

Dalih keadilan dan error juris sebagai alasan melepaskan terdakwa dari segala tuntutan hukum

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Abstrak

There are many conditions that could be determined as valid defenses in court decisions. Some have been specified in the Indonesian Criminal Code but others appear from legal practices. In the verdict number 583/Pid.B/2010/PN Jkt Sel., panel judges concluded that the accused was nonpunishable due to the existence of valid defenses related to legal justice, moral justice, and social justice. This article scrutinize those reasons of the valid defense and comes to the conclusion that judges failed to support their arguments. The author refer to "error jurist" as a more appropriate rationale that should be established in the judges' arguments.