ABSTRACT

This study analyzes the application of self-defense (noodweer) in criminal cases of assault based on Decision Number 133/Pid.B/2024/PN.Lbo at the Limboto District Court. The research problem includes the judge's considerations in deciding the case and the criteria for actions that can be qualified as self-defense that are not punishable. The method used is normative-empirical legal research with a statutory, case-based, and conceptual approach, supported by interview data. The research results indicate that the Panel of Judges placed greater emphasis on fulfilling the elements of Article 351 of the Criminal Code without comprehensively explaining the elements of self-defense as outlined in Article 49 of the Criminal Code, particularly the principles of subsidiarity, proportionality, and culpa in causa. Furthermore, the defense during the trial failed to optimally emphasize the necessity of the situation as a justification or excuse. Therefore, the application of self-defense in the a quo case still requires further legal argumentation to achieve substantive justice.

***Keywords**: Self-Defense, Noodweer, Assault, Criminal Liability, Judge's Consideration.*

ABSTRAK

Penelitian ini menganalisis penerapan pembelaan diri (noodweer) dalam perkara pidana penganiayaan berdasarkan Putusan Nomor 133/Pid.B/2024/PN.Lbo di Pengadilan Negeri Limboto. Permasalahan penelitian meliputi pertimbangan hakim dalam memutus perkara serta kriteria tindakan yang dapat dikualifikasikan sebagai pembelaan diri yang tidak dipidana. Metode yang digunakan adalah penelitian hukum normatif-empiris dengan pendekatan perundang-undangan, kasus, dan konseptual, didukung data wawancara. Hasil penelitian menunjukkan bahwa Majelis Hakim lebih menekankan terpenuhinya unsur Pasal 351 KUHP tanpa menguraikan secara komprehensif unsur pembelaan terpaksa sebagaimana Pasal 49 KUHP, khususnya prinsip subsidiaritas, proporsionalitas, dan culpa in causa. Selain itu, pembelaan dalam persidangan belum menegaskan secara optimal kondisi keterdesakan sebagai dasar alasan pembenar atau pemaaf. Oleh karena itu, penerapan noodweer dalam perkara *a quo* masih memerlukan pendalaman argumentasi hukum guna mewujudkan keadilan substantif.

Kata Kunci: Pembelaan Diri Terpaksa, Noodweer, Penganiayaan, Pertanggungjawaban Pidana, Pertimbangan Hakim.