Eduvest – Journal of Universal Studies
Volume 6 Number 3, March, 2026
p- ISSN 2775-3735- e-ISSN 2775-3727

The Problem of Interpreting the Defense of Compulsory (*Noodweer* and the Defense of Compulsory Exceeding the Limits (*Noodweer* Excess) in the Indonesian Criminal Legal System

Nur Saleha[1], Kiki Kristanto[2], Hilyatul Asfia[3]
Universitas Palangka Raya, Indonesia
Email: nrsal30@gmail.com[1], kikikristanto@law.upr.ac.id[2], hilyatulasfia1@gmail.com [3]

ABSTRACT

The legislation contains several articles that seem ambiguous and even unclear in their intent, requiring further interpretation. This study aims to analyze noodweer and noodweer excess *in the Indonesian criminal law system and the limits in the use of noodweer and noodweer* excess *in the Indonesian criminal system. This research is a type of normative juridical research, with data sourced from primary and secondary sources. Data were collected through literature studies and analyzed using deductive methods. The results of this study describe the emergence of a sense of injustice in society; legal certainty becomes unclear and disrupts the realization of legal objectives, and the risk of human rights violations arises. This is caused by the deep disparity in the imposition of sanctions on similar cases, both in the charges and the positioning of the case. As for the limitations in the use of noodweer and noodweer* excess *in the Indonesian criminal system, it is the formulation of a single limitation in understanding what the limits of noodweer and noodweer* excess *are, departing from the elements in Article 49 paragraph (1) and paragraph (2) of the Colonial Criminal Code and Articles 34 and 43 of the National Criminal Code. These criteria can be achieved through the revision of legislation or the preparation of Sentencing Guidelines or* Sema *(Supreme Court Circular Letter).*

KEYWORDS *Noodweer ; Noodweer Exces; Criminal; Interpretation; Limitation.*

INTRODUCTION

The word *Noodweer* is a combination of the words "*nood*," meaning emergency, and "*weer*," meaning defense. Literally, *noodweer* is a defense undertaken in an emergency. It is a defense offered due to extreme urgency against a sudden, threatening, and unlawful attack. Forced Defense is also defined as a criminal act committed by a person to defend himself against threats against his own property, belongings, or morals or those of others, at the same time and in a situation of extreme necessity, leaving him no choice but to commit the crime. In other words, it can also be called "Forced Defense."

Meanwhile, the word "excess" in the phrase *Noodweer* excess refers to exceeding or going beyond limits. So, *Noodweer* is defense in an emergency, while *Noodweer* excess refers to cases where someone exceeds reasonable limits in self-defense or is excessive in self-defense.

Noodweer in the Colonial Criminal Code (KUHP) is regulated in Article 49 paragraph (1) and *Noodweer* excess is regulated in Article 49 paragraph (2). Meanwhile, in the National Criminal Code (KUHP), *Noodweer* is regulated in Article 34 and *Noodweer* excess in Article 43 of the National Criminal Code.

If legislation contains articles that are ambiguous, subject to multiple interpretations, or even incomprehensible, its purpose as a written instrument of the law will certainly not be

achieved. This is because differing interpretations of the meaning within a law can lead to differing legal outcomes.

Unclear, incomplete, and static laws and regulations that fail to keep pace with societal developments create gaps that judges must fill by finding the law, which is done by explaining, interpreting, or supplementing the laws and regulations. Among the many articles in positive law in Indonesia, there are articles that do not provide a clear understanding, so that judges are required to have independence in interpreting the text of an article that is deemed necessary to be interpreted. One example of an article that does not have a clear interpretation is the article on forced defense (*Noodweer*) and forced defense beyond the limits (*Noodweer* excess).

Cases involving forced defense and defense exceeding the limits are often decided differently, even though the cases are similar. The disparity in the judges' decisions in *Noodweer* cases is often inconsistent with the underlying theory. Essentially, the grounds for eliminating criminal liability in cases of *Noodweer* and *Noodweer* excess are determined by the judge. The judge, by virtue of his or her authority, has the power to consider, examine, and decide whether the defendant's actions constitute *Noodweer* or *Noodweer* excess.

But in many cases, there are decisions with the same facts, the same charges, and other similarities that remain inconsistently decided—namely, in one case the verdict was granted on grounds of *Noodweer* and *Noodweer* excess, while in another it was not. This phenomenon of disparity in sentencing can be seen in several real cases that have attracted public attention. For example, a case that occurred in Jambi in 2024, where a young man, as reported by Kompas.com, became a suspect after killing a mugger who was about to attack and take all his younger brother's wages. This action was clearly a self-defense effort to protect his brother's property and life from the threat of crime. However, the court still convicted him, as if his actions did not meet the criteria for forced defense. This case shows how narrow the judge's interpretation is in viewing the context of self-defense, and how it is not in line with the public's sense of justice. A similar incident occurred in 2023 when a goat farmer in Ciamis beat a thief to death over his livestock. Despite defending his property, he was still prosecuted and detained, sparking widespread debate on social media and in the public. These cases highlight how forced defense efforts by civilians who are victims of crime often lead to criminalization.

However, on the other hand, there are cases with nearly identical motives but resulting in different verdicts, demonstrating inconsistencies in interpretation. An example is the Fiki case, which occurred in South Sumatra in 2024. Fiki killed one of two robbers who attacked him to save his life. Although initially a suspect, he was eventually acquitted. Fiki's acquittal, which was also reported by detikcom, indicates that the judge in this case interpreted Fiki's actions as legitimate self-defense. The differences in verdicts between the cases in Jambi, Ciamis, and South Sumatra are clear evidence of a research gap that urgently needs to be addressed.

The gap in this research lies in the inconsistent interpretation of judges in determining whether an act constitutes *noodweer* or *noodweer* excess, even though the motives and facts of the cases are relatively similar, namely self-defense against a criminal attack. This disparity in interpretation not only harms the defendants but also creates a sense of legal uncertainty and public distrust of the judiciary.

This problem is exacerbated by the lack of uniform guidelines for judges in applying Article 34 and Article 43 of the Criminal Code. Therefore, this study aims to analyze in depth

the problematic interpretation of these two articles in the Indonesian criminal law system, especially regarding *noodweer* and *noodweer* excess in the Indonesian criminal system and the limitations in the use of *Noodweer* and *Noodweer* excess in Article 49 paragraph (1) and Article 49 paragraph (2) of the Colonial Criminal Code as well as Articles 34 and 43 of the National Criminal Code.

Although it has been regulated in the Criminal Code, its application in court is often not uniform, thus giving rise to issues of justice and legal certainty. Therefore, the urgency of this research stems from the need for a uniform standard in deciding cases of *noodweer* and *noodweer* excess by judges. Although there is already a doctrine that guides judges as one of the formal legal sources used as a basis for decisions, the determination of the criteria for *noodweer* and *noodweer* excess still often gives rise to sharp disparities in sentencing.

METHOD

The research method used referred to the approach and concepts put forward by Prof. Peter Mahmud Marzuki in his book entitled Legal Research. The author employed a normative legal research method that focused on the study of legislation, court decisions, and related legal literature. The initial step was to identify and formulate the legal problem that would be the focus of the research. Next, primary legal materials such as laws and court decisions were collected, along with secondary legal materials in the form of books, articles, and scientific journals, and tertiary legal materials as supplementary data.

After the legal materials were collected, they were reviewed and analyzed using a normative approach that considered relevant legal concepts and theories. This research aimed to produce conclusions that could address the legal issues raised and to develop scientific and logical arguments based on the analysis. This research method also prioritized prescriptions and recommendations aimed at providing solutions to identified legal problems and serving as guidelines for further legal development. Using this method, the research was expected to produce findings with academic validity and contribute to the development of legal science in Indonesia.

RESULT AND DISCUSSION

1. *Noodweer* and *Noodweer* Excess in the Indonesian Criminal Law System

In his book *Principles of Criminal Law*, Prof. Moeljatno explains that the reasons for the elimination of criminal offenses consist of justification and excusing grounds. Justification grounds, such as the forced defense (*Noodweer*), justify an act so that the perpetrator is not punished; under the Colonial Criminal Code, the defense applies in response to an unlawful attack. As for the excusing grounds, such as the forced defense that exceeds the limit (*Noodweer* Excess), the act is still considered unlawful, but the perpetrator's guilt is removed if the excess arises due to psychological disturbance resulting from the attack experienced. It is therefore understandable that the perpetrator in a *Noodweer* case need not be punished for the act committed, consistent with Prof. Andi Hamzah's view that while criminal responsibility arises from the actions of the defendant, punishment is nonetheless precluded because *Noodweer* serves as a justification ground.

A *Noodweer* (forced defense) incident, according to Article 49 paragraph (1) of the Colonial Criminal Code and Article 34 of the National Criminal Code, occurs when a person

carries out an act to defend himself or another person because there is an attack or threat of an unlawful attack at that time, such as the case of a mugging victim who defends himself against the attacker. In this situation, the act of self-defense is not punishable because it is carried out to protect oneself from a real and immediate attack.

Noodweer Excess (forced self-defense that goes beyond the limits) is regulated in Article 49 paragraph (2) of the Colonial Criminal Code and Article 43 of the National Criminal Code, namely excessive self-defense caused by severe mental shock resulting from an attack or threat of attack. An example is when someone is in a state of excessive fear and goes beyond reasonable limits in defending themselves, causing consequences that are greater than the threat received. Even though it is carried out beyond the limits, this defense is not criminalized because it is triggered by a state of severe psychological shock.

So, *Noodweer* is a proportional self-defense against an unlawful attack, while *Noodweer* Excess is a defense carried out beyond the limits of reasonableness due to the influence of severe mental shock from the attack.

It can be understood that the elements of *Noodweer* are that there must be a defense carried out as a forced defense against oneself or others, a defense to protect morality or property, and an attack or threat against the law that must be repelled. Meanwhile, the elements of *Noodweer* Excess are: an act of defense against an attack or threat of attack that is against the law; this act of defense exceeds the reasonable limits required to defend oneself; this excessive defense is caused directly by severe mental shock, such as fear, panic, or intense emotion; and the mental shock arises directly as a result of the attack or threat experienced.

Meanwhile, according to Prof. Eddy O.S. Hiariej, S.H., M.Hum., in his book *Criminal Law Principles*, *Noodweer* Excess must fulfill two conditions: first, there must be a situation that gives rise to forced defense; and second, there must be a great mental shock due to the attack that gives rise to forced defense exceeding the limit.

The elements that constitute the requirements for *Noodweer* and *Noodweer* Excess mentioned above are not sufficiently clear to understand. This is because neither the Colonial Criminal Code nor the National Criminal Code provides specific explanations for interpreting each provision. These requirements still need to be further interpreted to ensure greater clarity regarding each element individually.

The need for further interpretation of the criteria for the elements above is due to the absence of an official explanation from the law regarding the extent to which a threat or attack is considered unlawful. To what extent can it be understood as a defense? What is meant by, and what are the criteria and benchmarks for, severe mental shock? What is the benchmark for defense? Is the defense justified because the emergency situation faced is deadly, or simply to defend life, property, and morality? What is meant by exceeding the limit? What are the parameters? These questions require further explanation to establish criteria so that judges can apply uniform standards in deciding cases of *Noodweer* and *Noodweer* Excess, thereby minimizing disparities.

Polemics in the form of legal ambiguity or vagueness of articles (*vagueness*)—that is, articles with unclear normative meaning (where a norm lacks a definite meaning)—constitute a problem frequently found in legislation, causing bias in interpretation and application and carrying the potential for inconsistent enforcement. This is precisely why many cases involving defense or forced defense are decided by judges with disparate outcomes, namely in terms of

the disparity between a finding of guilt and an acquittal (meeting the requirements of justification or excusing grounds).

If criteria for understanding the elements of *Noodweer* and *Noodweer* Excess mentioned above are never formulated, disparities will continue to arise. This can lead to legal uncertainty, as significant differences in decisions in similar cases create uncertainty for the public regarding the legitimate limits of self-defense. This can undermine public confidence in the judicial system.

Injustice also arises because defendants in nearly identical situations may receive very different outcomes, with one acquitted while another may remain convicted (albeit with a lighter sentence) or face a different legal status (acquittal versus release from all charges). This undermines the sense of justice, especially for those forced to defend themselves.

In relation to human rights, differences in judicial decisions will disrupt the realization of legal objectives and violate human rights. The ambiguity in the formulation of Articles 34 and 43 of the Indonesian Criminal Code has the potential to significantly harm citizens' constitutional rights, particularly the right to fair legal certainty and protection from undue criminalization, by opening the door to subjective interpretation and abuse of authority.

2. Limitations on the Use of *Noodweer* and *Noodweer* Excess in the Indonesian Criminal Law System

The concept of *Noodweer*, or self-defense, is rooted in the need to provide legal protection for individuals who engage in self-defense when facing an unlawful attack that threatens the state's security, honor, or property. Initially, *Noodweer* was recognized as the natural right of every person to protect themselves from a direct attack without being punished for actions taken under duress. In the Indonesian legal system, this concept is explicitly regulated in Article 49 paragraphs (1) and (2) of the Colonial Criminal Code, and Articles 34 and 43 of the National Criminal Code, which regulate not only reasonable self-defense but also excessive self-defense (*Noodweer* Excess). The main objective of *Noodweer* is to balance the enforcement of criminal law and the protection of individual rights in emergency situations that threaten the state's security or legally protected rights. This theory provides a justification so that someone who acts in self-defense proportionally when facing an attack is not punished. In addition, the *Noodweer* theory also regulates forced defense that exceeds the limit (*Noodweer* Excess), which arises from very severe mental shock when facing an attack, so that the person acts beyond the limits of reasonableness but can still be freed from punishment.

The fundamental difference between the concepts of *Noodweer* and *Noodweer* Excess lies in the requirement of "great mental shock," in the form of anxiety felt to an extreme degree, fear, and intense anger, which result in a disturbance in a person's mental or psychological state, causing the defense to become excessive. This is what causes the limits of the need for defense to be exceeded, even though the attack from the attacker itself has actually ended. Therefore, such a condition becomes an excusing ground that removes the element of fault (*schuld*) from the person who excessively defends himself.

The limitations of the application of *Noodweer* and *Noodweer* Excess in various criminal decisions in Indonesia are one of the important aspects in the law enforcement process, especially in terms of self-defense carried out by the defendant in warding off various direct and urgent threats. In criminal law, *Noodweer*, or forced defense, is one of the grounds on which someone is exempted from punishment, as is the case with *Noodweer* Excess. However,

in practice, as reflected in many judicial decisions, the limitations of the application of *Noodweer* and *Noodweer* Excess are often questioned, as evidenced by the many academic studies assessing the disparity and proportionality of sentencing between one decision and another in cases with similar charges. This is because Articles 49 paragraphs (1) and (2) of the Colonial Criminal Code and Articles 34 and 43 of the National Criminal Code contain no further explanation of the meaning of their constituent elements, and are therefore referred to as vague articles.

The polemic or problem that arises in relation to *Noodweer* and *Noodweer* Excess is a problem of limits in application, namely the absence of a standardized criterion for judges in interpreting the circumstances of forced defense and forced defense that exceeds the limit. Due to this problem of limits, the solution to the polemic also lies in the establishment of limits—that is, in seeking, exploring, and formulating a standardized criterion in relation to when an action is properly characterized as *Noodweer* and when as *Noodweer* Excess.

A judge is the primary organ of the judiciary, tasked with examining, trying, and ruling on cases brought before them. He or she serves as the provider of justice for any issues that arise. Those seeking justice trust a judge to render a just decision based on applicable regulations, even God the Almighty.

According to Bagir Manan, in carrying out their duties and roles, judges are obliged to find the law, driven by several factors: first, because almost all concrete legal events are not fully and precisely described in a law or statutory regulation; second, because the provisions of laws or regulations are unclear or conflict with other provisions, which require a "choice" so that they can be applied appropriately, correctly, and fairly; third, due to the dynamics of society, there are a number of legal events in the nation that are not captured in laws or statutory regulations; and fourth, the obligation to find the law also arises from provisions or legal principles that prohibit judges from refusing to decide a case on the grounds that the provisions or laws are unclear or do not sufficiently regulate the matter. However, no matter how much judges are given the power to interpret and explore the law independently, if there is no uniform formulation of the limits of *Noodweer* and *Noodweer* Excess derived from the elements of Article 49 paragraphs (1) and (2) of the Colonial Criminal Code and Articles 34 and 43 of the National Criminal Code, sharp disparities in sentencing will always emerge, eroding and wounding the conscience of society.

The limitations of use to harmonize the interpretation of the provisions of *Noodweer* (forced defense) and *Noodweer* Excess (forced defense that exceeds the limit) in the Indonesian criminal system must be focused on strengthening legal guidelines and consistency of decisions. One fundamental step is to compile a Sentencing Guideline or *Sema* (Supreme Court Circular) that specifically and in detail provides guidance for judges in interpreting the key elements of the two grounds for the elimination of criminal penalties. This guideline must clearly explain the limitations of the application of the elements of Article 49 paragraphs (1) and (2) of the Colonial Criminal Code and Articles 34 and 43 of the National Criminal Code.

By formulating a single, unified standard for the limitations of application, it can become the primary reference for judges in determining the limits of forced defense (*Noodweer*) and forced defense in excess (*Noodweer* Excess). This is important to encourage more consistent application of the law and increase legal certainty for defendants who invoke forced defense in the criminal justice process. In particular, with respect to legal certainty, the guarantee of legal

certainty is of paramount importance, because legal certainty is the foundation of effective law enforcement.

Although the elements of *Noodweer* and *Noodweer* Excess are regulated in the Criminal Code, their application in court often gives rise to differences in interpretation among judges. The following are real cases illustrating the restrictions on the use of *Noodweer* and *Noodweer* Excess resulting in the absence of appropriate justice:

1. The "Mbah Minto" case occurred on September 7, 2021, in Pasir Village, Mijen District, Demak Regency, Central Java. Mbah Minto, a 74-year-old man, guarded his fish pond, which was frequently targeted by theft. On the day of the incident, he saw a young man of around 30 years of age stealing fish from his pond. Mbah Minto had politely and persuasively tried to warn the young man and stop the theft, but the young man continued his actions. When Mbah Minto shouted and tried to stop the thief, the young man attacked Mbah Minto using an electric fishing device he was carrying. Under threat and attack, Mbah Minto defended himself (*Noodweer*) by striking the perpetrator with a hard object nearby. As a result, the perpetrator suffered serious injuries. However, instead of receiving legal protection, Mbah Minto was reported and prosecuted for assault.

This case drew public attention because, although Mbah Minto was only defending himself, the law deemed his actions beyond the bounds of reasonableness in the context of *Noodweer*. The court failed to fully consider Mbah Minto's age and the emergency situation, resulting in a failure to provide fair and proportional justice in accordance with the *Noodweer* principle in the Criminal Code.

2. A young girl was raped by a close relative. Under intense psychological pressure and fear, the victim resorted to excessive force (*Noodweer* Excess) and killed the perpetrator as a last resort to protect herself. However, during the legal process, the victim was charged with premeditated murder and serious assault. The court rejected the argument for self-defense on the grounds that the victim's actions were considered disproportionate and beyond the bounds of reasonableness.

As a result, the victim, who acted in self-defense, had to undergo a detrimental and stigmatizing criminal process, depriving her of the legal protection she deserved as a victim of sexual violence acting in a state of severe psychological distress. This case sparked debate about the lack of legal protection for victims of sexual violence who resort to self-defense beyond the bounds of reasonableness due to the psychological distress they experience.

These two cases illustrate the real limitations and challenges in the application of *Noodweer* in the Indonesian criminal justice system, where victims of legitimate self-defense sometimes experience legal processes that do not provide adequate protection of their rights.

CONCLUSION

The problematic interpretation of *Noodweer* and *Noodweer* Excess in the Indonesian Criminal Law System generates a sense of injustice, undermines legal certainty, disrupts the realization of legal objectives, and risks human rights violations, primarily due to deep disparities in the imposition of sanctions on similar cases in both the charges brought and the

legal standing of the case; the solution lies in formulating a single, unified standard for understanding the criteria and limits of *Noodweer* and *Noodweer* Excess derived from the elements of Article 49 paragraphs (1) and (2) of the Colonial Criminal Code and Articles 34 and 43 of the National Criminal Code, realizable through legislative revision or the preparation of Sentencing Guidelines or a *Sema* (Supreme Court Circular). Future research should deepen the analysis of interpretive inconsistencies by incorporating broader case studies from various regions in Indonesia, developing empirical studies through interviews or surveys of judges, prosecutors, and lawyers to gain practical perspectives, and further examining the potential for legal reform — including the drafting of judicial guidelines or legislative revisions — to achieve uniformity in the application of *Noodweer* and *Noodweer* Excess across the Indonesian criminal justice system.

REFERENCES

Ardata, Achmad Eka Yougi, Arfan Kaimuddin, Dan Pinastika Prajna Paramita. "Penerapan *Noodweer* Excess Dalam Tindak Pidana Penganiayaan (Studi Kasus Putusan Nomor 576/Pid.B/2020/Pn.Jmr Dan Putusan Nomor 72/Pid.B/2020/Pn.Enr)." *Jurnal Dinamika Hukum* 27, No. 15 (2021): 2198–2216.

Aziz, Kholid Abdul. "Penerapan Metode Penemuan Hukum (Rechtsvinding) Oleh Hakim Dalam Perkara Ekonomi Syariah Di Pengadilan Agama (Studi Putusan Pengadilan Agama Tangerang Nomor 2107/Pdt.G/2016/Pa.Tng)." In *Skripsi*. Jakarta: Universitas Islam Negeri Syarif Hidayatullah, 2018.

BBC News Indonesia.com. (n.d.). Korban begal jadi tersangka kasusnya dihentikan, polisi diminta 'akui kalau ada kesalahan' dan buat pedoman baru kapan membela diri dibenarkan. Diakses dari https://www.bbc.com/indonesia

Direktorat Jenderal Kekayaan Negara Republik Indonesia. (n.d.). Pembelaan terpaksa (*noodweer*) apakah bisa dipidana? Diakses dari https://djkn.kemenkeu.go.id

Farhan, F. E. B. *Penerapan asas pembelaan terpaksa (Noodweer) dalam hukum pidana* . Universitas Bhara Jaya, (2016) .

Hamzah, Andi. *Hukum Acara Pidana Indonesia*. Jakarta: Sinar Grafika, 2011.

Hiariej, Eddy O.S. *Prinsip-Prinsip Hukum Pidana*. Yogyakarta: Cahaya Atma Pustaka, 2017.

Hukumonline.com. (n.d.). Arti *noodweer* ecess dalam hukum pidana. Diakses dari https://www.hukumonline.com

Hukumonline.com. (n.d.). Disparitas putusan hakim dalam peradilan pidana. Diakses dari https://www.hukumonline.com

Ibrahim, Jhony. *Teori Dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing, 2012.

Kompasiana.com. (n.d.). Pembela diri dari percobaan pemerkosaan, seorang remaja jadi tersangka, kok bisa? Diakses dari https://www.kompasiana.com

Krisna, Liza Agnesta. "Kajian Yuridis Terhadap Pembelaan Terpaksa Sebagai Alasan Penghapusan Penuntut Pidana." *Jurnal Hukum Samudra Keadilan* Vol. 2, No. 1 (2016): 114–125.

Kristanto, Kiki, Setiawan Noerdajasaktib, Satriya Nugrahaa, Fransiscoa, Dan Undang Mugopalc. "Pidana Mati Dan Hak Hidup Sebagai Non Derogable Rights Di Indonesia Yang Berkepastian Hukum." *Morality: Jurnal Ilmu Hukum* Vol. 10, No. 1 (2024): 129–

141.

Latubara, Guntur, Dan Frans Simangunsong. "Pembelaan Terpaksa Yang Melampaui Batas (*Noodweer* Exces) Dalam Sistem Peradilan Hukum Di Indonesia Terkait Penganiayan Berat." *Jurnal Sosialita* 2, No. Vol. 2 (2023): 1–11.

Marzuki, P. M. (2016). *Penelitian Hukum* (Edisi Revisi). Jakarta: Prenada Media Group.

Moeljatno. *Asas-Asas Hukum Pidana*. Ed. 8. Jakarta: Penerbit Rineka Cipta, 2008.

Monintja, Mick Olaf. "Analisis Mengenai *Noodweer* Sebagai Dasar Pembelaan Pidana Yang Sah." In *Skripsi*. Jakarta: Universitas Katolik Indonesia Atma Jaya, 2010.

Mustika, Tria Putri, Charlina Charlina, Dan Mangatur Sinaga. "Ambiguitas Dalam Uu Ri Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia." *Jurnal Online Mahasiswa Fakultas Keguruan Dan Ilmu Pendidikan Universitas Riau* (2016): 1–9. Https://Www.Neliti.Com/Id/Publications/201523/Ambiguitas-Dalam-Uu-Ri-Nomor-39-Tahun-1999-Tentang-Hak-Asasi-Manusia.

Nicholas, M., Panjaitan, P. I., & Saragih, R. (2023). Analisis Yuridis Pembelaan Terpaksa Diri Sendiri Berdasarkan Pasal 49 Kitab Undang-Undang Hukum Pidana. *Jurnal Hukum tora, 9*(Special Issue), 202-215.

Rachmawati. (2024, Mei 15). Duduk perkara pria di Jambi jadi tersangka usai bunuh begal, bela sang adik yang dipukuli, kini dibebaskan. Kompas.com. Diakses dari https://regional.kompas.com/read/2024/05/15/060700878/duduk-perkara-pria-di-jambi-jadi-tersangka-usai-bunuh-begal-bela-sang-adik?page=all

Refin, F. R. Dasar hukum pembelaan terpaksa (*Noodweer*) dan pembelaan terpaksa melampaui batas (*Noodweer* exces). *Jurnal Fundamental Justice, 4*(2), (2023), 141-156.

Republik Indonesia. (2023). *Kitab Undang-Undang Hukum Pidana* (KUHP) Pasal 34 dan Pasal 43. Lembaran Negara Republik Indonesia Tahun 2023 Nomor 1.

Republik Indonesia. (n.d.). *Kitab Undang-Undang Hukum Pidana* (KUHP) Pasal 49 ayat 1 dan 2. Lembaran Negara Republik Indonesia Tahun 1915 No. 732.

Rifai, Ahmad. *Penemuan Hukum Oleh Hakim Dalam Perspektif Hukum Progresif*. Jakarta: Sinar Grafika, 2010.

Sudaryanto, Agus. "Tugas Dan Peran Hakim Dalam Melakukan Penemuan Hukum/Rechtvinding (Penafsiran Konstitusi Sebagai Metode Penemuan Hukum)." *Jurnal Konstitusi* Vol. 1, No. 1 (2012).

Susanti, Dyah Ochtorina, Dan A'an Efendi. "Memahami Teks Undang-Undang Dengan Metode Interpretasi Eksegetikal." *Jurnal Kertha Patrika* Vol. 41, No. 2 (2019): 141 – 154.

Wiradipradja, E.Saefullah. *Penuntun Praktis Metode Penelitian Dan Penulisan Karya Ilmiah Hukum*. Bandung: Keni Media, 2015.

Sanjaya, D. (2024). Perjalanan kasus Fiki habisi begal, jadi tersangka hingga dibebaskan. Detik.com. Diakses dari https://www.detik.com/sumbagsel/hukum-dan-kriminal/d-7340302/perjalanan-kasus-fiki-habisi-begal-jadi-tersangka-hingga-dibebaskan

Theindonesianinstitute.com. (n.d.). Kasus Mbah Minto Demak: cermin ketidakadilan hukum di negara hukum. Diakses dari https://www.theindonesianinstitute.com