertiary legal materials. Data collection was conducted through library research and analyzed using data reduction, data presentation, and conclusion drawing techniques.

The results show that in Decision Number 33/Pid.B/2024/PN.Bir, the judge rejected the defendant's claim of self-defense (noodweer), as the defendant's actions were deemed to have exceeded the proportional limits of lawful defense and were inconsistent with Article 38 paragraph (2) of the Criminal Code. A five-year prison sentence was imposed, taking into account the principles of justice, legal certainty, and the defendant's cooperative attitude during trial. The legal consequences for the defendant included not only physical confinement through imprisonment but also the restriction of certain civil rights, such as political rights. Nevertheless, the Indonesian penal system continues to guarantee the fundamental rights of inmates, including the rights to health, worship, and rehabilitation, showing that sentencing in this case reflects not only a retributive function but also rehabilitative and resocialization objectives in line with humanistic principles of criminal justice.

It is recommended that correctional institutions provide structured legal rehabilitation programs for inmates convicted of violent crimes to support the rehabilitative function of punishment.

Keywords: Self-defense, Perpetrator, Criminal Assault, Death.