

JURIDICAL REVIEW OF THE CRIMINAL ACT OF ASSAULT COMMITTED DUE TO MOMENTARY EMOTION IN DECISION NUMBER 2057/PID/2025/PN.MDN

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Abstract

committed due to momentary emotional impulse under Article 351 paragraph (1) of the Indonesian Criminal Code, to examine the legal reasoning of the judges in imposing criminal sanctions from the perspective of evidentiary aspects and principles of criminal law, and to analyze the implementation of the principle of proportionality in sentencing in Decision Number 2057/PID/2025/PT.MDN in relation to modern theories of punishment. The type of research employed is normative legal research using statutory and conceptual approaches, relying on primary legal materials in the form of court decisions and legislation, as well as secondary legal materials consisting of doctrines developed by criminal law scholars. The results of the research indicate that the elements of the criminal offense of assault in the a quo case have been legally and convincingly fulfilled, and that momentary emotional impulse does not eliminate the defendant's guilt or criminal responsibility, but merely serves as a mitigating factor. The judges' legal reasoning in imposing the sentence was based on valid evidence and the application of the principles of legality, culpability, justice, and individualization of punishment. Furthermore, the application of the principle of proportionality in sentencing is reflected in the imposition of a penalty that does not reach the maximum statutory threat and takes into account the defendant's subjective circumstances, thereby aligning with modern theories of punishment and contributing to the effectiveness of criminal law enforcement.

Keywords: *Hazardous and Toxic Waste (B3 Waste); Unauthorized Management; Environmental Criminal Law*

1. INTRODUCTION

Indonesia, as a state based on the rule of law (*rechtstaat*), places the supremacy of law, justice, and legal certainty as fundamental principles in the administration of the state. This is mandated in the Preamble to the 1945 Constitution, which affirms that the purpose of the state is to protect the entire nation and to realize social justice. Within the criminal justice system, law enforcement must operate in accordance with the principle of due process of law, maintaining a balance between protecting the rights of suspects and safeguarding the public interest in obtaining justice. However, in practice, criminal law enforcement often faces

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complex challenges, particularly those related to social, economic, and psychological factors of offenders.

One of the crimes frequently occurring is assault as regulated under Article 351 of the Criminal Code (KUHP). Assault is categorized as a crime against the person, attacking the physical integrity of another individual. Over time, assault has not only been viewed as a violation of legal norms but also as a reflection of social dynamics and interpersonal conflict. In particular, assault committed due to sudden emotion demonstrates an impulsive reaction by the perpetrator resulting from conflict or psychological pressure without prior planning.

From the perspective of criminal law, assault resulting from sudden emotion raises issues in interpreting the element of intent and criminal liability. Doctrinally, intent may take the form of direct intent, awareness of certainty, or awareness of possibility (*dolus eventualis*). In cases of sudden emotion, the perpetrator generally realizes the possible consequences of their actions but nevertheless proceeds with them. Although emotional conditions may affect self-control, they generally do not eliminate criminal responsibility but instead serve as mitigating factors in sentencing.

These issues are reflected in Decision Number 2057/PID/2025/PT.MDN, involving the defendant Sumurung Hasudungan Naibaho alias Botak, who assaulted his own sister due to a prolonged family conflict. The incident began with a dispute between the defendant's wife and the victim, which escalated into physical violence. Based on the *visum et repertum*, the victim sustained injuries caused by a blunt object that did not result in incapacity to work. The act was deemed to fulfill the elements of Article 351 paragraph (1) of the Criminal Code. At the appellate level, the Medan High Court upheld the defendant's conviction but reduced the sentence to four months' imprisonment without an order of detention. This decision reflects the application of proportionality and individualized sentencing principles by considering the defendant's cooperative attitude, remorse, and other subjective conditions. This case is noteworthy because it illustrates the interaction between psychological, sociological, and juridical aspects in criminal law enforcement, particularly in the context of assault triggered by sudden emotion.

2. METHODOLOGY

This research constitutes normative legal research with a descriptive-analytical nature, conducted at the Medan High Court as the court issuing Decision Number

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2057/PID/2025/PT.MDN. The study was carried out through library research using secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution, the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and Decision Number 2057/PID/2025/PT.MDN as the main object of research. Secondary legal materials consist of scholarly doctrines, scientific journals, and relevant research findings, while tertiary legal materials include legal dictionaries and encyclopedias. The approaches employed were the statute approach and the conceptual approach. Data analysis was conducted qualitatively through legal interpretation to obtain a comprehensive understanding of the application of criminal law in cases of assault committed due to sudden emotion.

3. RESULTS / CASE STUDY

In Decision Number 538/Pid.Sus/2017/PN.Mdn, the court stated that Article 351 paragraph (1) of the Criminal Code regulates the crime of assault as an act intentionally causing pain, discomfort, or injury to another person's body. This provision serves as the normative basis for assessing the defendant's conduct in Decision Number 2057/PID/2025/PT.MDN, in which the defendant was proven to have committed physical violence due to sudden emotion.

In criminal law doctrine, assault is understood as any act intentionally causing pain, discomfort, or injury to another person's body without lawful justification. This element is objective in nature and can be proven through the consequences suffered by the victim.

The first element under Article 351 paragraph (1) is "whoever," referring to any person as a legal subject capable of bearing criminal responsibility. In this case, the defendant Fernando Santo Muliadi Siagian was legally competent, physically and mentally sound, and not in a condition precluding criminal responsibility, as proven during trial examination and by the defendant's own statements.

Criminal responsibility is an absolute prerequisite for punishment. Without such capacity, a person cannot be held accountable for their actions.

The second element is "intentionally." In criminal law, intent does not necessarily require careful planning; it suffices that there is will and awareness of the consequences. In this case, the defendant consciously struck the victim, even though the act was triggered by sudden emotion. This demonstrates intent in the form of awareness of possibility (*opzet bij*

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mogelijkheid). Sudden emotion does not eliminate intent as long as the perpetrator retains the ability to control their will and understand the consequences of their actions.

The element of “committing assault” is fulfilled when a physical act causes injury or pain. In this case, the defendant struck the victim several times, resulting in a laceration to the victim’s lip. The existence of injury was supported by a *visum et repertum* issued by Bhayangkara Hospital Level II Medan. This document constitutes lawful documentary evidence under Article 184 paragraph (1) letter c of the Criminal Procedure Code.

The judges’ legal reasoning began with evaluating the facts revealed at trial. The judges outlined the chronology based on witness testimony, the defendant’s statement, and documentary evidence. In evidentiary terms, the court referred to Article 183 of the Criminal Procedure Code, requiring at least two lawful pieces of evidence. The court relied cumulatively on two witness testimonies, the defendant’s statement, and the *visum et repertum*, finding no substantial contradictions.

The court applied the principle of legality by using Article 351 paragraph (1) of the Criminal Code as the sole legal basis for conviction, without analogy or expansive interpretation detrimental to the defendant.

4. DISCUSSION

This section analyzes the fulfillment of the elements of the criminal offense. The defendant’s fault took the form of intent rather than negligence, as the act of striking was carried out consciously despite being driven by anger. Under Indonesian criminal law, sudden emotion does not constitute either a justification or an excuse. Therefore, emotion does not eliminate the perpetrator’s culpability.

There was no justification such as self-defense as regulated under Article 49 of the Criminal Code (KUHP), since the victim did not carry out an unlawful attack against the defendant. Furthermore, no excuse was found because the defendant remained conscious and capable of understanding his actions. Accordingly, the defendant must bear full criminal responsibility for his conduct.

The panel of judges in the *a quo* decision correctly applied Article 351 paragraph (1) of the Criminal Code by systematically assessing the fulfillment of the elements of the offense. The judges also evaluated the causal relationship between the defendant’s act and the

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harm suffered by the victim. Their reasoning reflects the application of the principle of *geen straf zonder schuld* (no punishment without fault).

Sudden emotion was properly positioned as a mitigating factor rather than a ground for eliminating punishment. This decision reflects consistency in the application of criminal law in handling minor acts of violence. The analysis of both the objective and subjective elements of the offense was conducted in a balanced manner by the panel of judges. Thus, the juridical analysis of the elements of assault is consistent with prevailing doctrine and statutory regulations.

The judges also considered the principle of culpability in imposing the sentence. The decision states that the defendant acted intentionally, even though triggered by sudden emotion. Sudden emotion was not regarded as a ground for eliminating fault. The judges assessed that the defendant was still capable of controlling his actions. Therefore, criminal responsibility remained attributable to him.

The principle of justice is reflected in the judges' consideration of the background of the offense. The court acknowledged that the assault was triggered by a trivial dispute over parking fees. Nevertheless, the judges emphasized that physical violence cannot be justified. This approach demonstrates a balance between understanding the context and enforcing legal norms. Thus, substantive justice became the orientation of the decision.

The judges also considered the principle of utility in sentencing. Imprisonment was deemed necessary to provide a deterrent effect on the defendant. Additionally, the sentence was expected to prevent similar acts from occurring within society. The court stated that punishment is not merely retributive in nature. Therefore, sentencing was directed toward the goal of social protection.

Aggravating and mitigating circumstances were explicitly explained in the judgment. The court noted that the defendant had not reconciled with the victim as an aggravating factor. Conversely, the defendant's polite attitude and admission of guilt were considered mitigating factors. This assessment demonstrates the application of the principle of individualized sentencing. Accordingly, the sentence was imposed proportionally.

The judges also considered that the defendant had no prior criminal record. This fact was explicitly mentioned as a mitigating circumstance. Such consideration indicates that the judges took into account the defendant's criminal history before imposing the sentence. This

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approach aligns with the principle of individualized sentencing. Thus, the sentence was based not solely on the act but also on the personality of the offender.

The defendant's attitude during trial proceedings was likewise taken into account. The judgment states that the defendant behaved politely and admitted his actions. This attitude was viewed as evidence of remorse. The judges used this as a reason not to impose the maximum penalty. Such consideration reflects the application of the humanitarian principle in sentencing.

The court further assessed that the assault was committed spontaneously without prior planning. Sudden emotion resulting from the parking dispute served as the trigger for the criminal act. Nevertheless, the judges emphasized that spontaneity does not eliminate the unlawful nature of the act. Sudden emotion was considered only as a subjective mitigating factor. Thus, the judges' reasoning remained within the framework of positive criminal law. In this decision, the judges also linked sentencing to the objectives of punishment as regulated in the National Criminal Code. The court stated that sentencing aims to prevent the recurrence of criminal acts and to rehabilitate the defendant into becoming a better individual. These objectives served as the basis for determining the type and duration of the sentence. This demonstrates that the judges were not solely oriented toward retribution. Instead, sentencing was directed toward the improvement of the offender.

The judges also considered the impact of the defendant's actions on the victim. Although the physical injuries were not severe, they nonetheless caused suffering. Moreover, the incident occurred in a public space, potentially creating a sense of insecurity. This consideration indicates that the judges paid attention to the victim's interests. Therefore, the sentence was imposed as a form of societal protection.

The court further emphasized that vigilantism cannot be justified. Disputes over parking fees should have been resolved peacefully or through lawful mechanisms. By resorting to violence, the defendant violated both legal and social norms. This assertion demonstrates the function of criminal law as a means of social control. Accordingly, punishment was deemed necessary to maintain public order.

The judges' reasoning also reflects the application of the principle of legal certainty. The decision was based strictly on Article 351 paragraph (1) of the Criminal Code without deviation. The judges did not expand the interpretation of the provision beyond statutory

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limits. This provides clarity regarding the legal basis of the sentence. Thus, the decision ensures certainty for both the defendant and society.

At the same time, the judges considered substantive justice. Although all elements of the offense were fulfilled, the court did not impose the maximum penalty. This demonstrates a balance between legal certainty and a sense of justice. Sudden emotion was proportionally considered in determining the severity of the sentence. Hence, the judgment reflects contextual justice.

The principle of utility was also evident in the imposition of imprisonment. The sentence was expected to produce a deterrent effect and prevent similar acts in society. This consideration reflects a preventive orientation in the decision. Thus, the punishment was not merely repressive.

The legal reasoning in this case also reflects a sociological approach. The judges understood that minor community conflicts can escalate into criminal acts if not properly managed. Sentencing functions as a warning to the broader public. This approach demonstrates the role of criminal law in maintaining social harmony. Therefore, the decision carries a strong social dimension.

The judges also exercised caution in using sentencing discretion. Such discretion was exercised in accordance with statutory provisions. There was no indication of arbitrariness in imposing the sentence. This strengthens the legitimacy of the judgment in the eyes of the law and helps maintain public trust in the judiciary.

The decision also demonstrates the integration of substantive criminal law and criminal procedural law. The judges not only assessed the elements of the offense but also ensured that the evidentiary process was conducted lawfully. Each piece of evidence was evaluated in accordance with the Criminal Procedure Code (KUHP). This approach reflects judicial professionalism and provides a solid legal foundation for the judgment.

The panel of judges also considered consistency with prior criminal court practice. The sentence imposed did not deviate from similar decisions in minor assault cases. Such consistency is important to uphold the principle of equality before the law. Thus, the judgment does not create excessive sentencing disparity and strengthens the public's sense of justice.

After considering all these aspects, the judges imposed a term of imprisonment deemed fair and proportional. The sentence reflects not only the defendant's culpability but

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also humanitarian considerations. The court sought to balance the interests of the victim, the defendant, and society. This approach demonstrates mature and well-reasoned judicial consideration. Consequently, the decision embodies substantive justice.

Based on the foregoing analysis, it can be concluded that the legal considerations of the judges in Decision Number 2057/PID/2025/PT.MDN were conducted comprehensively. Evidentiary aspects and principles of criminal law were applied consistently. Sudden emotion was properly positioned as a mitigating factor without eliminating punishment. The decision reflects a balance between legal certainty, justice, and utility. Therefore, the imposition of criminal sanctions upon the defendant is juridically justifiable.

5. CONCLUSION

Based on the juridical analysis of Decision Number 2057/PID/2025/PT.MDN, it can be concluded that the elements of the criminal offense of assault as stipulated in Article 351 paragraph (1) of the Criminal Code (KUHP) have been lawfully and convincingly fulfilled. The element of “whoever” is satisfied because the defendant is a legal subject who is competent and capable of bearing criminal responsibility. Meanwhile, the element of “intentionally committing assault” is proven through the act of striking consciously carried out by the defendant against the victim. The fact that the act was committed due to sudden emotion does not eliminate the element of intent or fault, but merely affects the subjective assessment of the offender. No justifying or excusing grounds were found that could eliminate the defendant’s criminal responsibility. Therefore, the imposition of criminal liability upon the defendant in this case has been applied in accordance with prevailing criminal law provisions and theories of criminal responsibility.

The judges’ legal considerations in imposing criminal sanctions upon the defendant in Decision Number 2057/PID/2025/PT.MDN were carried out comprehensively, based on evidentiary aspects and the application of criminal law principles. The judges formed their conviction based on lawful and mutually corroborating evidence, namely witness testimony, the defendant’s statement, and the *visum et repertum*, thereby fulfilling the requirements of Article 183 of the Criminal Procedure Code (KUHAP). In sentencing, the judges applied the principles of legality, culpability, justice, utility, and individualized sentencing in a balanced manner. Factors such as sudden emotion, the defendant’s attitude during trial, and the defendant’s lack of prior convictions were considered mitigating circumstances without

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eliminating the unlawful nature of the act. Accordingly, the imposition of criminal sanctions in this case may be regarded as reflecting prudence, objectivity, and rationality in criminal justice practice.

The implementation of the principle of proportionality in sentencing in Decision Number 2057/PID/2025/PT.MDN is reflected in the imposition of imprisonment that did not reach the statutory maximum, even though all elements of the offense were fulfilled. The judges consciously adjusted the severity of the sentence to the degree of fault, the context of the act, and the personal circumstances of the defendant, ensuring that the punishment was not excessive. This approach is consistent with modern sentencing theory, which emphasizes a balance between retribution, deterrence, rehabilitation, and social protection.

The judges' legal considerations in imposing criminal sanctions against CV. Juliana were likewise conducted comprehensively, taking into account evidentiary aspects and principles of environmental criminal law. The court based its decision on lawful evidence in accordance with the Criminal Procedure Code, including witness testimony and expert testimony in environmental matters, thereby forming conviction regarding the defendant's guilt. In addition, the judges applied the principles of legality, culpability, precaution, and environmental protection as a matter of public interest. Aggravating and mitigating circumstances were assessed in a balanced manner, so that the judgment rendered can be justified juridically.

The implementation of proportional sentencing in Decision Number 538/Pid.Sus/2017/PN.Mdn demonstrates that the judges adjusted criminal sanctions to the degree of fault, the potential environmental impact, and the characteristics of the business actor. The punishment was not imposed at the maximum level, yet it carried sufficient weight to create a deterrent effect and encourage compliance with environmental law. This approach aligns with environmental sentencing theory, which emphasizes a balance between repressive, preventive, and educational objectives. Thus, proportional sentencing in this case contributes to the effectiveness of environmental criminal law enforcement.

Juridical obstacles in the application of environmental criminal law to the offense of hazardous and toxic waste (B3) management without a permit include the complexity of technical proof, the limited availability of environmental experts, difficulties in establishing corporate criminal liability, weak inter-agency coordination, and limitations in technical regulations. These obstacles have the potential to hinder the effectiveness of environmental

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criminal law enforcement. Nevertheless, through strategic measures such as enhancing the capacity of law enforcement officials, strengthening the role of experts, fostering inter-agency synergy, and updating environmental regulations, these challenges can be addressed. Decision Number 538/Pid.Sus/2017/PN.Mdn provides both evaluative and prospective insights for strengthening environmental criminal law enforcement in Indonesia.

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