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Juridical Analysis of A District Court Decision in A Case of Persecution Precipitated By Verbal Provocation in Palangka Raya City (No.109/Pid.B/2024/Pn.Plk)

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Abstract: This research aims to analyse in depth the juridical aspects in the Palangka Raya District Court Decision Number: 109/Pid.B/2024/Pn.Plk related to persecution cases triggered by verbal provocation. The focus of the research is on the legal considerations used by the judge in deciding the case, as well as how the verbal provocation factor is used as the basis for imposing criminal sanctions. The research method used is normative juridical with the approach of analysing court decisions, literature studies on the Criminal Code (KUHP), and studies of criminal law doctrines related to criminal liability and factors that trigger criminal acts. The results showed that although verbal provocation by the victim was the trigger for the defendant's act of maltreatment, the court decided that the defendant's actions had exceeded proportional limits. The judge emphasised that verbal provocation cannot remove the element of culpability in the crime of maltreatment, although it can be taken into consideration in mitigating the punishment. This decision reflects the principles of fairness and proportionality in law enforcement, where judges must carefully weigh the triggering factors and the degree of guilt of the defendant. This research also identified that the verdict was in line with Article 351 of the Criminal Code on maltreatment, however the judge did not provide significant leniency because the defendant's actions were considered excessive.

Keyword: Persecution, Verbal Provocation, Legal Considerations, Recidivist.

INTRODUCTION

Maltreatment cases triggered by verbal provocation are one of the legal phenomena that often occur in society, including in Palangka Raya City. Verbal provocation, although not involving direct physical violence, can trigger emotional reactions that lead to acts of violence. This raises fundamental questions regarding the extent to which verbal provocation can be used as a consideration factor in court decisions, particularly in cases of maltreatment.

The Palangka Raya District Court Decision Number: 109/Pid.B/2024/Pn.Plk is an interesting case study to be analysed juridically. This decision not only reflects the application of positive law, but also illustrates how judges consider social, psychological, and

legal aspects in deciding a case. Juridical analysis of this decision is important to understand how criminal law principles, such as the principle of proportionality and criminal responsibility, are applied in the context of cases involving verbal provocation.

This research aims to deeply analyse the court decision, focusing on the legal considerations used by the judge, as well as its relevance to criminal law theories and judicial practice in Indonesia. Thus, it is hoped that this research can contribute to understanding the dynamics of law enforcement in similar cases, as well as provide recommendations for the development of criminal law in Indonesia.

According to Suharto (2004), verbal abuse is an act that involves the use of insults and harsh words (Siregar, 2020). In this context, Lawson says verbal abuse is behaviour in the form of insulting, harassing and labelling someone in communication patterns. Crime is a social problem faced by all countries, including Indonesia, where the number of crime cases is not small and varies along with the development and advancement of technology (Tana & Nita, 2024). This can be seen from the 2021 Criminal Statistics Publication which presents police registration data, national socio-economic registration data, and village potential data on the security situation and conditions and developments over the past few years.

The modernisation of a country is characterised by the clamour for human rights as a reference in the formation of social, cultural, political and legal order. Human rights are God-given and inherent in human beings that are recognised and respected regardless of gender, skin colour, religion, nationality, age, social status, and even political views. Of course, human rights are enforced because there has been a development of legal violations. Violation of the law as an act contrary to the law has various forms in criminal law and is known as a criminal offence or delict.

The Criminal Code classifies various types and forms of maltreatment which have different criminal consequences. Articles 351-355 of the Criminal Code regulate the offence of victimisation, which is any act that can cause harm to another person, both physically and emotionally to another person, which can result in the loss of a person's life.

1. What are the judges' legal considerations in assessing the causal relationship between verbal provocation and maltreatment?
2. What is the role of the principle of proportionality in judges' decisions related to maltreatment triggered by verbal provocation?

METHOD

In conducting this research, a normative juridical approach was used. This approach is a type of library research conducted by referring to legal materials. This approach involves analysing theories, concepts, legal principles, and applicable laws and regulations. This research also utilised sources such as books, literature, legal journals, and scientific works relevant to the topic of this research, the author downloaded the page from the official website of the Supreme Court decision directory Number: 109/Pid.B/2024 Palangka Raya District Court. For the development of legal science, especially in the context of persecution cases triggered by verbal provocation. Legal issues in situations where there is a clash between two or more relevant legal norms in a case. In the context of criminal law, a conflict of norms can occur when a judge must decide a case but there is a difference or inconsistency between legal norms, such as norms that protect victims and norms that punish perpetrators.

In some cases, the offender may argue that his actions were motivated by harassment on the part of the victim. If the judge does not consider this aspect, the decision may be considered unfair because it does not take into account all the facts. For example, a defendant who acted in reaction to severe harassment may not have a proper defence if these facts are ignored. The legal system requires that judges' decisions must fulfil the principles of fairness and proportionality. If harassment by the victim was a significant factor in triggering the

perpetrator's actions, the judge must consider it. Ignoring such facts may violate the principle of proportionality in sentencing.

Judges may face a dilemma between applying the law textually and considering the social and psychological context of the defendant's actions. For example, if the defendant committed the criminal act in response to harassment or humiliation by the victim, ignoring this factor may lead to an unfair verdict. Normative juridical research shows that norm conflicts can occur vertically, horizontally, and even internally, which requires in-depth analysis for resolution (Wisanjaya, 2023).

RESULTS AND DISCUSSION

Analysis of Legal Facts in Decision No.109/Pid.B/2024/Pn.Plk

Analysis of the legal facts in the decision of the Palangka Raya District Court in case Number: 109/Pid.B/2024/Pn.Plk shows that the judge has conducted an in-depth study of the elements of the crime of maltreatment as stipulated in Article 351 of the Criminal Code. The legal facts revealed in the trial, such as the chronology of events, the motive for the action, and the consequences caused, became the basis for the judge's consideration in reaching a verdict.

That in this case based on the facts obtained at the trial, it was proven that as a result of the actions of the Defendant MUHAMMAD HENDRIAN BAYU FIRDAUS, SE. Als. BAYU SUGARA Bin AMRIANSYAH who had slashed 1 (one) machete blade towards the Victim Witness BANIANSYAH Als. BANI Bin AMIR HASAN caused the forehead or head of the Victim Witness to suffer a laceration which required 6 (six) stitches and the Victim Witness also had to be hospitalised for several days for treatment, and also caused the hearing and vision of the Victim Witness to be somewhat impaired. The judge confirmed that the defendant's actions fulfilled the elements of unlawful behaviour because he had beaten the victim. Although these actions were triggered by verbal provocation from the victim, this did not remove the criminal responsibility of the defendant. Secondly, the judge considered the consequences, i.e. injuries to the victim as evidenced by *visum et repertum*. Although the injury was not categorised as serious, the element of intent in the defendant's actions was still fulfilled (Muladi, 1992).

Verbal provocation from the victim was considered a mitigating factor (*verzachtende omstandigheid*) in sentencing. The judge stated that even though the victim started with provocative remarks, the defendant should have been able to control his emotions and not take physical action. However, the emotional context behind the defendant's actions was taken into consideration to provide a proportional decision. The judge also applied the principle of balance between the interests of the victim and the defendant. On the one hand, the victim as the party who suffered physical injury is still protected by the law. On the other hand, the defendant was given a lighter sentence, namely 3 months imprisonment with a probation period of 1 year, as a form of consideration for the emotional triggering factors in this case.

From a juridical point of view, this verdict is in line with the principle of restorative justice, which not only looks at the formal legal aspects, but also the social and emotional context behind the criminal offence. This verdict is also consistent with the jurisprudence of similar cases in Indonesia, where the factor of verbal provocation is often taken into consideration to mitigate the sentence (Sudarto, 1983).

Critically, this verdict sends a message that although verbal provocation can trigger conflict, legal responsibility still attaches to the perpetrators of criminal offences. However, the judge also showed sensitivity to the human context by giving a lighter sentence. This is an example of how criminal law can accommodate aspects of substantive justice without

ignoring legal certainty. Thus, the analysis of legal facts in this decision reflects an effort to create a balance between the interests of law, justice and humanity.

Verbal provocation in a persecution case decided by the Palangka Raya District Court (No. 109/Pi.B/2024/PN.Plk) played an important role as a trigger for conflict that led to a criminal offence. Verbal provocation, in this context, is considered as a factor that influenced the defendant's emotions and psychology, thus encouraging him to commit physical acts against the victim. Although verbal provocation cannot be used as a justification for the offence, it is taken into consideration by the judge in assessing the context and background of the incident.

Verbal provocation from the victim created a situation that triggered an emotional reaction from the defendant. During the trial, it was revealed that the victim used words that were considered harassing or insulting, which caused anger in the defendant. This shows that interpersonal conflict triggered by speech can have a significant impact on a person's emotional stability, especially in tense situations. Although verbal provocation was recognised as a triggering factor, the judge confirmed that it did not eliminate the defendant's criminal responsibility.

According to criminal law, individuals are expected to control their emotions and not respond to provocations with violent acts. As such, verbal provocation is only considered as a mitigating factor (*verzachtende omstandigheid*) in sentencing, not as a reason to acquit the defendant from prosecution.

The impact of verbal provocation in this case also highlights the importance of public awareness on the use of healthy language and communication. Provocative remarks can trigger disproportionate reactions, especially if the hearing party does not have the ability to manage emotions properly. Therefore, this case serves as a lesson that verbal conflicts should be resolved through more constructive means, such as dialogue or mediation, rather than violence (Departemen Pendidikan dan Kebudayaan, 2005).

Aside from the legal perspective, verbal provocation is not specifically regulated in the Criminal Code as a criminal offence, unless it fulfils the elements of insult or defamation under Articles 310-321 of the Criminal Code. However, in this case, the judge focused more on the act of maltreatment committed by the defendant, while considering the context of verbal provocation as the background of the incident.

Overall, this case highlights that verbal provocation can be a trigger for violent offences, but does not reduce the legal responsibility of the perpetrator. The judge in this decision managed to balance between formal legal considerations and the emotional context behind the defendant's actions. This also confirms the importance of educating the public about conflict resolution and emotional control to prevent the escalation of verbal conflicts into violent crimes (Soesilo, 1995).

Judges' Considerations in Passing Sentence No.109/Pid.B/2024/PN.Plk

In issuing a decision in case number 109/Pid.B/2024/PN.Plk, the judge of the Palangka Raya District Court conducted a comprehensive and in-depth consideration, taking into account formal legal aspects, the context of the incident, and the principles of substantive justice. The following is a detailed summary of the judge's consideration:

Considering the elements of the crime of maltreatment, the judge confirmed that the defendant's actions fulfilled the elements of the crime of maltreatment in accordance with Article 351 of the Criminal Code, namely the existence of unlawful acts that caused injury to the victim. Although the act was triggered by verbal provocation, the judge emphasised that this did not eliminate the defendant's criminal responsibility.

Consideration of the Triggering Factor (Verbal Provocation). Verbal provocation from the victim was recognised as a factor that affected the defendant's emotions and triggered the

maltreatment. However, the judge emphasised that verbal provocation cannot be used as an excuse to justify acts of violence. Nevertheless, this factor was considered a mitigating circumstance (*verzachtende omstandigheid*) in sentencing.

Application of the Principles of Justice and Humanity. The judge considered the aspects of justice and humanity by providing a proportional sentence. The defendant was sentenced to 3 months imprisonment with a probation period of 1 year, which was less than the maximum penalty. This shows that the judge took into account the emotional context and background of the incident, without neglecting the interests of the victim.

Consideration of the Consequences The judge took into account the injuries suffered by the victim, which were proven through a *visum et repertum*. Although the injuries were not categorised as serious, the judge emphasised that the defendant's actions were still unlawful and detrimental to the victim. **Consistency with Jurisprudence and Legal Principles** This decision is in line with the jurisprudence of similar cases in Indonesia, where emotional triggering factors such as verbal provocation are often taken into consideration to mitigate the sentence. The judge also applied the principle of restorative justice, which looks at not only the formal legal aspects but also the social and emotional context. **Legal Message and Public Education** Through this verdict, the judge conveyed a legal message that although verbal provocation can trigger conflict, each individual is expected to control their emotions and not respond with violence. This verdict also serves as a lesson for the community on the importance of resolving conflicts peacefully and avoiding actions that can worsen the situation.

Overall, the judges' reasoning in handing down the verdict reflects an effort to create a balance between legal certainty, justice, and humanity (Muladi & Arief, 1984). This verdict not only fulfils the formal legal aspects, but also takes into account the emotional and social context behind the criminal offence, so it can be considered a fair and proportional verdict.

In the decision of the Palangka Raya District Court in case number 109/Pid.B/2024/PN.Plk, the judge showed sensitivity to aspects of justice and humanity, in addition to paying attention to formal legal aspects. This consideration reflects an effort to create a balance between the interests of the victim, the defendant, and society in general.

The judge ensured that the victim, who suffered injuries as a result of the defendant's actions, still received legal protection. Although the victim started with provocative remarks, this did not diminish her right to justice for the acts of violence she experienced. The judge emphasised that the defendant's acts of maltreatment had violated the law and harmed the victim, so the defendant must be held criminally responsible. On the other hand, the judge also considered the emotional context behind the defendant's actions. Verbal provocation from the victim was recognised as a factor that affected the defendant's emotions and triggered the act of violence. Although verbal provocation cannot be used as an excuse to justify the act, the judge considered it as a mitigating circumstance (*verzachtende omstandigheid*). This shows that the judge paid attention to the humanitarian aspect and the psychological condition of the defendant at the time of the incident. The judge imposed a proportional sentence of 3 months imprisonment with a probation period of 1 year.

This sentence is lighter than the maximum penalty that can be imposed for the crime of light maltreatment. This consideration reflects the principle of restorative justice, where punishment does not only aim to punish, but also provide an opportunity for the defendant to improve himself without having to serve a heavy prison sentence. The judge noted that this conflict occurred in an interpersonal context triggered by a momentary emotion. This shows that the judge did not only see the act of maltreatment as a legal offence, but also understood the social and emotional dynamics behind it. Thus, this decision reflects a humane and just approach (Harahap, 2006).

Through this verdict, the judges conveyed the legal message that violence is not the right solution to resolve conflict, even if it is triggered by verbal provocation. On the other hand, this judgement also reminds the public of the importance of controlling emotions and avoiding speech that can trigger conflict. Thus, this decision not only aims to provide justice for the parties, but also to educate the public on peaceful conflict resolution. The judge managed to create a balance between legal certainty and substantive justice. On the one hand, the judge emphasised that acts of persecution must be punished in accordance with the provisions of the law. On the other hand, the judge also paid attention to the humanitarian and emotional context behind the act, resulting in a fair and proportional decision.

The justice and humanitarian aspects of this decision show that judges do not only focus on the rigid application of the law, but also pay attention to the social, emotional and psychological context behind the criminal offence. This decision reflects the principle of restorative justice which aims to create a balance between the interests of victims, defendants, and society. Thus, this decision can be considered as an example of how criminal law can accommodate aspects of justice and humanity without ignoring legal certainty (Johnstone & Ward, 2009).

Legal Implications of Verbal Provocation in the Crime of Maltreatment

Verbal provocation in a persecution case decided by the Palangka Raya District Court Number: 109/Pid.B/2024/Pn.Plk has significant legal implications, both in terms of law enforcement and the development of jurisprudence.

In this decision, verbal provocation was recognised as a mitigating factor (*verzachtende omstandigheid*) in sentencing. Although verbal provocation did not eliminate the defendant's criminal responsibility, the judge considered that the victim's provocative remarks contributed to instigating the act of violence. This suggests that in similar cases, verbal provocation can be a basis for a lighter sentence, provided it is not used as a justification for the criminal act.

Although verbal provocation was considered a triggering factor, the judge emphasised that this did not remove the element of intent in the crime of maltreatment. According to Article 351 of the Criminal Code, the element of intent is still fulfilled because the defendant consciously committed an act of violence against the victim. Thus, verbal provocation only affects the severity of the punishment, not the presence or absence of criminal responsibility. This decision emphasises that verbal provocation cannot be used as an excuse to absolve a person from criminal responsibility. Every individual is expected to control their emotions and not respond to provocations with violent acts. This is in line with the principles of criminal law that emphasise the importance of individual responsibility for their actions.

This verdict may serve as a reference in the interpretation of the law regarding similar cases in the future. Verbal provocation can be considered as a factor affecting sentencing, especially if it is proven that the speech had a significant emotional impact on the perpetrator. However, this must be objectively proven at trial. This decision enriches Indonesian jurisprudence regarding the role of verbal provocation in the criminal offence of maltreatment. Previous cases have also shown that verbal provocation is often taken into consideration to mitigate punishment, although it does not eliminate criminal responsibility. Thus, this decision strengthens the consistency of the application of the law in similar cases.

Another implication of this decision is the importance of educating the public about the impact of verbal provocation and how to manage conflict in a healthy manner. Verbal provocation can trigger disproportionate reactions, especially if the overhearing party lacks the ability to control emotions. Therefore, efforts are needed to raise public awareness about the importance of good communication and peaceful conflict resolution. In Non-Litigation Mediation The judgement also highlights the need for alternative out-of-court dispute

resolution, such as mediation, especially in cases triggered by interpersonal conflicts. Mediation can be a more effective solution to resolve conflicts without having to go through a lengthy legal process and potentially worsen the relationship between parties.

As for the Balance between Justice and Legal Certainty, this Decision reflects a balance between substantive justice and legal certainty. On the one hand, the judge paid attention to the emotional context behind the defendant's actions. On the other hand, the judge still emphasised that acts of violence cannot be justified, even if they are triggered by verbal provocation. This shows that criminal law can accommodate humanitarian aspects without ignoring the principle of legal certainty.

The legal implications of verbal provocation in the offence of maltreatment show that this factor may affect sentencing, but does not eliminate criminal responsibility. This judgement reinforces the principle that every individual must be held responsible for his or her actions, even if triggered by emotion or provocation. In addition, this decision also highlights the importance of community education and alternative dispute resolution to prevent the escalation of verbal conflicts into violent crimes. Thus, this decision makes a significant contribution to the development of criminal law and justice enforcement in Indonesia (Reksodiputro, 1994).

The decision of the Palangka Raya District Court in Case Number: 109/Pid.B/2024/Pn.Plk has considered various legal, social, and emotional aspects in imposing a sentence. However, there are several things that need to be criticised to assess the extent to which this decision fulfils the principles of justice, legal certainty and expediency.

Balance between Justice for the Victim and the Defendant, the judge tried to create a balance between the interests of the victim and the defendant by considering verbal provocation as a mitigating factor. However, it can be criticised whether the sentence of 3 months imprisonment with 1 year probation is enough to provide justice for the victim who suffered injuries. On the one hand, the victim may feel that the sentence is too lenient, while the defendant may feel that the verbal provocation should have been given greater consideration. Although verbal provocation was recognised as a triggering factor, the judge did not explain in depth the extent to which it influenced the defendant's actions. Were the victim's remarks genuinely insulting or harassing, or merely criticism that the defendant took too far? A more detailed explanation of the context of the verbal provocation would have strengthened the judge's judgement and provided more comprehensive justice.

This decision is in line with the jurisprudence of similar cases in Indonesia, where verbal provocation is often taken into consideration to mitigate the sentence. However, it needs to be criticised whether this verdict has taken into account recent developments in jurisprudence or simply follows an existing pattern. The judge has applied the principle of restorative justice by giving a lighter sentence and probation. However, it can be criticised whether this decision has considered efforts to restore the relationship between the victim and the defendant. For example, have mediation or reconciliation efforts been carried out before handing down the verdict? Restorative aspects should not only be limited to punishment, but also to efforts to restore relationships and prevent similar conflicts in the future.

This verdict has a significant social impact, especially in the context of educating the public about conflict resolution. However, it can be criticised whether this verdict has provided a clear message about the importance of avoiding violence and managing emotions.

A critical review also needs to be conducted of the evidentiary process in the trial. Was the evidence used, such as the *visum et repertum* and witness testimonies, strong enough to prove the elements of the criminal offence? In addition, have the judges considered all the evidence objectively, or is there a possibility of bias in judgement?

In The Need for Legal Reform, the Judgement highlights the need for legal reform in relation to the handling of cases triggered by verbal provocation. For example, should there

be specific provisions in the Criminal Code governing verbal provocation and its impact on sentencing? Legal reforms can provide greater certainty for judges in handling similar cases in the future. In addition to justice for victims and defendants, this decision also needs to be assessed from the perspective of justice for the community. Has this verdict fulfilled the community's expectations of fair and proportional law enforcement? Or does it create the impression that the law is too favourable to perpetrators of violence?

A critical review of the Palangka Raya District Court's decision shows that although the judges have considered various legal and humanitarian aspects, there is still room for improvement. The verdict could be strengthened with a more in-depth explanation of the context of the verbal provocation, a more comprehensive application of restorative justice principles, and more effective public education efforts. In addition, legal reforms may be needed in the future. Thus, this decision can serve as a reflection for law enforcers to continue improving the quality of decisions that are fair, proportional, and beneficial to society.

Implementation of Criminal Sanctions against Recidivism Offenders

The word 'recidivist' is of French origin and is derived from two Latin words, 're' meaning 'again' and 'cado' meaning 'to fall'. Thus, 'recidivist' refers to a person's tendency to repeatedly break the law as a result of a criminal offence he or she has committed. In this context, recidivism relates to the repetition of the same or similar acts that result in legal problems. Various criminal law experts provide explanations regarding the definition of recidivism. Such as (Ngani, 1984):

- 1) Yonkers, that recidivism is a reason for aggravating and mitigating punishment;
- 2) Hazenwinkel and Pompe, with similar reasoning to Yonkers, that recidivism is a reason for aggravating and mitigating punishment;
- 3) Vos is of the opinion that recidivism is a reason for aggravating punishment;
- 4) Utrecht argues that recidivism is the same as a combination that is used as a reason for aggravating punishment;
- 5) Soesilo also has the same opinion as Utrecht regarding recidivism, namely that recidivism is the same as the combination described in Articles 486 to 488 of the Criminal Code.

The settlement of criminal cases is carried out conventionally through an institution known as the court. In accordance with Article 4 paragraph (2) of Law No. 48/2009 on Judicial Power, the court plays a role in helping justice seekers overcome various legal problems, especially to realise simple, fast, and affordable justice.

The use of criminal law in the context of criminal policy should be seen as one of the community's efforts to prevent crime. Criminal sanctions become one of the important aspects, in addition to efforts to influence the public to be more aware of crime and to carry out punishment and prevention without having to use punishment, through civil or administrative channels. Before discussing the effectiveness of criminal sanctions, it is important to examine the existing social system, legal system, social control system, and law enforcement system.

Criminal law has an important role in regulating and safeguarding the life of society in order to create public order. The background is the existence of various interests and needs between individuals that are often different, even often conflicting. To prevent the emergence of attitudes and actions that can harm the interests and rights of others in an effort to fulfil these needs, the law is needed as a guideline that provides restrictions. With the existence of law, it is expected that individuals will not act arbitrarily in their efforts to achieve their goals and fulfil their interests.

CONCLUSION

Persecution cases triggered by verbal provocation are interesting legal phenomena to be analysed from a juridical perspective. The District Court as the judicial institution of first instance has an important role in assessing the legal facts, interpreting the applicable rules, and handing down a fair decision. In this discussion, we will explain the legal solutions that can be applied in such cases as well as alternative approaches that can be taken by various parties involved in the criminal justice system.

Approach Based on Criminal Code and Criminal Procedure Law

In cases of maltreatment triggered by verbal provocation, the legal solution taken by the District Court must refer to the Criminal Code (KUHP). Article 351 of the Criminal Code states that maltreatment is a punishable act, with different penalties depending on the consequences. If the offence causes serious injury or death, the punishment is more severe. However, the factor of verbal provocation can be considered in the judicial process as a mitigating reason. In this case, the panel of judges can consider whether the defendant's actions were committed in a state of uncontrolled emotion due to severe verbal provocation. In jurisprudence, there are several cases where judges have granted leniency due to significant provoking factors.

Application of the Principle of Proportionality in Decisions

One of the key principles in criminal law is the principle of proportionality, which means that the punishment should be proportional to the wrongdoing and the impact caused by the defendant. In the case of maltreatment triggered by verbal provocation, the judge needs to assess whether the defendant's actions were reactive and within the limits of what is legally tolerable or if they fall into the category of serious maltreatment that cannot be justified. For example, if the defendant responded to verbal provocation with a minor act of violence that did not cause serious injury, then the sentence should be lighter than in cases where the defendant committed serious maltreatment that resulted in permanent disability or death.

Use of excuse or justification

In some cases, the defendant may raise excuses (*schuldopheffingsgrond*) or justifications (*rechtvaardigingsgrond*) in an attempt to reduce or even eliminate criminal liability. Such as mental illness or severe emotional distress due to intimidating verbal provocation, or self-defence (*noodweer*) if the offence was committed to protect oneself from a greater threat.

However, the application of excuses or justifications is highly dependent on the evidence in court, especially whether the defendant's actions were reasonable or excessive.

To resolve this conflict of norms, the following steps can be taken: Holistic analysis by the judge, who must assess all evidence and context, including whether the victim's harassment of the perpetrator triggered the criminal offence. This is in line with the principle of *dubio pro reo*, which means that if there is any doubt, the decision should be in favour of the defendant.

In the Multi-Dimensional Approach Judges must use the higher norm in the legal hierarchy (*lex superior*) or the more specific norm (*lex specialis*) to resolve the conflict. Application of the Concept of *Overmacht* if the harassment by the victim causes the perpetrator to act under compelling circumstances, the judge may use this consideration as a reason to grant leniency. Consultation with an Expert in Psychology or Criminology In cases of abuse, an expert assessment can help the judge understand the psychological impact of the abuse on the perpetrator.

The court's decision in a case of maltreatment triggered by verbal provocation in Palangka Raya City (Number 109/Pid.B/2024/PN.Plk) reflects the proportional application of criminal law principles. Although verbal provocation was recognised as a triggering factor

that influenced the context of the incident, the court confirmed that this did not remove the perpetrator's criminal responsibility. This decision was based on Article 351 of the Criminal Code on maltreatment, taking into account the elements of the offence as well as mitigating factors (*verzachtende omstandigheden*), including the emotional situation arising from the provocation as long as it was not seen as a mitigating reason.

This decision confirms that verbal provocation cannot be used as a justification (*rechtvaardigingsgrond*) or criminal expungement nor can it be seen as a mitigating reason. This is in line with the legal principle that requires every individual to maintain self-control and not use violence, even when provoked. This decision also provides an important precedent in handling similar cases, particularly in balancing criminal responsibility and the situational context behind the criminal offence.

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