

## ABSTRAK

Akibat hukum alasan penghapusan pidana berakibat pada bentuk putusan hakim. Pada Putusan Pengadilan Negeri Gedong Tataan Nomor 103/Pid.B/2021/PN.GDT, Majelis Hakim menjatuhkan putusan lepas (*onslag*) terhadap pelaku tindak pidana pembunuhan yang melakukan pembelaan terpaksa yang melampaui batas (*noodweer exces*). Tujuan penelitian ini adalah untuk mengetahui pertimbangan hukum hakim dalam menjatuhkan putusan lepas (*onslag*) terhadap pelaku pada Putusan Pengadilan Negeri Gedong Tataan Nomor 103/Pid.B/2021/PN.GDT dan ketepatan pertimbangan hukum hakim dalam menjatuhkan putusan lepas (*onslag*). Penelitian ini menggunakan metode pendekatan yuridis normatif dengan spesifikasi penelitian analisis preskriptif. Sumber data dari data sekunder berupa studi pustaka. Penelitian ini diuraikan dengan teks naratif yang dianalisis dengan metode analisis kualitatif. Berdasarkan hasil penelitian dan pembahasan maka dapat disimpulkan bahwa pertimbangan hukum hakim dalam menjatuhkan putusan lepas (*onslag*) pada Putusan Pengadilan Negeri Gedong Tataan Nomor 103/Pid.B/2021/PN.GDT didasarkan pada pengaturan alasan penghapusan pidana dalam KUHP. Pertimbangan hukum hakim dalam menjatuhkan putusan lepas (*onslag*) masih belum tepat. Pelaku tidak memenuhi unsur-unsur kesalahan, sesuai dengan pengaturan dalam Pasal 191 ayat (1) KUHP maka hakim seharusnya menjatuhkan putusan bebas (*vrijspraak*) kepada pelaku.

**Kata Kunci: Alasan Penghapusan Pidana, Pembelaan Terpaksa, Pertimbangan Hakim**

## **ABSTRACT**

*The legal consequences of the reason for the abolition of the crime result in the form of the judge's decision. In the Decision of the Gedong Tataan District Court Number 103/Pid.B/2021/PN.GDT, the Panel of Judges handed down a release decision (onslag) against the perpetrator of the crime of murder who carried out a forced defense that exceeded the limit (noodweer exces). The purpose of this study was to find out the judge's legal considerations in imposing a release decision (onslag) against the perpetrator in the Gedong Tataan District Court Decision Number 103/Pid.B/2021/PN.GDT and the accuracy of the judge's legal considerations in making a release decision (onslag). This study uses a normative juridical approach with the specification of prescriptive analytical research. Source of data from secondary data in the form of literature. This research is described by narrative text which is analyzed by qualitative analysis method. Based on the results of the research and discussion, it can be concluded that the judge's legal considerations in imposing a release decision (onslag) in the Gedong Tataan District Court Decision Number 103/Pid.B/2021/PN.GDT are based on setting reasons for abolishing crimes in the Criminal Code. The judge's legal considerations in making a release decision (onslag) are still not correct. The perpetrator did not fulfill the elements of guilt, in accordance with the provisions in Article 191 paragraph (1) of the Criminal Procedure Code, the judge should have handed down an acquittal (vrijspraak) to the perpetrator.*

**Keywords: Reasons for abolition, Forced Defense, Judge's Consideration**

