

Application of the Principle of Proportionality in Sentencing for Criminal Acts of Assault

¹Ahbym Faizan,²Abdul Rahman Maulana Siregar,³Rahmayanti

¹²³ Universitas Pembangunan Panca Budi, Sumatera Utara, Indonesia

¹ahbymfaizan88@gmail.com, ²abdulrahmanms@dosen.pancabudi.ac.id*,

³rahmayanti@dosen.pancabudi.ac.id

ABSTRACT

The principle of proportionality is an important principle in criminal law that serves to ensure a balance between the severity of the crime and the punishment imposed. In crimes of assault in Indonesia, the application of the principle of proportionality is crucial because variations in the form of assault often lead to differences in the level of culpability of the perpetrator and the impact on the victim. This study aims to analyze the application of the principle of proportionality in criminal justice practice, particularly in relation to judges' decisions in assault cases. The method used is a normative juridical approach by examining the provisions of the Criminal Code (KUHP), legal doctrine, and relevant court decisions. The results of the analysis indicate that the application of the principle of proportionality still faces several obstacles, such as disparities in decisions, judges' subjectivity in assessing mitigating and aggravating circumstances, and limited binding sentencing guidelines. Nevertheless, the principle of proportionality remains an important foundation in realizing substantive justice, by considering aspects of victim rights protection, crime prevention, and social reintegration for perpetrators. In conclusion, the application of the principle of proportionality in criminal acts of assault in Indonesia requires consistent application by judges, clearer sentencing guidelines, and strengthening the role of progressive law to achieve a balance between individual and societal interests.

Keywords: Criminal Acts and Abuse, Proportionality, Punishment

Introduction

From a social science perspective, crime is defined as a social phenomenon arising from structural injustice or a manifestation of diverse human behavior, which is a reaction to the socioeconomic conditions of an individual or social group. Regardless of their origin, people in economically disadvantaged circumstances and desperate for necessities, coupled with a lack of faith, tend to think short-term. They might even justify any means necessary to meet their needs (Rahmayanti, 2023: 292).

In criminal law, criminalization addresses part of criminal policy. Criminal policy, which is an effort undertaken by the state to combat crime, is essentially an integral part of community protection efforts aimed at achieving social well-being (Ismaidar, 2016: 14)

The crime of assault is a form of conventional crime that still frequently occurs in Indonesia. This crime not only causes physical and psychological suffering for the victim but also often raises legal issues during the sentencing process for the perpetrator. In many cases, judges' sentences against perpetrators of assault often draw public criticism because they are considered disproportionate to the crime. This then raises questions about how the principles or principles of justice are applied in criminal practice, particularly in the context of individual and contextual acts of assault.

One relevant principle in this regard is the principle of proportionality, which requires that the punishment imposed be balanced and commensurate with the level of culpability of the perpetrator and the resulting consequences. This principle has philosophical roots in the principles of retributive justice and corrective justice, where every

punishment must consider the balance between the act and the sanction. In the context of Indonesian criminal law, although the principle of proportionality is not explicitly stated in the Criminal Code (KUHP), its substance is reflected in judicial practice through judges' considerations in issuing decisions (Lilik, 2017: 118).

Problems arise when this principle is confronted with empirical conditions in the field, where there are disparities in sentencing in similar assault cases. Judges often exercise their discretion broadly without standardized guidelines regarding the gravity of the offense and the type of punishment, resulting in seemingly inconsistent decisions. For example, in cases of minor assault against children or women, some decisions only impose a fine, while in other cases with relatively similar consequences, the perpetrator is sentenced to imprisonment (Romli, 2002: 91).

This demonstrates that the application of the principle of proportionality in assault cases has not been fully effective in achieving legal certainty and justice. On the one hand, judges have the freedom to determine sentences based on facts and beliefs, but on the other hand, this freedom must be limited by the principle of substantive justice to prevent inequality that is detrimental to one party. Furthermore, in the context of assault, there are often complex personal and emotional relationships between the perpetrator and the victim, which, if not weighed proportionally, can obscure the justice of the sentence imposed.

In addition to reflecting the principle of justice in sentencing, the principle of proportionality also serves as a check against abuse of authority and arbitrary action in criminal justice practices. In modern legal systems, proportionality is not merely a moral principle but has become a universally recognized principle in democratic legal systems. In this context, proportionality concerns not only the appropriateness of the punishment to the crime but also the balance between the state's interest in upholding the law and the individual rights of the perpetrator to receive fair treatment before the law (Jimly Asshiddiqie, 2005: 84).

In cases of assault, cases often present a dilemma between the need for a firm sentence against the perpetrator and consideration of the circumstances of the incident, such as self-defense, provocation, or the personal relationship between the victim and the perpetrator. For example, in cases of domestic abuse, judges are faced with the complexity of domestic relations, which are fraught with social, economic, and psychological aspects. If the principle of proportionality is not applied wisely, the punishment imposed may actually worsen the victim's condition or fail to provide an appropriate deterrent effect (Yahya, 2008: 212).

On the other hand, imbalances in sentencing also give rise to the problem of disparity in sentencing, namely significant differences in punishments for similar crimes. This disparity creates a negative perception of the justice system, as the public perceives legal uncertainty and inconsistency. In the long term, this can undermine the legitimacy of the judicial institution itself. Therefore, the principle of proportionality must be the primary guideline at every stage of the criminal process, from investigation and prosecution to sentencing (Topo, 2013: 35).

The application of the principle of proportionality in criminal acts of assault is also closely linked to the protection of human rights, particularly the right to justice and equal treatment before the law. The principle of proportionality requires that any restriction on individual freedom (through imprisonment, for example) must be based on fair and rational considerations, commensurate with the perpetrator's culpability. This is crucial to prevent excessive criminalization or inhumane punishment, which contradict the principles of due process of law and substantive justice (Ridwan, 2006: 142).

In the ongoing legal reform process, including the revision of the Criminal Code through the Draft Criminal Code (RKUHP), it is crucial to incorporate the principle of proportionality as an explicit principle in the sentencing system. This will strengthen the legitimacy of the criminal system and provide clearer direction for judges in imposing just sentences. In the context of modern law enforcement, the principle of proportionality is a key foundation in building a just, humane, and dignified legal system.

Based on the background of the problem described above, the following issues will be discussed in this research:

1. How is the legal regulation of the principle of proportionality applied in sentencing for the crime of assault in Indonesia?
2. What is the urgency of applying the principle of proportionality in sentencing for the crime of assault in Indonesia?
3. What are the positive and negative impacts of the principle of proportionality in sentencing for the crime of assault in Indonesia?

Methods Research

This study utilizes normative legal research, aiming to examine the legal principles, norms, and regulations related to the application of restorative justice and the principle of proportionality in criminal acts of assault. The focus of normative legal research is to analyze law as a positive norm, not its empirical implementation (Soerjono, 2019: 13). Normative research is conducted by examining primary, secondary, and tertiary legal sources to identify legal arguments that can be used to explain the relevance of the principle of proportionality to restorative justice in the criminal legal system (Peter, 2017: 35). The data used in this study is secondary, as normative legal research does not involve direct observation of the object in the field. It relies on legislation such as the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP), doctrine, expert opinions, literature, and research findings found in legal books and journals (Johnny, 2018: 57).

Results and Discussion

Legal Regulation of the Principle of Proportionality in Sentencing for Criminal Acts of Assault in Indonesia

The principle of proportionality in sentencing for criminal acts of assault is crucial for ensuring substantive justice, protecting human rights, and preventing abuse of authority in the criminal justice system. The principle of proportionality essentially requires that the criminal sanctions imposed on the perpetrator of the crime be proportionate to the degree of culpability, the consequences, and the circumstances surrounding the act. In the context of assault, which can range from minor injuries to death, proportionality is a vital principle for ensuring justice in the criminal justice system. In the case of assault, which can range from minor injuries to death, the principle of proportionality is a key principle to ensure that punishment is not arbitrary, but rather just and rational. (Muladi, 2005: 80).

Normatively, the crime of assault is regulated in the Criminal Code (KUHP), including:

- Article 351 paragraph (1) of the KUHP regulates ordinary assault, which carries a maximum prison sentence of two years and eight months;
- Article 351 paragraph (2) regulates serious assault;
- Article 351 paragraph (3) regulates assault resulting in death, which carries a maximum prison sentence of seven years; (Soesilo, 1996: 245)

- Article 354 and Article 355 of the KUHP regulate serious assault committed intentionally or with aggravating circumstances, which have more serious legal consequences (Soesilo, 1996: 247).

The principle of proportionality is also closely related to the principle of legality as stipulated in Article 1 paragraph (1) of the Criminal Code, which states that no act can be punished except by virtue of pre-existing statutory regulations (Andi, 2008: 58). However, the principle of legality only provides normative boundaries, while the principle of proportionality serves as a check on the fairness of criminal law enforcement in practice. Without this principle, there is a risk of injustice, such as over-penalization of perpetrators who should receive lighter sentences, or under-penalization of perpetrators who commit serious assault (Barda, 2014: 165). This contradicts Article 28D paragraph (1) of the 1945 Constitution, which guarantees fair treatment and legal certainty for everyone.

In the modern context, the principle of proportionality is also recognized as part of the restorative approach to criminal law, where punishment is not merely a means of retribution but also a means of social recovery and integration (Romli, 2001: 115). Therefore, this principle is a crucial component in maintaining legal legitimacy, public trust in the courts, and protecting human rights.

The Urgency of Applying the Principle of Proportionality in Sentencing for Criminal Acts of Assault in Indonesia

The legal urgency of the principle of proportionality in sentencing for criminal acts of assault is not explicitly regulated in the Criminal Code, but can be found in general principles of criminal law and judicial practice. Article 351 of the Criminal Code regulates the crime of assault, with penalties varying depending on the severity, ranging from minor assault to assault resulting in death. In its application, judges have discretion to determine a proportionate sentence based on the facts of the trial, such as the degree of intent, the impact on the victim, and the circumstances of the perpetrator (Harahap, 2025: 286).

The case that is part of the crime of assault is in Decision Number 2356 / Pid.B / 2024 / PN Mdn. The case began when the defendant came to the chicken penyet stall owned by the victim Erli Iswad, carrying a 29 cm long bayonet knife that was kept at his waist. He demanded Rp 3,000,000 which he claimed belonged to his ex-wife. The victim refused and stated that he did not have any debt. An argument ensued which culminated in physical violence: the defendant scratched the victim's face and hit him. The defendant then pulled the bayonet knife from his waist and swung it at the victim, causing wounds to the victim's head and the back of his hand. The action was witnessed by witnesses Darwis and Nur Cici. Witness Darwis immediately secured the knife from the defendant's hand, while the defendant ran away but was later arrested by the police.

The principle of proportionality in criminal law requires that the punishment imposed on the perpetrator of a crime be commensurate with the fault, the degree of intent, and the impact of the act on the victim and society (Abdul: 2023). In this case, the defendant committed assault using a sharp weapon in the form of a bayonet, which indicates serious intent and dangerous actions. He attacked the victim directly, causing physical injuries to several parts of the victim's body, including the head and hands. However, based on the post-mortem examination, the injuries were relatively minor and did not impede the victim's activities. The panel of judges in their decision declared the defendant guilty under Article 351 paragraph (1) of the Criminal Code, which regulates ordinary assault, with a maximum sentence of two years and eight months. The defendant was sentenced to 1 year and 6 months in prison, or approximately 54% of the maximum sentence. This shows that

the judge used discretion that took proportionality into account, neither imposing a sentence that was too light nor too heavy.

In its deliberations, the judge considered aggravating factors, namely the use of a sharp weapon in a public space and the direct assault on an unarmed victim. Meanwhile, mitigating factors such as the defendant's confession, cooperative attitude, and remorse were also reasons why the sentence was not imposed to the maximum. These considerations reflect the principle of proportionality, in which the judge balances protection of the victim and the community with fair treatment of the defendant.

The application of the principle of proportionality can also be seen in the choice of article. Although the defendant used a sharp weapon, the judge still used Article 351 paragraph (1) rather than Article 355 of the Criminal Code (assault with premeditation or aggravation), because the element of premeditation was not proven. This demonstrates the judge's caution in avoiding overqualifying the act, in accordance with the principle of proportionality, which demands fairness in the application of criminal norms. Overall, this case demonstrates how the principle of proportionality is applied in criminal justice practice in Indonesia. The judge considers not only the consequences but also the context of the act, the motive, the instrument used, and the defendant's attitude after the incident. This is in line with the function of the principle of proportionality as a guideline for maintaining a balance between the objectives of punishment (retribution, prevention, and rehabilitation) with the rights of perpetrators and victims in a just legal system (Silistiawati, 2025: 1370).

The relationship between the principle of proportionality and the constitution cannot be ignored. Article 28D paragraph (1) of the 1945 Constitution affirms that everyone has the right to fair treatment before the law. Without the principle of proportionality, sentencing can become discriminatory and arbitrary. Therefore, this principle is not only a principle in criminal law theory, but also a constitutional mandate that ensures the justice system operates fairly and civilly.

Positive and Negative Impacts of the Principle of Proportionality in Sentencing for Crimes of Assault in Indonesia

The application of the principle of proportionality in sentencing for crimes of assault has several positive impacts. First, this principle ensures that the sentence imposed reflects the level of culpability of the perpetrator, thus providing an appropriate deterrent effect without compromising humanitarian principles. For example, in cases of minor assault, judges can choose alternative sentences such as fines or community service, which allow the perpetrator to continue contributing to society (Hutami: 2022). The principle of proportionality supports the rehabilitation of perpetrators, especially in cases involving children or perpetrators from vulnerable social backgrounds. By considering factors such as age and psychological condition, judges can impose sentences that support the reintegration of perpetrators into society, as expressed by Sumartono (Sumartono, 2024: 12) in his analysis of juvenile court decisions. The principle of proportionality can increase public trust in the criminal justice system. Proportional sentences are perceived as fairer by the public because they reflect a balance between the interests of the victim, the perpetrator, and society as a whole. This can also reduce disparities in judicial decisions, which are often a source of public dissatisfaction (Laia: 2025).

Despite its many benefits, the application of the principle of proportionality can also have negative impacts. First, flexibility in the application of this principle can lead to disparities in judicial decisions. Because the principle of proportionality relies on judicial discretion, differences in interpretation of the legal facts or the circumstances of the perpetrator can result in inconsistent sentences for similar cases. In some cases, the

application of the principle of proportionality can be perceived as too lenient by victims or the public, particularly in cases of serious assault or assault resulting in death. For example, if a judge chooses a restorative justice approach for a serious assault case, the victim may feel that justice has not been adequately served. Inadequate application of the principle of proportionality can weaken the deterrent effect of criminal penalties. If the sentence imposed is too light, the perpetrator may not feel intimidated from repeating their offense, which can ultimately increase the crime rate in society (Azhar, 2025: 24).

Applying the principle of proportionality in sentencing for assault crimes faces several challenges. Clear guidelines on how judges should balance mitigating and aggravating factors often lead to inconsistencies in decisions. According to Laia, the disparity in judges' decisions in cases of joint assaults demonstrates the need for more detailed guidelines (Ferdinand: 2023). In cases of assault that attract public attention, judges may tend to impose harsher sentences to meet societal expectations, although this does not always align with the principle of proportionality (Harahap, 2025: 286). A restorative justice approach, while ideal in some cases, can be difficult to implement if the victim is unwilling to participate in the mediation process (Ferdinand: 2023).

The form of the Criminal Code Bill represents a material reform of criminal law. This reform is an effort to realize the ideals of law, so it can be said that the Criminal Code Bill is a manifestation of the Indonesian personality. The orientation of legal reform is not only to improve the law, but also to replace it with a better law. Therefore, the Criminal Code Bill does not only make changes deemed necessary to break away from the legal paradigm of colonial heritage. Legal reform can be used as a basis for determining the direction of the formation of national character, the form of legal reform is a real condition towards an ideal condition, so that the Criminal Code Bill is a method for carrying out social and cultural transformation of society in a planned manner. The restorative justice principle incorporated in the Draft Criminal Code (RUU KUHP) can be seen in several articles, including Articles 2, 12, 54, and 55 (Gilang, 2024: 7370).

The Indonesian Criminal Law System is entering a new phase in its development. One form of reform within Indonesian criminal law is the regulation of criminal law from the perspective of achieving justice, focusing on improving and restoring conditions after an incident and the criminal justice process. This is known as restorative justice, which differs from retributive justice (which emphasizes justice in retribution) and retributive justice (which emphasizes justice in compensation) (Nugraha: 2024).

The reasons for parties to resolve their disputes through deliberation or non-litigation are considered effective and efficient, as an alternative to reaching consensus, resulting in a win-win solution for all parties. While litigation or court settlements involve both winners and losers, resulting in unsatisfactory decisions for the losing party (Abdul: 2023).

The reasons and necessity for implementing alternative dispute resolution include guilt and remorse on the part of the perpetrator, followed by an agreement to reach a settlement between the perpetrator and the victim. Therefore, the reasons for expungement of criminal penalties can generally be divided into two types: justification, which relates to the act, and forgiveness, which relates to the individual's or the perpetrator's mental state (Muhammad, 2022: 308).

Restorative justice is a resolution process carried out outside the criminal justice system, involving the victim, the perpetrator, the victim's family, the perpetrator, the community, and other parties with a stake in the crime to reach an agreement and resolution. Restorative justice is a fair resolution involving the perpetrator, the victim, their

family, and other non-criminal parties, working together to resolve the crime and its consequences, prioritizing restoration rather than retribution (Rahul: 2022).

Restorative justice is needed as an alternative resolution that emphasizes restoration and the protection of the rights of both victims and perpetrators. The application of restorative justice should not be carried out haphazardly. Clear criteria are needed, for example, regarding the severity of the crime, the victim's willingness, and the good faith of the perpetrator.

Conclusion

Legal regulations regarding the principle of proportionality in sentencing for criminal acts of assault in Indonesia are based on the principle of justice as reflected in laws and regulations, particularly the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and the sentencing guidelines issued by the Supreme Court. The principle of proportionality requires that there be a match between the level of culpability, the nature of the act, and the consequences thereof with the severity of the sentence imposed. This regulation aims to ensure that sentences are not arbitrary, avoid excessive disparities in punishment, and continue to pay attention to the protection of victims and the deterrent effect on perpetrators.

The application of the principle of proportionality in sentencing for crimes of assault is highly urgent in realizing substantive justice in the criminal justice system. This principle emphasizes the balance between the gravity of the perpetrator's culpability, the consequences, and the interests of the victim and society. Thus, the punishment imposed is not merely repressive, but also reflects the values of justice, humanity, and legal certainty. The urgency of this principle also lies in its function in enforcing laws oriented toward restorative justice, namely improving social relations and restoring the balance disturbed by criminal acts. Therefore, the application of the principle of proportionality not only strengthens the moral legitimacy of judicial institutions but also serves as a means to realize a humane, just, and socially rehabilitative penal system.

The positive impact of applying the principle of proportionality is seen in creating a balance between the severity of the perpetrator's actions and the punishment imposed. This principle helps judges fairly assess the extent of the perpetrator's culpability, motive, and consequences, ensuring that punishment is not arbitrary. Therefore, applying the principle of proportionality requires clear legal guidelines and strengthening the capacity of judges so that sentencing truly reflects the balance between justice and humanity. This principle will have an optimal positive impact if applied with caution, objectivity, and based on the legal values prevailing in society.

Bibliography

- Abdul Rahman Maulana Siregar, et al., (2023). "Out-of-Court Dispute Resolution as an Alternative in Resolving Disputes that Occur Between Communities," Scenario (Seminar of Social Sciences Engineering and Humanities)
- Abdul Rahman Maulana Siregar, Rahul Ardian Fikri, Mhd. Azhali Siregar, A. (2023). *Dispute Settlement Procedure Outside Court in Nagori Silau, Paribuan, Simalungun District*, International Journal in Management and Social Science, Volume 11 Issue 04, April
- Andi Hamzah, (2008). Principles of Criminal Law, (Jakarta: Rineka Cipta), p. 58.
- Azhar, M. F., Sasmita, A. R., & Santoso, A. B. (2025). Criminal Responsibility for Perpetrators of Domestic Violence (Study of Decision Number 71/Pid. Sus/2023/PN. Pwr.). Examination: Journal of Law, 4(1), 24-34.

- Barda Nawawi Arief, *Anthology of Criminal Law Policy*, (2014). (Jakarta: Kencana), p. 165.
- Ferdinand M, E. (2023). *Application of Restorative Justice Principles in Resolving Criminal Acts of Child Abuse (Case Study of Makassar City Police Department, 2020-2022)* (Doctoral dissertation, Hasanuddin University).
- Gilang Gemilang, Ismaidar, (2024). "Legal Politics of Restorative Justice in Criminal Law Reform in Indonesia," *INNOVATIVE: Journal of Social Science Research*, Volume 4, Number 1, Pages 7370-7382.
- Harahap, A. R., & Sitepu, R. (2025). The Principle of the Best Interests of Children in Criminal Cases of Brawls Resulting in Death. *PUSKAPSI Law Review*, 5(1), 286-308.
- Hutami, A. S. C. (2022). *Proportionality of Sentencing in Domestic Violence Crimes (A Study of Court Decisions)*.
- Ismaidar and Syahrannuddin, "Legal Study on the Implementation of the Law on Money Laundering in the Context of Eradicating Corruption in Indonesia," *Responsive Law Journal, Faculty of Law, UNPAB*, pp. 1-16.
- Jimly Asshiddiqie, "The Constitution and Human Rights," (Jakarta: Konstitusi Press, 2005), p. 84.
- Johnny Ibrahim, "Theory and Methodology of Normative Legal Research," Malang: Bayumedia, 2018, p. 57.
- Laia, Y. A. (2025). *Disparity in Judges' Decisions for Joint Violent Crimes Resulting in Death* (Doctoral dissertation, Malikussaleh University).
- Lilik Mulyadi, "Criminal Justice: Theory and Practice in the Indonesian Justice System," 2nd ed. (Jakarta: Prenada Media, 2017), p. 118.
- Muhammad Arif Sahlepi, "Understanding the Basics of Criminal Law Systematically and Practically," *National Library: Catalog in Publications (KDT)*, July 2022, p. 308.
- Muladi, (2005). "Selected Chapters on the Criminal Justice System," (Bandung: Alumni), p. 80.
- Nugraha Manuella Meliala, Ismaidar, Muhammad Arif Sahlepi, (2021). "Implementation of Restorative Justice by the Medan District Court to Achieve Legal Certainty in Criminal Case Resolution," *Journal of Law, Humanities and Politics (JIHHP)*, Vol. 3, No. 4, March.
- Peter Mahmud Marzuki, (2017). "Legal Research," Jakarta: Kencana, p. 35.
- R. Soesilo, (1996). "The Criminal Code and Its Complete Article-by-Article Commentaries," (Bogor: Politeia), p. 245.
- Rahmayanti, (2023). "Criminological Study of Children (Perpetrators) of Motorcycle Theft with Violence," *Journal of Law, Politics and Social Sciences (JHPIS)*, Vol. 2, No. 3, September. p. 292.
- Rahul Adrian Fikri, Abdul Rahman Maulana Siregar dan Fitri Rafianti, (2022). *Restorative Justice Efforts to Provide a Sense of Justice for Children*, *International Journal in Management and Social Science* Volume 10 Issue 10, October ISSN: 2321-1784.
- Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice.
- Regulation of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Offenses Based on Restorative Justice.
- Ridwan HR, (2006). *State Administrative Law and Human Rights*, (Yogyakarta: FH UII Press), p. 142.
- Romli Atmasasmita, (2002). "Legal Reform, Human Rights, and Law Enforcement in Indonesia," (Bandung: Mandar Maju,) p. 91.

Silistiawati, I., Rahmayanti, A. K., Nst, S. E. S., & Wingcun, W. (2025). Optimizing the Role of Correctional Officers in Resolving Conflicts Between Inmates. *Innovative: Journal of Social Science Research*, 5(4), 1370–1380.

Soerjono Soekanto, "Introduction to Legal Research," Jakarta: UI Press, 2019, p. 13.

Sumartono, N. (2024). Patterns of Sentencing and Actions for Children in Conflict with the Law in Violence Cases (Study of Decision Number 7 Pid. Sus-Anak/2019/PN. Pbg). *Journal of Legal and Social Studies (JKHS)*, 1(1), 12-29.

The 1945 Constitution of the Republic of Indonesia.

The Criminal Code (KUHP).

Topo Santoso and Haruno F. Pandin, "Disparity in Sentencing: A Review of the Consistency of Judicial Decisions in General Criminal Cases," (Jakarta: PSHK, 2013), p. 35.

Yahya Harahap,(2008). "Discussion of Problems and Implementation of the Criminal Procedure Code: Court Hearings, Appeals, Cassation, and Judicial Review," (Jakarta: Sinar Grafika), p. 212.