



The Surabaya District Court judge's Ruling in Gregorius Ronald Tannur's Trial Resulted in His Acquittal of the Murder Charge

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ABSTRACT

This study examines Gregorius Ronald Tannur's acquittal in a murder case (verdict number 454/Pid.B/2024/PN Sby) and whether it complies with Indonesian legal certainty and justice criteria. Examining the judge's use of legal reasoning in the ruling critically is the aim of this study. Using a normative legal research approach, this study looks at secondary sources in addition to fundamental legal texts like court decisions and the Criminal Code. The findings demonstrate that the judge's decision ignored crucial evidence, such as the visum et repertum detailing the victim's injuries and CCTV footage implicating the defendant. The judge's assertion that the defendant was innocent and had made an effort to help the victim did not align with the evidence that was given throughout the trial. The integrity of the legal system and the possible impact of outside influences on court rulings are seriously called into question by this disparity. Reforming court procedures and enforcing stronger sanctions against judge corruption are crucial for regaining public trust and guaranteeing just and equitable outcomes within the legal system.

INTRODUCTION

One of the most serious crimes, murder has a profound effect on the victim, their family, and the community at large. In addition to taking lives, this murder leaves the victim's family with severe scars that are hard to repair. Because of its severity and disastrous effects on social order, murder is frequently the subject of criminal law. Murder is defined as an act that results in the death of another person and is a required condition. The taking of another person's life, not the means by which it is done, is what is forbidden. An action is considered attempted murder if the outcome does not lead to the death of another person. (Gunadi, I., & Efendi, J., 2014) Legal protection is a blessing from God Almighty that every human being requires in this life.

As stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, "The State of Indonesia is a State of Law," the State of Indonesia is a State of Law. "The State of Indonesia is a state based on law (*rechtsstaat*), not based on mere power (*machtstaat*)," according to the 1945 Constitution. The state must abide by the relevant laws and not conduct its operations only on the basis of its authority. Every Indonesian legislation must safeguard each person's or citizen's human rights. (Sinaga, D., 2015) The state must safeguard judges and grant them independent authority in order to accomplish the intended justice and law enforcement. The freedom of the judge to try and decide cases is, in theory, intended to allow the court to carry out its responsibilities as effectively as possible and render conclusions that are founded on justice, honesty, and the truth. As a result, one aspect of the judiciary is the judges' autonomy in making decisions.

In order to guarantee judges' neutrality towards the law and justice for the implementation of the Republic of Indonesia's rule of law, this attempts to prevent any kind of party interference. As seen in the murder case with Case Register Number 454/Pid.B/2024/PN Sby, many judges have recently failed to perform their jobs effectively, siding with those in positions of power while failing to do so. As individuals who enforce the law for the purpose of justice, judges continue to base their conclusions on the relevant legal provisions and take into account information derived from credible witnesses and legitimate data. (Sukarna, K., 2016)

In addition to having the right and duty to operate in a professional and proportionate manner as dictated by legislative standards, every judge always aims to provide justice by first attempting to ascertain the truth about an incident that has been filed by a justice seeker. As a result, before rendering a decision, the judge must first evaluate the facts as they stand, determining whether the defendant has truly committed the alleged act. The judge then considers the legal aspects, determining whether the defendant's actions constitute a crime and whether he is guilty enough to receive a sentence. In order to avoid hurting either party, the judge must render the most equitable verdict even if they have different opinions (*ex aequo et bono*). (Margono, H., 2019)

Every case presents a challenge to how the law should be applied. The legislation must be changed if it is not being implemented appropriately. By deciding whether a lawsuit, indictment, or petition is true or false based on the

law and justice principles, the judge brings order to the state's affairs. People may thus feel secure knowing that there is a mechanism in place that can systematically address legal infractions.

One of the most heinous crimes, murder not only claims a life but also leaves the victim's family and society at large with severe emotional and psychological damage. To guarantee that justice is done and that everyone's rights are upheld, the laws surrounding murder must be followed. According to Sudikno Mertokusumo, understanding how judges use and interpret the law in their decisions requires an understanding of the legal discovery process. He emphasises that judges must consider a range of legal criteria, cultural norms, and justice notions when rendering decisions in cases, especially those involving horrible crimes like murder. Maintaining public confidence in the legal system and ensuring that justice is not only served but also seems to be served need this comprehensive approach. Judges' rulings must be based on the presumption of innocence, legality, and justice in order to protect the rights of persons involved in criminal proceedings and maintain the integrity of the legal system. (Sudikno. M., 2018)

The author can draw the following conclusions from the problem's background: how did the panel of judges decide that Gregorius Ronald Tannur was acquitted based on legal considerations? Furthermore, does the judge's acquittal align with Indonesian criminal law's tenets of justice and certainty?

LITERATURE REVIEW

Legal certainty is a cornerstone of the rule of law, guaranteeing that laws are stable, transparent, and easy to comprehend so that people can know their rights and responsibilities. People need to be able to anticipate the legal ramifications of their conduct, according to this notion, for a legal system to work well. Legal clarity is important in criminal law because it shields people from the court's capricious rulings. According to earlier studies, the public's mistrust in the legal system might result from a lack of legal clarity.

The theory of justice emphasizes fairness and equality in the application of laws. It asserts that justice should not only be about the legal outcomes but also about the processes that lead to those outcomes. This theory is particularly relevant in criminal cases, where the stakes are high, and the consequences of judicial decisions can be life-altering. Research has shown that when judicial processes are perceived as fair, public confidence in the legal system increases.

The theory of evidence focuses on the standards and types of evidence required to support legal claims in court. It underscores the importance of reliable and relevant evidence in ensuring just outcomes in legal proceedings. Previous studies have highlighted that decisions based on insufficient or improperly evaluated evidence can lead to wrongful acquittals or convictions, undermining the integrity of the judicial process.

Judicial independence is a cornerstone of a fair legal system, allowing judges to make decisions free from external pressures or influences. This theory posits that an independent judiciary is essential for upholding the rule of law and ensuring justice. Research indicates that perceived threats to judicial

independence can erode public trust in the legal system and lead to calls for reform.

METHODOLOGY

By taking into account pertinent data, the author of this study uses normative legal research methodologies to investigate and evaluate novel legal arguments. This technique, which includes theory, philosophy, comparison, structure, consistency, and an explanation of each article of the law, is intended to analyse relevant legal standards. This approach also highlights the legal terminology used, the formality of laws, and their binding authority. As a result, normative legal study is extensive and capable of offering a deep comprehension of current legal regulations. (Syahrums, M., 2022).

The statutory approach, case approach, historical approach, comparative approach, and conceptual approach are the five different sorts of approaches used in normative legal study. (Marzuki, P. M., 2005). The author explicitly uses the statute and case techniques in this analysis. The Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana), the Indonesian Criminal Code (Kitab Undang-Undang Hukum Pidana), and Decision Number: 454/Pid.B/2024/PN.SBY are the main legal documents used. Numerous academic publications, legal dictionaries, and scientific periodicals that offer background information and analysis of the pertinent legal concepts are examples of secondary legal literature.

A detailed examination of the body of existing legal resources, such as statutes and court rulings, was part of the data collecting process. In order to better comprehend the legal arguments and concepts at issue, the author used interpretation tools to examine these documents. A rigorous analysis of the court's logic, the supporting documentation, and the wider ramifications for justice and legal certainty were all part of this process.

The primary focus of this research is on the legal considerations employed by judges in criminal cases, particularly regarding the acquittal of Gregorius Ronald Tannur in Decision Number: 454/Pid.B/2024/PN.SBY. The research investigates how these legal considerations impact the principles of justice and legal certainty within the Indonesian criminal justice system. The data for this research comprises both primary and secondary legal materials. Primary legal materials include the Criminal Code, the Criminal Procedure Code, and the aforementioned court decision, while secondary legal materials encompass various scholarly books, legal dictionaries, and scientific journals that provide context and analysis of the legal principles involved.

The chronology of the legal procedure in the case of Gregorius Ronald Tannur is the main topic of this research's implementation timeline analysis. Comprehending this chronology is essential for evaluating the effectiveness of the legal system and its influence on the concerned parties. The sense of justice and legal certainty can be greatly impacted by court process delays, which emphasises the need for prompt and equitable decision-making in criminal cases.

The study explores the following areas to offer a thorough analysis:

1. **Legal Framework:** A detailed examination of the relevant articles in the Criminal Code and Criminal Procedure Code that pertain to the case, including definitions of murder, self-defense, and the standards of evidence required for conviction.
2. **Judicial Reasoning:** An in-depth analysis of the judge's reasoning in the acquittal, including the interpretation of evidence, the application of legal standards, and the rationale behind the decision.
3. **Evidence Evaluation:** A critical assessment of the evidence presented during the trial, including the *visum et repertum* (medical examination report) and CCTV footage, and how these pieces of evidence were treated in the judgment.
4. **Implications for Justice:** An exploration of how the acquittal aligns or conflicts with the principles of justice and legal certainty, including public perception and the potential for future legal precedents.
5. **Judicial Efficiency:** An evaluation of the timeline of the judicial process, identifying any delays or procedural irregularities that may have influenced the outcome of the case.

By using these approaches, the study seeks to offer a thorough examination of the legal factors that went into Gregorius Ronald Tannur's acquittal and how they relate to the values of justice and legal certainty found in the Indonesian criminal justice system. This in-depth analysis aims to add to the continuing discussion on judicial integrity and the necessity of changes to increase public confidence in the legal system.

RESEARCH RESULT AND DISCUSSION

The Panel of Judges Decide That Gregorius Ronald Tannur was Acquitted Based on Legal Considerations

When rendering a criminal judgement, a judge must take into account a number of factors that may help or hurt the defendant. These factors serve as the foundation for the judge's decision about the proper kind of punishment, be it criminal or otherwise. The judge will consider these aggravating and mitigating circumstances when making the ultimate decision in the trial. In every case or disagreement that is brought before him, the judge's job is to provide a verdict while considering the legal connection, the legal ideals included in the conduct, and the legal positions of all parties. Judges must always be impartial, independent, and free from the influence of any side in order to settle disagreements or conflicts fairly and in conformity with the law. (Rofiqi, T. M., Rahmawati, dkk., 2022) A sense of fairness must guide the choice, which must also consider the wellbeing of all parties and humanitarian considerations. (Mustofa, W. S. , 2013)

Depending on the circumstances and the trial's verdict, judges in Indonesia's criminal justice system have the authority to issue several kinds of rulings. Some examples of the kinds of decisions that might be rendered include the following: The following decisions are listed: Restorative Justice Decision, Acquittal Decision Due to Insufficient Evidence, Criminal Decision (Article 183

KUHAP), Conditional Criminal Decision (Article 14 KUHP), Alternative Decision (Article 30 KUHP), Case Termination Decision (Article 140 KUHP), and Decision on Restoration of Rights. Every ruling made by a judge has certain goals and considerations that are modified based on the circumstances and the nature of the case in order to guarantee that justice is done in a fair manner.

Regarding the viewpoint of the penal system and criminal law reform, Indonesia's criminal law system has a significant challenge: the evidence. Evidence is used to determine a person's guilt and sentence (*veroordeeling*). If it is proven at trial that the person committed a crime legally and correctly, they may be released from all charges (*vrijispraak*) because it is not proven that a crime was committed or that they are completely innocent of all charges (*onslaag van allerechthvervolging*). As a result, criminal procedural law and the concepts of criminal law are inextricably linked. (Ipakit, R., 2015)

Three crucial factors—legal clarity, fairness, and expediency—must always be taken into account in law enforcement, according to Sudikno Mertokusumo. These three factors must also be taken into account by the panel of judges when making a decision in a criminal case. These three factors—juridical (legal certainty), philosophical (justice), and sociological (expediency)—must all be considered in the judge's ruling. As a result, the choice made may be more equitable and advantageous for everyone. (Hamzah, A., 1993) When it comes to criminal proceedings, the judge's or court's judgement is crucial. The defendant now has legal certainty about his status and can plan for the next course of action thanks to this ruling. The defendant has two options: either accept the ruling or seek additional legal remedies like an appeal, cassation, etc. (Rifai, A., 2010)

As a result, the judge must weigh the indictment, the facts presented during the trial, and the social circumstances in the society that are relevant to the case under consideration while rendering a decision. All of these factors and justifications serve as the foundation for judges' performance of their duties, which include thoroughly reviewing, hearing, and rendering decisions in cases. Court rulings must be fair, grounded on the facts discovered, pertinent to the current situation, and take a more humane stance—that is, take into account societal values and humanity. (Waluyo, B., 2008)

Judges have independent judicial power, or judicial power unhindered by any side, to determine a matter. The independence or autonomy to render unbiased and objective decisions is possessed by the judiciary. The judge must be truthful, honest, or have an opinion that is in line with the facts during the decision-making process because of this impartiality. Furthermore, these rulings directly contribute to societal legal stability. Thus, based on the relevant legislation, it can be said that an independent judiciary is in charge of maintaining an honest and equitable legal system and providing legal certainty in society. In order to discover and apply justice and truth, court rulings must be consistent with their core mission. The primary goals of court rulings are to give authoritative answers, be efficient, adhere to the goals of the legislation that serves as the foundation for court rulings, have elements of stability, and offer possibilities that are impartial to the parties. (Kaeng, B., 2022)

In the case under discussion, specifically the acquittal controversy in the trial of Gregorius Ronald Tannur at the Surabaya District Court with Decision Number 454/Pid. B/2024/PN Sby, the judge acquitted the defendant, citing the panel of judges' conclusion that the defendant was not proven to have committed murder or maltreatment that resulted in the victim's death by valid and convincing evidence. Furthermore, it was believed that the defendant made an effort to assist the victim during a crucial time. The defendant's attempts to get the victim to the hospital for medical attention made this clear.

The court excluded more material from his consideration since the defendant tried to get the victim to the hospital for medical attention. However, considering the trial's circumstances, this might not be enough for the judge to make a decision because, according to witness testimony and other evidence, the defendant took the victim to her flat first, leaving her with the security guard before bringing her to the hospital. The defendant left the victim in the foyer of the apartment after they were found to be unconscious. After then, a friend of the victim volunteered to take them in the defendant's car to the National Hospital. As a result, it may be argued that the defendant had no intention of taking the victim to the hospital or even making an effort to do so.

The dictum "*in criminalibus probantiones bedent esse luce clariores*" states that more persuasive and unambiguous evidence is more significant in criminal proceedings than evidence that seems ambiguous. Therefore, in a criminal case, it is preferable for a court to not convict a guilty party rather than an innocent one. According to philosophy, a guilty person will not be spared from suffering in the hereafter if they get a judgement from a judge. They must accept responsibility, nevertheless, if they condemn an innocent person. The law distinguishes between two types of sin: personal guilt and the sin of an innocent person. Evidence is therefore crucial in criminal proceedings. (Firmansyah, M., & Simangunsong, F., 2024)

Investigators do not have to ask judicial medicine or other physicians (experts) for a *Visum Et Repertum*, according to KUHAP. Nonetheless, this request is crucial for the criminal case's analysis and justification. After a criminal occurrence, the victim's condition can also be documented using the *Visum Et Repertum* document. It's possible that the victim's physical state has altered by the time the issue is brought up in court because human bodies may change over time. This might make the analysis less impartial. *Visum et Repertum* is not particularly governed by the KUHAP. Specifically, the *Visum et Repertum* is not specifically covered by Article 184 of the Criminal Procedure Code, which deals with admissible evidence at trial. However, "every person who is asked for his opinion as a judicial medical expert or doctor or other expert is obliged to provide expert testimony for the sake of the law," according to Article 179 paragraph (1) of KUHAP. According to this article, a medical expert's stance is crucial throughout the trial and he is required to testify as an expert for the benefit of the law. (Setyawan, V. P., 2023)

However, no attempt was made to guarantee justice and legal clarity throughout the Panel of Judges' deliberations about the acquittal of defendant Ronald Tannur. The *Visum Et Repertum* issued by Dr. Renny Sumino, Sp.F.M.,

M.H., which is included in Visum et Repertum No. KF. 23.0465, was one significant piece of evidence that the judges disregarded. It stated that "The cause of death was multiple lacerations to the liver due to blunt force causing severe bleeding." Very significant medical discoveries found in this post-mortem evidence may have helped the police investigation and painted a clearer picture of the occurrence. The court appears to have overlooked an important factor that may have affected the victim's experience and the defendant's accountability by disregarding the visum et repertum evidence. Judges should weigh all relevant information, including the post-mortem findings, when making decisions in order to provide justice and legal clarity.

The Judge's Acquittal Align with Indonesian Criminal Law's Tenets of Justice and Certainty

Justice and legal certainty are two concepts that are interconnected. Terminologically, legal certainty is defined as guaranteeing what everyone is entitled to, while justice is defined as providing everyone with what they are entitled to. (Ruman, Y. S., 2012)

The principles of criminal law include:

1. (*Nullum Crimen, Nulla Poena Sine Lege*) The Legality Principle: This idea states that without a clear law governing it, no action may be deemed criminal or penalised. To put it another way, a person cannot be penalised unless the relevant legislation has already deemed their actions to be unlawful.
2. (*Nullum Crimen Sine Culpa*), or the Principle of Fault, states that a person cannot be punished unless they have been found guilty of a crime. In this instance, the offender must have committed an act that is deemed unlawful with malevolent purpose or by accident.
3. Territorial Principle: Regardless of a person's nationality, criminal law applies to anybody who commits a crime on a nation's territory. This implies that anyone found guilty of a crime in a nation may be held accountable under its laws.
4. According to the concept of proportionality, the severity of the penalty must be commensurate with the seriousness of the offence. This implies that the gravity of the offence and its effects on society must be considered when determining the appropriateness of the penalty. (Suyatno, S., & Darmawansayah, A., 2023)
5. The Presumption of Innocence states that until a person is shown to be guilty by a fair legal procedure, they are presumed innocent. This concept shields people's rights against unjust treatment across the legal system. (Yasin, M., 2022)
6. Active National Principle: Indonesian people who commit crimes overseas are also subject to the country's criminal code, which makes sure they are held responsible for their actions even when they are not on Indonesian soil. (Sriwidodo, J., 2019)
7. Principles of Community Protection: The goal of criminal law is to deter future criminal activity and shield the community from threats and hazards caused by offenders. (Rangkuti, M., 2023)

Judges who are responsible for upholding the law and justice do not prevail in cases that are motivated by pragmatic or economic ideals in order to subvert moral standards, ethics, legal precedents, reality, and reason. These cases rely on formal legality-based legal reasoning, which allows the judge to make decisions free from outside influence. a judge who has great discretion and objectivity when making decisions in court. (Mulkan, H., 2021) Unfair and careless case choices are one of the issues that judges in criminal law enforcement always face. As a result, the public's confidence in the legal system and the Criminal Code's tenets is diminished (Giving money is the end of the problem). (Rangga, G. S., & Ayuni, S. E., 2022)

Through their permanent court rulings, judges uphold justice for those who seek it in addition to enforcing the law. The judges desperately need a legal philosophy so that their rulings reflect fairness. From the perspective of legal philosophy, fairness can be viewed both procedurally and substantively. Investigating societal values yields substantive justice, whereas procedural justice is justice derived from the relevant legislation. Indeed, judges must look to rules and regulations while making their rulings. Judges must, however, also consider these laws and rules from a legal philosophy standpoint. (Hutajulu, M. J., 2015)

The Gregorius Ronald Tannur case, particularly the ruling Number 454/Pid.B/2024/PN, highlights significant issues with Indonesian justice and law enforcement. In this instance, the judge who was meant to uphold the rule of law was accused of taking bribes, which distorts moral and ethical standards in the legal system. Tannur's acquittal on the persecution charge that resulted in his lover's murder demonstrates that the judge is more swayed by outside or personal interests than by the relevant facts and evidence. This damages the integrity of legal institutions, breeds mistrust in the judicial system, and can erode public trust in the just application of the law.

In addition to breaking the law, the judges' misuse of their authority in this case breaches their duty to maintain justice. A free finding against Tannur might set a risky precedent because money or power can sway court decisions, which would be detrimental to society as a whole. Immediate changes must be implemented, and judges' unethical acts must be strictly enforced, in order to rebuild public trust in the legal system. Only then can the community be guaranteed equal and equitable legal protection and justice may be protected.

There are several concerns regarding the court system's integrity raised by Gregorius Ronald Tannur's acquittal in spite of proof indicating he was guilty. Many parties believe that the evidence should be enough to sustain the indictment, even while the court upholds the presumption of innocence. The judge's ruling must represent substantive justice for all parties concerned in addition to adherence to the law. Unfair decisions have the potential to cause a public outcry and erode public confidence in the legal system.

The author contends that the judge's ruling in Gregorius Ronald Tannur's case (Decision Number 454/Pid. B/2024/PN Sby) outside the article not charged by the public prosecutor not only contravenes the criminal procedure law's provisions but also departs from a number of its tenets. In this regard, it is critical

to examine whether judges' free verdicts are consistent with Indonesian criminal law's tenets of justice and certainty. Two essential ideas that are entwined in the judicial system are justice and legal certainty. Legal certainty serves to ensure these rights by the uniform and open application of the law, whereas justice is defined as guaranteeing each individual rights.

Criminal law concepts including the presumption of innocence, the legality principle, and the blame principle need to serve as the foundation for judges' decisions. However, the judge's decision to acquit Tannur showed that the available evidence and the legal justifications were at odds. For example, noting the defendant's attempts to help the victim, the court ignored CCTV footage showing the defendant's participation and evidence of the victim's physical injuries. This raises questions about the decision's legitimacy and if it truly reflects substantive fairness for all parties.

In addition to affecting public confidence in the judiciary, a free ruling against Gregorius Ronald Tannur may set a risky precedent wherein judges' personal interests or outside influences may have an impact on court decisions. To guarantee that every court ruling is both substantively and procedurally fair in this situation, law enforcement must revert to the fundamental ideas of justice and legal certainty. To rebuild public confidence and guarantee that justice can be successfully enforced, judicial reforms and tougher enforcement of the legislation against judge misconduct are desperately needed.

CONCLUSIONS AND RECOMMENDATIONS

The judges' decision to acquit Gregorius Ronald Tannur was not entirely consistent with the legal certainty and fairness standards anticipated in the Indonesian criminal justice system. In their ruling, the judges disregarded many crucial pieces of evidence, such as CCTV video demonstrating the defendant's involvement and the *visum et repertum* demonstrating the victim's physical injuries. These factors did not seem to be consistent with the facts shown during the trial, notwithstanding the judges' contention that the defendant was not established to have committed the crime and had attempted to assist the victim.

There are significant concerns regarding whether the judge's decision to acquit Gregorius Ronald Tannur is consistent with the values of justice and legal certainty. The integrity of the judiciary and public trust in the legal system may be threatened by this decision's potential to set a risky precedent in which judges' personal interests or outside influences may have an impact on court rulings. In order to guarantee that every court judgement is both substantively and procedurally fair, as well as to ensure that justice is done and people's rights are upheld, it is crucial to reform judicial practice and implement stronger legislation against judge corruption. The implementation of thorough training programs for judges that stress the value of evidence-based decision-making and adherence to legal standards is one recommendation for resolving these issues. Other suggestions include the creation of independent oversight bodies to examine court rulings and look into possible misconduct, the promotion of judicial process transparency by making court proceedings and decisions more publicly

available, and the encouragement of public participation in the legal system to increase accountability and confidence in judicial outcomes.

ADVANCED RESEARCH

This study on the acquittal of Gregorius Ronald Tannur in the Surabaya District Court highlights significant issues within the Indonesian criminal justice system, particularly regarding the legal reasoning used by judges and its alignment with principles of justice and legal certainty. However, like any research, this study has its limitations. First, the analysis primarily relies on normative legal research methodologies, which may not fully capture the complexities of judicial decision-making processes influenced by socio-political factors, public sentiment, or the personal biases of judges. The focus on legal texts and court decisions, while important, may overlook the broader context in which these decisions are made, including the potential impact of external pressures on judicial independence. Second, this study is limited in scope, concentrating solely on one specific case. Additionally, the research does not delve deeply into the perspectives of various stakeholders involved in the judicial process, such as the victims' families, legal practitioners, or the accused. Understanding their viewpoints could provide a more comprehensive picture of the implications of judicial decisions and the perceived legitimacy of the legal system. To address these limitations, further research is recommended to conduct comparative studies of similar cases across different jurisdictions to identify patterns and discrepancies in judicial reasoning and outcomes. Future research can contribute to a deeper understanding of the challenges within the Indonesian criminal justice system and inform efforts to enhance judicial integrity, accountability, and public trust in legal outcomes.

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