

The Legal Implications of Acquittal for Criminal Acts of Abuse Based on the Principle of Justice

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Abstract. *In the modern era, criminal cases have become more complex and abuse remains one of the most frequently encountered offenses in court proceedings. The enforcement of criminal law rests on the presumption of innocence, meaning that prosecutors must prove the defendant’s guilt beyond reasonable doubt. If the evidence is insufficient, the judge must acquit the defendant. However, such acquittals often create a dilemma of justice, especially when victims have clearly suffered harm but the legal elements of the offense cannot be proven. The Lubuklinggau District Court Decision No. 186/Pid.B/2023/PN Llg serves as a significant example. In this case, the panel of judges acquitted the defendants even though witness statements and a Visum et Repertum (medical report) were presented. The judges reasoned that the connection between the pieces of evidence was not strong enough to establish the defendants’ direct involvement in the abuse. This study analyzes the judges’ considerations in issuing the acquittal and examines its implications for victims’ rights from the perspective of justice. The findings show that the acquittal was based on the failure to prove the element of “jointly committing abuse.” Although Yoyon Utoyo was found to have committed violence against the victim, Hengki Ternando, there was no concrete evidence linking Bobot Sudoyo to the act, so the element of deelneming (participation) was not fulfilled. Legally, the verdict is valid since the elements of the crime were not proven beyond reasonable doubt. Yet from the victim’s viewpoint, the decision is unjust, as it denies protection and recovery rights guaranteed under Law No. 31 of 2014 on Witness and Victim Protection. This case reflects the tension between legal certainty and justice, where formal procedures often overshadow fairness, weakening public trust in the judiciary.*

Keywords: Abuse; Acquittal; Justice; Protection; Sanction.

1. Introduction

Criminal law is one of the main pillars of a country's legal system, serving as an instrument to maintain order, security, and justice for society. Its main purpose is to protect the legal interests of individuals and the public from various forms of crime. In the modern era, crimes have become increasingly diverse and complex, both in terms of individual rights and public order. Violence is often a complementary element of the crime itself. In fact, violence has shaped certain characteristics in understanding the phenomenon of crime (Rabbani, 2021). One type of crime that still dominates is abuse. In the Criminal Code (KUHP), abuse is defined as an act that attacks or harms a person's body, causing pain, injury, or disability. According to jurisprudence, abuse is an act committed intentionally or by force, which causes pain or injury to the victim (Karini, 2023). According to criminal law, abuse has several elements that must be fulfilled. The first element is intent, which is a subjective element or the fault of the perpetrator. The second element is the act itself and the third element is the result of the act, namely causing pain or injury to the victim's body. The second and third elements are objective elements (Rimporok, 2021). Acts that fall under the category of abuse include beating, slapping, and assault. Abuse that occurs in society varies, ranging from minor abuse that only causes temporary pain to severe abuse that can cause permanent disability or even death.

Cases of maltreatment are a highly relevant issue and are often encountered in judicial practice. Based on the 2024 Criminal Statistics Publication, in 2023 there were more than 51,000 cases of maltreatment in Indonesia (Badan Pusat Statistik, 2024). This high number shows that maltreatment is a serious problem that requires consistent and effective legal attention. This crime not only harms the victim physically and psychologically, but also erodes the sense of security in society. Therefore, criminal law has established regulations regarding crimes against the human body to protect the legal interests of the body from various acts that attack or damage it, whether they cause pain, injury, or even death (Gunadi & Efendi, 2014).

In the Indonesian Criminal Code, the offense of abuse is regulated under Book Two on Crimes, specifically Chapter XX titled "Abuse." This chapter encompasses Articles 351 to 358, which outline different types and degrees of abusive conduct. The classification of abuse in the Criminal Code is determined by the severity of the act and the extent of the harm caused. Ordinary abuse, as stated in Article 351, refers to acts that inflict pain, injury, or physical suffering without resulting in serious harm or permanent disability. Meanwhile, minor abuse under Article 352 applies when the act causes only slight pain and does not significantly interfere with the victim's daily activities. Premeditated abuse, described in Article 353, occurs when the perpetrator commits the act after prior planning or intention. Furthermore, Article 355 addresses premeditated severe abuse, which involves deliberate acts that cause serious injury to another person. In addition, Article 356 regulates abuse committed under specific circumstances, such as when certain instruments or objects are used in the act. Overall, these provisions illustrate how Indonesian criminal law differentiates between forms of abuse not

only based on the physical consequences but also the perpetrator's intent and level of premeditation. This legal framework aims to ensure proportionality in punishment by aligning the severity of sanctions with the gravity of the offense, which is when it is committed against a victim with certain characteristics, such as a parent, spouse, child, or official, or when it is committed in a manner that endangers life, for which the penalty can be increased by one third. Finally, the Criminal Code also regulates participation in fights or assaults (Articles 358 and 170 of the Criminal Code) involving many people, with varying criminal penalties of up to twelve years if the act results in death.

The enforcement of criminal law rests on core principles, one of the most essential being the presumption of innocence. This doctrine asserts that throughout the trial process, the public prosecutor bears the responsibility of proving the defendant's guilt (Hiariej, 2012). If the prosecutor fails to present sufficient proof, the defendant must be declared not guilty. When the available evidence does not meet the legal standard, the judge has no authority to impose a conviction and is obliged to deliver an acquittal (Mochtar & Hiariej, 2023). An acquittal, or *vrijspraak*, refers to a court's decision stating that the charges brought against the defendant cannot be substantiated by valid and convincing evidence (Azahra & Setiyono, 2024). Djoko Prakoso explains that *vrijspraak* is a ruling in which the judge determines the accused is not guilty because the alleged act—either as stated in the indictment or after being amended during the trial—has been found, wholly or partially, unproven (Prakoso, 1986). This aligns with Article 191 paragraph (1) of the Criminal Procedure Code, which stipulates that if the court concludes, based on the trial's findings, that the defendant's guilt has not been proven legally and convincingly, the defendant must be acquitted. From this understanding, it can be inferred that the main grounds for an acquittal include the insufficiency of evidence, the failure to meet the minimum standard of two lawful pieces of evidence, and the absence of the judge's conviction regarding the defendant's guilt.

In many cases, public prosecutors undergo lengthy stages of investigation and prosecution, convinced that the evidence gathered is sufficient to hold the defendant accountable. Yet, by the end of the trial, the panel of judges may still deliver an acquittal. Such outcomes often prompt public concern and curiosity regarding the reasoning and legal basis behind the acquittal. To better understand this issue, this study focuses on the Lubuklinggau District Court Decision Number 186/Pid.B/2023/PN Llg. In this case, Defendant I, Bobot Sudoyo, and Defendant II, Yoyon Utoyo, were charged with committing an act of abuse. The Public Prosecutor submitted alternative charges: the first based on Article 351 paragraph (1) in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code, and the second under Article 170 paragraph (1) of the Criminal Code. The prosecution demanded a prison sentence of one (1) year, reduced by the period of detention already served, for Defendant I, and one (1) year and six (6) months, also reduced by time served, for Defendant II.

In practice, acts of maltreatment are not always committed by one person alone. Often, such acts occur jointly, either because of a shared intent or because the perpetrators participated in

the process of committing the crime. For this reason, Article 55 paragraph (1) of the Criminal Code plays an important role because this article extends criminal liability not only to the main perpetrator but also to those who order or participate in the crime. This means that even someone who did not directly commit the abuse can be held liable if they are proven to have played an active role in the incident. The connection between Article 351 and Article 55 is clearly evident in Decision Number 186/Pid.B/2023/PN Lubuklinggau, in which both defendants were charged with jointly committing assault against the victim. The judge needed to assess whether both defendants truly had the intent and took actions that supported each other in committing the violence or whether only one of them was the main perpetrator. After examining all the facts presented at the trial, the panel of judges ruled that the evidence presented was insufficient to prove the elements of the crime legally and convincingly. Based on those considerations, the judges decided to acquit the defendants. In criminal proceedings, the role of evidence is fundamentally significant. Article 184 of the Indonesian Criminal Procedure Code (KUHAP) outlines five forms of admissible evidence in the criminal justice process: witness statements, expert opinions, written documents, indications, and the defendant's own testimony. In this particular case, although the prosecution presented witness statements and medical reports, the panel of judges concluded that the relationship between these pieces of evidence was insufficient to establish full certainty about the defendant's involvement in the alleged criminal act.

This case is an urgent topic of research because it directly shows how crucial legal principles are interpreted and applied by judges in a verdict. According to Gustav Radbruch, law has three main values, namely justice as a philosophical basis, legal certainty as a juridical basis, and benefits for society as a sociological basis. Furthermore, Gustav Radbruch explains that there is a priority order in achieving legal objectives, in which justice always comes first, followed by benefits, and legal certainty occupies the last priority (Afdhali & Syahuri, 2023). Aristotle argued that justice does not only refers not to an equal distribution, but to a fair and proportional allocation that takes into account each individual's virtues, efforts, and contributions (Salman & Budhiartie, 2024). Meanwhile, regarding legal certainty, Sudikno Mertokusumo defines it as the existence of a concrete guarantee in law. This certainty is a tangible form of protection for those seeking justice (justiciable) from arbitrary actions, so that they can obtain their rights or the certainty of the expected outcome in a given situation (Mertokusumo, 1993). Furthermore, there is legal benefit, which means that there are clear and firm norms that can be used as guidelines for society, while also preventing misinterpretation. If a law is able to cover these three elements, then it can be said that the objectives of the law have been fulfilled. The three work in harmony to form ideal law.

An analysis of this verdict will show how the judge considered and assessed each piece of evidence presented at the trial so that each piece of evidence could strengthen the fulfillment of the elements in the charged article. From an academic perspective, research on acquittals in criminal law does exist. However, most previous studies tend to discuss acquittals in general or from a legislative perspective without referring to specific and in-depth cases. This research

gap lies in the lack of in-depth qualitative analysis of specific acquittals, particularly those related to criminal acts of abuse. Therefore, this study aims to fill this gap by analyzing the judge's considerations in Decision Number 186/Pid.B/2023/PN Llg by dissecting in detail the considerations used by the panel of judges. Based on the above background, this study will examine in depth the basis of the judge's considerations in handing down an acquittal and its legal implications based on the principle of justice.

2. Research Methods

This research used normative juridical approach, emphasizing the examination of positive legal norms as the main object of analysis (Wiradipradja, 2015). The study applies both statute and case approaches to explore the legal issues comprehensively. The data used are secondary in nature, comprising three categories of legal materials: primary, secondary, and tertiary. Primary legal materials include Law No. 1 of 1946 on Criminal Law Regulations, Law No. 8 of 1981 on Criminal Procedure, Law No. 31 of 2014 as the amendment to Law No. 13 of 2006 on Witness and Victim Protection and the Lubuklinggau District Court Decision No. 186/Pid.B/2023/PN Llg. Secondary legal materials consist of legal journals, scholarly works, books on criminal law, and relevant theses or dissertations. Tertiary legal materials encompass the Kamus Besar Bahasa Indonesia (KBBI), legal dictionaries, and credible online resources. Data were collected through library research focusing on reviewing and interpreting legal sources systematically. The analysis was conducted using a descriptive-analytical method, aiming to describe and evaluate legal norms and judicial reasoning relevant to the case in a structured and comprehensive manner.

3. Results and Discussion

3.1. The basis for the judge's decision to acquit the perpetrator in Decision Number 186/Pid.B/2023/PN Llg related to the criminal act of abuse

The judge's consideration is an objective and comprehensive assessment process to determine whether a defendant deserves to be sentenced or not (Videawaty, 2025). In case No. 186/Pid.B/2023/PN Lubuklinggau, the panel of judges began by examining the primary charge under Article 351 paragraph (1) in conjunction with Article 55 paragraph (1) point 1 of the Indonesian Criminal Code, which concerns the criminal act of jointly committing assault. The judges initiated their legal considerations by clarifying that the term "assault" refers to an intentional act aimed at causing pain, injury, or physical suffering to another individual. The element of intent is absolute, so the act must be proven beyond a reasonable doubt and supported by valid evidence. Based on the facts of the trial, the judge found that Defendant II, Yoyon Utoyo, directly committed violence against the victim, Hengki Ternando. Defendant Yoyon strangled the victim until his head hit the wall, causing the victim to suffer abrasions on his neck and a bump on the back of his head. This finding is in accordance with Visum Et Repertum Number 350/057/VER/RSUD.RPT, which shows the presence of injuries caused by a

blunt object. The testimony of witnesses at the trial also supported this, so the panel of judges ruled that the element of abuse had been fulfilled by the defendant Yoyon Utoyo. Meanwhile, regarding the first defendant, Bobot Sudoyo, the panel of judges ruled otherwise. From the results of the examination at the trial, there was insufficient evidence that Bobot actually hit or punched the victim. Although there were witnesses who stated that Bobot stood up and moved his hand towards the victim while speaking, there was no evidence to confirm that the movement hit the victim's body. In fact, the judge considered that Bobot's position, which was blocked by a table and about one meter away from the victim, made it impossible for him to hit the victim. The judge also took into consideration Bobot's physical condition, namely that his right hand was disabled and did not function properly due to a previous accident. This condition made it logically impossible for him to commit the act as charged. In addition, the medical examination and photos of the victim's condition did not show any injuries to the front of the head, whereas if Bobot had actually hit the victim from the front, injuries should have appeared in that area. This fact actually strengthened the judge's belief that Bobot did not commit the act of abuse. Thus, the panel of judges concluded that the element of "committing abuse" was only proven against Defendant II (Yoyon Utoyo), while against Defendant I (Bobot Sudoyo) this element was not proven legally and convincingly.

The judges then examined the element of "those who commit, order, or take part in an act," as stipulated in Article 55 paragraph (1) point 1 of the Criminal Code. This element is considered fulfilled only when there is proven cooperation among the perpetrators, either during the planning, execution, or as a result of the act. In this case, the panel of judges did not find any indication of collaboration or mutual intent demonstrating that Bobot Sudoyo participated in the assault with Yoyon Utoyo. Bobot's mere presence at the crime scene was deemed insufficient to establish his role as an accomplice, as there was no concrete evidence showing his contribution to the victim's injuries. As a result of the examination, the panel of judges found that the criteria outlined in Article 55 paragraph (1) of the Criminal Code did not apply to Bobot Sudoyo, as there was no evidence showing his participation in the act. In contrast, the elements were deemed fulfilled in relation to Yoyon Utoyo, who was identified as the main perpetrator. Accordingly, the court held that Defendant II, Yoyon Utoyo, was proven beyond reasonable doubt to have committed the offense of abuse under Article 351 paragraph (1) of the Criminal Code. In contrast, Defendant I, Bobot Sudoyo, was declared free from any criminal liability and was acquitted of the charges.

Furthermore, in relation to Article 55 paragraph (1) of the Criminal Code, the Panel of Judges emphasized that the element of "those who commit, order to commit, or participate in committing the act" is formulated alternatively. This means that the fulfillment of any one of these categories is sufficient for the element to be considered satisfied. In practice, this element indicates a form of participation (*deelneming*), which is a situation where there is more than one person involved in committing a criminal act (Sinurat, 2024). However, in this case, the judge ruled that the requirement of more than one perpetrator was not met. This was because Defendant I, Bobot Sudoyo, had previously been found not guilty of committing

the assault. Thus, only Defendant II, Yoyon Utoyo, actually committed the act of violence against the victim.

To implement the provisions of Article 351 paragraph (1) in conjunction with Article 55 paragraph (1) of the Criminal Code, there must be at least two perpetrators involved, namely the person who committed the act (*pleger*) and the person who participated in the act (*medepleger*). Because the element of joint participation was not present, the provisions of Article 55 could not be applied. As a result, even though Yoyon did in fact strangle the victim, causing injury as proven by the Visum Et Repertum and witness testimony, the judge ruled that his actions did not fulfill the elements of Article 351 paragraph (1) in conjunction with Article 55 paragraph (1) of the Criminal Code, because the prosecutor's indictment stated "committing assault together." In other words, Yoyon did commit assault, but not together with others. Therefore, the panel of judges stated that the element of "those who committed, ordered, and participated in the act" was not proven against Yoyon, so the first charge was declared unproven in a lawful and convincing manner. As a result of the failure to fulfill one of the elements of this offense, the judge acquitted Yoyon Utoyo of the first charge, even though he had in fact committed violence against the victim.

Since the first alternative charge was not proven against the defendants, the panel of judges proceeded to examine the second alternative charge under Article 170 paragraph (1) of the Criminal Code, which includes the elements of "anyone" and "openly and jointly committing violence against a person or property." Concerning the element of "anyone," the judges interpreted it as referring to any individual who is legally accountable namely, an adult who is physically and mentally capable of bearing responsibility for their actions. In this case, both defendants, Bobot Sudoyo and Yoyon Utoyo, were found to be in good physical and mental condition during the trial. They were able to answer all questions properly and, based on their age and mental condition (30 and 31 years old, respectively), the judge ruled that both were legally responsible for their actions. However, the judge also emphasized that proving the element of "whoever" is not only a matter of accountability, but also requires proof that the defendants were indeed the perpetrators of the alleged crime. This means that this element is only considered fulfilled if the second element is also proven.

Furthermore, regarding the second charge against the defendants under Article 170 paragraph (1) of the Criminal Code with the elements of "openly and jointly committing violence against persons or property," the judge broke down this element into three parts, namely "openly," "jointly," and "committing violence against persons or property." First, regarding the element of "openly," the judge explained that this does not mean that the act must be carried out in public, but rather that it is sufficient if the act is not carried out secretly and can be seen or known by others. In this case, the violence occurred at the home of witness Adios Pranata, which was accessible to the public and witnessed by several people who were at the scene. Therefore, the judge ruled that the act was committed openly, thus fulfilling this element. Second, the element of "with joint force" requires that the act be committed by two or more

persons, with the same purpose and intent, and that the acts of each person be interrelated in the commission of the crime. However, based on the results of the examination at the trial, the judge found that this element was not proven.

Only the defendant Yoyon Utoyo was proven to have used physical violence against the victim. He strangled the victim until the victim's head hit the wall, resulting in injuries to the neck and the back of the head. In contrast, the defendant Bobot Sudoyo was not proven to have committed any form of violence. His hand movement was not shown to have struck the victim and his disability in his right hand made it physically impossible for him to do so. Therefore, the element of "joint force" was considered not to be satisfied, as the act of violence was carried out by a single individual rather than collectively as required under Article 170 of the Criminal Code.

Third, the judge assessed the element of "committing violence against a person or property" as referred to in Article 170 paragraph (1) of the Criminal Code. In his consideration, the judge referred to Article 89 of the Criminal Code which explains that "rendering a person unconscious or helpless is equivalent to committing violence." Thus, this element is fulfilled if a person uses sufficient physical force against another person, either directly or indirectly, to cause pain, injury, or helplessness. Based on the Visum et Repertum and witness testimony, the victim, Hengki Ternado, suffered abrasions on his neck and a bump on his head as a result of being strangled by the defendant, Yoyon Utoyo, proving that physical violence had occurred. However, the violence was only committed by Yoyon, while Bobot Sudoyo was not proven to have participated, as there was no evidence that his hand movements hit the victim and his hand was permanently disabled due to an accident, so it was logically impossible for him to have committed the assault.

Therefore, the panel of judges concluded that there was no act of violence committed "with joint force," because Article 170 of the Criminal Code requires two or more people to actively and simultaneously commit violence with the same purpose. In other words, even though the element of "committing violence against a person" was factually proven to have been committed by Yoyon, this element did not meet the legal requirements of Article 170 paragraph (1) of the Criminal Code because it was not committed collectively. Thus, the element of "committing violence against a person with joint force" was not fulfilled. Consequently, the panel of judges concluded that none of the elements contained in Article 170 paragraph (1) of the Criminal Code were proven legally and convincingly. Therefore, the defendants were acquitted of the second alternative charge.

In case No. 186/Pid.B/2023/PN Lubuklinggau, the panel of judges emphasized that although it was factually proven that Defendant II, Yoyon Utoyo, was proven to have committed physical violence by strangling the victim, causing injuries as evidenced by the medical examination report and witness testimony, his actions did not fulfill the element of "jointly" as referred to in Article 351 paragraph (1) in conjunction with Article 55 paragraph (1) 1 of the Criminal Code

or Article 170 paragraph (1) of the Criminal Code. The element of joint action or “joint force” is an important element that requires the active involvement of more than one perpetrator with the same intent and purpose. However, in this case, only Yoyon was proven to have committed violence, while Defendant I, Bobot Sudoyo, was not proven to have participated because there was no clear evidence of his involvement. In fact, his physical disability reinforced the impossibility of him committing the assault. Because the element of participation was not fulfilled, the judge concluded that the crime of assault could not be classified as joint assault, and therefore both defendants were acquitted of all charges.

3.2. The Legal implications of acquittal in criminal cases of abuse of victims' rights from the perspective of the principle of justice

In Decision No. 186/Pid.B/2023/PN Lubuklinggau, the panel of judges concluded that the defendants, Bobot Sudoyo and Yoyon Utoyo, were not proven legally and convincingly to have committed the alleged abuse. Although the evidence presented during the trial, including the Visum et Repertum, confirmed that the victim sustained neck abrasions and a head contusion caused by Yoyon's actions, the element of “joint participation” required under Article 351 paragraph (1), in conjunction with Article 55 paragraph (1) and Article 170 paragraph (1) of the Criminal Code, was deemed unfulfilled. As a result, the court acquitted both defendants. While this decision complies with procedural legality, it does not fully reflect substantive justice. Ultimately, the victim was left without meaningful redress or moral restoration for the harm experienced.

Under Law No. 31 of 2014 on the Protection of Witnesses and Victims, individuals such as Hengki Ternando are entitled to protection, fair legal treatment, and restitution for the harm they have suffered. Article 5 of the law guarantees victims the right to personal, familial, and property security, as well as protection from any threats related to their testimony. However, following the acquittal, these rights become difficult to uphold since the perpetrator was not held accountable. Neglect of victims frequently occurs at various stages of the criminal justice process, starting from the investigation and prosecution phases to the court trial and subsequent procedures. This situation is worsened by the Criminal Procedure Code (KUHP), which in practice places greater emphasis on safeguarding the rights of suspects and defendants, leaving victims with far less attention than they deserve (Waluyo, 2016). As a result, the victim not only failed to obtain compensation or psychological recovery but also lost his sense of safety, given that the offender remains free within the community. This condition may lead to lasting trauma, fear, and a growing sense of distrust toward the legal system that is meant to safeguard victims.

From the perspective of the principle of justice, this case illustrates a clear imbalance between the rights of the defendant and those of the victim. While judges are bound to uphold the principle of due process of law, in which judges play a central role in determining the direction of the judicial process and its final outcome through the verdict handed down (Sutrisno, 2025).

However, the law should not stop at formal certainty alone. In the case of Hengki Ternando, it is clear that events occurred that caused real harm, both physical and psychological. Therefore, law enforcement should also consider the humanitarian aspects and recovery of the victim, not just focus on fulfilling the formal elements of the indictment. Substantive justice should remain the main guideline, especially when there is strong evidence that the victim has truly suffered as a result of the defendant's actions.

According to Gustav Radbruch, law contains three basic values: justice, utility, and legal certainty. If there is a conflict between these three basic values of law, justice must be prioritized. Thus, law enforcement should ideally always be oriented towards achieving justice (Afdhali & Syahuri, 2023). In the context of this case, the panel of judges seemed to prioritize legal certainty on the formal grounds that the element of “jointly” was not fulfilled. In fact, morally and socially, justice for the victim was not fulfilled. Victims who have experienced violence do not receive legal recognition for their suffering. This shows a gap between rigid positive law and the values of justice that exist in society.

Furthermore, Article 53 of the New Criminal Code emphasizes that “In adjudicating a criminal case, judges are obliged to uphold the law and justice.” This provision clarifies that judges are not only required to uphold positive law textually, but must also explore substantive values of justice. The acquittal in this case shows how the law loses its meaning when it is not accompanied by a sense of justice for the victim. Judges should avoid adopting a narrow interpretation of the elements of a criminal offense and instead evaluate the case comprehensively, taking into account the act, its consequences, and its broader social impact. This approach aligns with Article 5 paragraph (1) of Law No. 48 of 2009 on Judicial Authority, which mandates judges to “explore, follow, and understand the legal values and sense of justice that live within society.”

The legal implications of the acquittal are not only felt by the victim, but also have a broad impact on public trust in the criminal justice system. When victims who have clearly experienced violence do not obtain justice, the public will perceive that the law favors the perpetrator over the victim. This condition has the potential to undermine the legitimacy of judicial institutions and erode public trust in law enforcement officials. In fact, the main purpose of criminal law is not only to punish perpetrators, but also to protect victims and restore social balance. Therefore, legally, the acquittal in the case of abuse against Hengki Ternando implies a violation of the rights of victims as guaranteed in the Witness and Victim Protection Law, and demonstrates the failure of the legal system to achieve substantive justice. The law should not only uphold procedural certainty, but also provide real protection for victims and restore public trust in justice. In the future, law enforcement officials, both prosecutors and judges, need to be more careful in formulating indictments, assessing evidence, and balancing procedural justice and substantive justice, so that the law is truly capable of bringing a sense of justice and humanity to victims.

4. Conclusion

In case No. 186/Pid.B/2023/PN Lubuklinggau, the Panel of Judges ruled that the element of “acting jointly” as referred to in Article 351 paragraph (1) in conjunction with Article 55 paragraph (1) 1 of the Criminal Code and Article 170 paragraph (1) of the Criminal Code was not fulfilled. Although it was factually proven that Defendant II, Yoyon Utoyo, had committed violence by strangling the victim, Hengki Ternando, causing injury, his actions were carried out without the active involvement of Defendant I, Bobot Sudoyo. The judges found that there was no evidence to show that there was cooperation, agreement, or collective action between the two defendants in committing the abuse. In fact, Bobot's physical condition, namely the disability of his right hand, logically precluded the possibility of him participating in the violence. As a result, the element of “participation” (*deelneming*) as a requirement for the application of Article 55 paragraph (1) 1 of the Criminal Code was not proven. Therefore, the elements of the offense charged by the prosecutor were not legally and convincingly fulfilled. Thus, Yoyon's actions were proven to be a form of violence, but could not be classified as joint assault as required by the article charged. As a result, the Panel of Judges acquitted (*vrijspraak*) both defendants. The acquittal in the case of abuse against Hengki Ternando shows a discrepancy between procedural justice and substantive justice. Formally, the verdict is valid because the elements of the crime were not proven, but morally and humanely, justice for the victim has not been served. The victim has lost his right to protection, recovery, and security as guaranteed by Law No. 31 of 2014 on the Protection of Witnesses and Victims. In this case, the judge should not only adhere to legal certainty, but also explore the values of justice as mandated by Article 53 of the New Criminal Code and Article 5 paragraph (1) of the Judicial Authority Law. When the law stops at the text and ignores the suffering of the victim, the law loses its humanitarian meaning. Thus, the legal implications of this acquittal not only harm the victim personally, but also have the potential to undermine public trust in the judiciary. A balance is needed between procedural law enforcement and the fulfillment of substantive justice so that the legal system truly functions to protect victims and uphold a sense of justice in society.

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