

## Legal Certainty Due To The Negligence Of The Public Prosecutor In Determining The Charges

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DOI : <https://doi.org/10.29313/shjih.v21i1.11403>

*Submitted : February 2023*

*Accepted : December 2023*

*Published : December 2023*

### ABSTRAK

Kepastian hukum memiliki peran yang penting dalam rangka menegakkan hukum sebagaimana mestinya yang sesuai dengan ketentuan yang digunakan dalam dakwaan. Melihat peran penting kepastian hukum, maka para penegak hukum seharusnya bersikap hati-hati dalam menegakkan hukum. Namun hal ini tidak terjadi pada Putusan Pengadilan Negeri Ngabang Nomor 48/Pid.Sus/2019/PN.Nba, dimana JPU lalai dalam menentukan dakwaan yang sesuai dengan perbuatan yang dilakukan terdakwa. Tujuan penelitian ini menganalisis kepastian hukum akibat kelalaian Jaksa Penuntut umum dalam menentukan dakwaan. Dalam penelitian ini menggunakan bahan hukum primer, sekunder serta menganalisis menggunakan teknik kualitatif. Kelalaian JPU dalam menentukan dakwaan dalam surat dakwaan menyebabkan ketidakpastian hukum dimana mengakibatkan hukum tidak ditegakkan secara konsisten dan pasti. JPU seharusnya lebih berhati-hati dalam menentukan dakwaan dalam surat putusannya karena ketidakpastian hukum akan menyebabkan kekacauan dan ketidakmanfaatan hukum bagi masyarakat.

**Kata kunci:** Kepastian Hukum, Penuntut Umum, Dakwaan

**ABSTRACT**

*Legal certainty has an important role in upholding the law properly in accordance with the provisions used in the indictment. Seeing the important role of legal certainty, law enforcers should be careful in enforcing the law. However, this did not occur in the Decision of the Ngabang District Court Number 48/Pid.Sus/2019/PN.Nba, where the Public Prosecutor failed to determine the charges according to the actions of the defendant. The purpose this research analysis legal certainty negligene public prosecutor choice indictment . In this study, primary and secondary legal materials were used and analyzed using qualitative techniques. The prosecutor's negligence in determining the charges in the indictment caused legal uncertainty which resulted in the law not being enforced consistently and with certainty. The prosecutor should be more careful in determining the indictment in his decision because legal uncertainty will cause chaos and the law will not benefit the community.*

**Keywords :** *Legal Certainty, Public Prosecutor, Indictment*

## A. INTRODUCTION

Legal certainty is basically a state in which the law must apply definitely and consistently with the aim of protecting each individual so that those individuals know which actions are prohibited and allowed by law. This opinion is based on the opinion of Gustav Radbruch.<sup>1</sup> Legal certainty is present in the positive legal provisions in force in Indonesia, as stipulated in The 1945 Constitution of the Republic of Indonesia Article 28 D paragraph (1) which stipulates that everyone has the right to recognition, guarantee, protection, and fair legal certainty as well as equal treatment before the law. Indonesia as a state of law stipulated in The 1945 Constitution of the Republic of Indonesia Article 1 paragraph (3), is certainly obliged to uphold the purpose of law (certainty, justice and expediency).

Indonesia as a legal country that has formulated legal provisions, the next step of these provisions must be enforced accordingly. In law enforcement, law enforcement officials have an obligation to implement legal certainty. One of the law enforcement officials is the Public Prosecutor who is responsible for formulating the indictment which will later be submitted to the Panel of Judges as a basis for conviction in imposing a verdict against the defendant.

The Public Prosecutor as an extension in enforcing the law must uphold the purpose of the sentence. The purpose of punishment is basically not yet regulated in the Criminal Code (KUHP), but Article 51 of the new Criminal Code provides the following criminal objectives:

1. Prevent criminal acts by enforcing norms;
2. Socialize convicts through coaching;
3. Resolving conflicts for the sake of creating a sense of security and peace; and
4. Cultivate a sense of regret.

Article 51 of the new Criminal Code can provide an overview of the purpose of punishment in Indonesia, one of which is to prevent criminal acts by enforcing

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<sup>1</sup> "Manifestations of Gustav Radbruch's Legal Purpose Theory and MashabPositivism in Indonesia", Constitutional Advocate, accessed September 9, 2022, <https://advokatkonstitusi.com/manifestasi-teori-tujuan-hukum-gustav-radbruch-dan-mashab-positi-visme-in-indonesia/>.

norms and giving a sense of remorse to perpetrators. In addition to enforcing norms, Wirjono Prodjodikoro added that the purpose of punishment is to scare the community so that the community does not commit crimes and/or tackle crimes, as well as provide rehabilitation for people who have committed crimes.<sup>2</sup> Keep in mind that in order to achieve the purpose of punishment, it is required to be in accordance with *absolute* justice and not exceeding *social* justice (justice desired by society).<sup>3</sup>

Based on the explanation above, it can be concluded that the purpose of punishment is applied with the intention that individuals or communities do not commit crimes (prevention) and also do not repeat crimes. One way to prevent and provide a deterrent effect to perpetrators so that perpetrators and the community do not commit / repeat is to provide punishment weight. Criminal aggravation appears as a guideline in determining the amount or type of criminal incrimination for certain crimes that have special aggravating elements, where one of the specific elements of incriminating punishment is the special qualification of the subject of the delict. The severity of punishment due to the special qualifications of the subject of offense can be seen from the Ngabang District Court Decision Number 48 / Pid.Sus / 2019 / PN. Nba.

In the ruling, the Public Prosecutor was negligent in determining the charges as the basis for the verdict by the Panel of Judges in court. This can be seen from the charges set by JPU in its indictment, namely Article 76C jo Article 80 paragraph (1) of Law Number 35 of 2014 (Law 35/2014) jo Law Number 17 of 2016 (Law 17/2016) concerning Child Protection. In this case, the defendant (Yermia) as the stepfather of the victim (Rizky) aged 8 (eight) years, has been proven to have physically abused the victim. Because the accused is the victim's parent, the Public Prosecutor should pay attention to Article 80 paragraph (4) of Law 35/2014 jo Law 17/2016 which has stipulated that: Criminal plus one-third of the provisions referred

<sup>2</sup> Wirjono Prodjodikoro, *Certain Crimes in Indonesia*, (Jakarta: P.Teresco, 1980), 3.

<sup>3</sup> Muladi and Barda Nawawi Arief, *Potpourri of Criminal Law*, (Bandung: Alumni, 1994), 19.

to in paragraph (1), paragraph (2), and paragraph (3) if the perpetrator of the abuse is his parent.

Thus, it can be seen that there are legal provisions that clearly regulate the punishment. However, this legal provision was later not noticed or considered by the the Public Prosecutor in its indictment. Such circumstances can certainly cause legal uncertainty due to the negligence of the the Public Prosecutor in determining its charges. This legal uncertainty occurs considering that there are regulations that regulate clearly and in accordance with the cases handled but not used properly by the Public Prosecutor. Based on the explanation above, the problem raised in writing this journal is how legal certainty due to the Public Prosecutor negligence in determining charges.

## B. RESEARCH METHOD

Data collection in this study is carried out by conducting documentation in order to find and collect data and documents that are related to the material discussed.<sup>4</sup> In order to compile this research, the research method used in this study is normative legal research. This research method is centered on research that makes literature as the source of research.<sup>5</sup>

In the assessment of problems used in this study are secondary data. According to Husein Umar, secondary data are data that are processed data, either in the form of tables, diagrams or other processed data, which are then presented by the party who collects the primary data or other related parties.<sup>6</sup>) Secondary data consists of 3 (three) types of legal materials, namely primary, secondary and tertiary legal materials. The primary legal materials used in this study are the 1945 NRI Constitution, Law Number 23 of 2002 concerning Child Protection, which was last amended by Law Number 17 of 2016 (Law 23/2002 jo Law 17/2016), Law Number 16 of 2004 concerning the Attorney General of the Republic of Indonesia (Law

<sup>4</sup> Safaruddin Harefa, "Criminal Policy in Overcoming Prison Overcapacity", *Juridical Journal*, Vol.5, No.2, 2018, 297.

<sup>5</sup> Soerjono Soekanto and Sri Mamudji, *Normative Legal Research A Brief Review* (Depok: Raja Grafindo Persada, 2021), 23.

<sup>6</sup> Husein Umar, *Thesis and Thesis Research Methods* (Jakarta: Rajawali, 2013), 42.

16/2004) jo Law Number 11 of 2021 (Law 11/2021) concerning the Prosecutor's Office of the Republic of Indonesia, Law Number 8 of 1981 (Law 8/1981) concerning the Criminal Procedure Code.

Secondary legal materials used are journals related to the responsibilities and obligations of JPU in criminal case courts, legal inconsistency and other related journals, are secondary legal materials referred to in this study. For tertiary legal materials themselves have not been used in this study.

Furthermore, data analysis techniques can be carried out qualitatively and quantitatively.<sup>7)</sup> Qualitative data analysis techniques are data analysis techniques used in this study, which will then end with conclusions. Qualitative data analysis techniques mean processing data that has been obtained based on its quality and can be accounted for, so it does not refer to the amount of data, but refers to the validity of related data.

### C. ANALYSIS AND ANALYSIS

Legal certainty is part of the three basic values of law (certainty, justice and expediency), as stated by Gustav Radbruch. The definition of legal certainty according to Utrecht consists of 2 (two) understandings, namely: (<sup>8</sup>1) general regulations that result in individuals knowing what are the legal and illegal behaviors and actions to do; (2) legal security for individuals against the abuse of state authorities given that there are rules of a general nature on people who understand only those things that are burdens to them and what burdens the state implements on these individuals. Furthermore, according to Jan Michiel Otto, legal certainty also has certain criteria, which are as follows:<sup>9</sup> (1) There are legal provisions that are clear, transparent, consistent and easily accessible to the public, in which these legal provisions are issued by state power; (2) State (government)

<sup>7</sup> Soerjono Soekanto, *Introduction to Legal Research* (Jakarta: UI Press, 1986), 66.

<sup>8</sup> Riduan Syahrani, *Summary of the Essence of Legal Science*, (Bandung: Citra Aditya Bakti, 1999), 23.

<sup>9</sup> Sidharta, *Introduction to Indonesian Law*, (Jakarta: Alumni, 2006), 85.

agencies enforce such laws consistently and definitely, and also submit to and obey the provisions of such laws; (3) most societies agree in principle to the substance of the provision and therefore adapt their conduct to the provision; (4) the judiciary does not side with any particular party in enforcing these rules of law definitely and consistently (when the Court wants to settle a legal case); (5) Judicial decisions can be concretely implemented.

Based on the explanation above, it can be seen that how important the role of legal certainty is in the context of law enforcement. Without legal certainty, legal objectives will not be achieved, which then results in the community not having guidelines in determining what things are allowed and what things are not allowed by law. Without guidelines, there will be confusion and uselessness of the law for the community.<sup>10</sup> In order to prevent legal uncertainty, law enforcement officials are obliged to enforce the laws that have been prepared by lawmakers as appropriate.

JPU is one of the law enforcement officers who plays an important role in law enforcement in the Court. The definition of JPU or Public Prosecutor has been regulated in Article 1 number 3 of Law Number 16 of 2004 concerning the Attorney General of the Republic of Indonesia (Law 16/2004) *jo* Law Number 11 of 2021 (Law 11/2021) concerning Amendments to Law Number 16 of 2004 concerning the Attorney General of the Republic of Indonesia, where the Public Prosecutor is the Prosecutor authorized by this Law to conduct prosecutions and carry out the determination of judges and other authorities based on Law. The authority and duties of the Prosecutor have been regulated in Article 30 paragraph (1) of Law 16/2004 *jo* Law 11/2021 which states:

In the criminal field, the prosecutor's office has the duty and authority to (a) carry out prosecutions; (b) carry out the determination of judges and court decisions that have acquired permanent legal force; (c) supervise the implementation of conditional criminal judgments, supervisory criminal judgments, and conditional release decisions; (d) conduct investigations into certain criminal offences under

<sup>10</sup> Mulani and Barda Nawawi Arief, *Criminal Theories and Policy*, (Bandung: Alumni, 1998), 173.

the law; (e) complete certain case files and therefore may conduct additional examinations before being transferred to the court in which the implementation is coordinated with investigators.

Furthermore, the authority and responsibility of JPU are also regulated in Article 14 of Law Number 8 of 1981 concerning the Code of Criminal Procedure (Law 8/1981) which reads:

The Public Prosecutor has the authority to (a) receive and examine the investigation case file from the investigator or auxiliary investigator; (b) conduct pre-prosecution if there are deficiencies in the investigation by taking into account the provisions of Article 110 paragraphs (3) and (4), by giving instructions in order to complete the investigation from the investigator; (c) grant an extension of detention, carry out further detention or detention and/or change the status of the detainee after the case has been assigned by the investigator; (d) make an indictment; (e) assign the case to the court; (f) give notice to the defendant of the stipulation of the day and time the case is heard accompanied by a summons, both to the defendant and to the witness, to appear at the appointed hearing; (g) conduct prosecutions; (h) closing the case in legal interest; (i) conduct other acts within the scope of duties and responsibilities as public prosecutor under the provisions of this law; (j) carry out the judge's determination.

Based JPU authorities, it can be seen that one of the obligations of the JPU is to carry out prosecution through making an indictment. The indictment itself is the basis of the examination of criminal cases.<sup>11</sup> An indictment is a means for JPU to determine the charges that will be the basis / basis for the Panel of Judges in order to try a criminal case. In the indictment, the indictment listed must contain the time and place of the crime and also describe the crime charged clearly, completely and carefully. This is in line with Moeljatno's statement suggesting that the indictment should contain the following 2 (things) applicable to *Anglo Saxon* States:<sup>12</sup>

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<sup>11</sup> *Ibid.*

<sup>12</sup> Moeljatno, in Muhammad Rusli, *Contemporary Criminal Procedure Law*, (Bandung: Citra Aditya Bakti, 2007), 84.



1. Particulars of offence, which is a painting or description of the defendant's actions in words that are easy to understand.
2. Statement of offence, which is a statement about the rules or articles violated by the defendant.

The indictment plays an important role in the proceedings in Court, namely as a material condition for prosecuting the accused. If the indictment as a material condition does not meet the requirements under law, then the indictment will be null and void. This is reinforced by the fact that the accused can only be convicted in accordance with the provisions of the law if it is proven that the defendant committed a criminal offense in accordance with the subject matter charged in the indictment.

In the case raised in this study, namely in the Ngabang District Court Decision Number 48 / Pid.Sus / 2019 / PN. Nba, there has been legal uncertainty due to the negligence of the JPU in determining the articles to be charged against the accused. The defendant in the verdict was the stepfather of the victim who was 8 (eight) years old when the defendant physically abused the victim. Therefore, criminal sanctions for acts of violence committed by the accused against children have been clearly regulated in Article 80 paragraph (4) of Law 35/2014 *jo* Law 17/2016 which stipulates that:

Criminal plus one-third of the provisions referred to in paragraph (1), paragraph (2), and paragraph (3) if the perpetrator of the abuse is his parents. However, it is unfortunate that in this case JPU prosecuted the defendant based on 2 (two) articles as follows:

Article 44 paragraph (1) of Law Number 23 of 2004 (Law 23/2004) concerning Domestic Violence:

Any person who commits acts of physical violence within the scope of the household as referred to in Article 5 letter a shall be punished with a maximum imprisonment of 5 (five) years or a maximum fine of Rp15,000,000 (fifteen million Rupiah).

and

Article 76 C UU 35/2014 *jo* UU 17/2016:

Everyone is prohibited from placing, allowing, committing, ordering to commit, or participating in violence against children.

Article 80 verse (1) UU 35/2014 *jo* UU 17/2016:

Any person who violates the provisions as referred to in Article 76C shall be punished with a maximum imprisonment of 3 (three) years 6 (six) months and/or a maximum fine of Rp72,000,000 (seventy-two million Rupiah).

Article 80 paragraph (1) is a provision for violence against children in general while Article 80 paragraph (4) has specifically regulated violence against children committed by parents. Therefore, the JPU in this case should be obliged to charge the accused under Article 80 paragraph (4) considering that the violence in this case was committed by the parents of the victim. This is unfortunate considering that the panel of judges has limitations in handing down verdicts. Although in principle, the Panel of Judges does have freedom in deciding on the verdict, but this freedom is not absolute, but the Panel of Judges is still limited by the article charged.<sup>13)</sup>

The freedom of this judge is limited by a principle known as the Ultra Petita principle, which means that criminal charges decided in a judgment exceed those demanded or requested by the JPU. In another sense, the Ultra Petita principle is a condition in which the imposition of a judgment on a matter that is not demanded or granted more than requested.<sup>14</sup> This is in line with Yahya Harahap's opinion which states that the Ultra Petita principle is a condition when the judge grants a claim above or beyond what is demanded.<sup>15</sup>

<sup>13</sup> "Ultra Petita Limitations in Criminal Case Decisions", Muhammad Yasin, accessed December 28, 2022, <https://www.hukumonline.com/klinik/a/batasan-ultra-petita-i-dalam-putusan-perkara-pidana-lt59127a57206a8>,.

<sup>14</sup> Rosalia Devi Kusumaningrum, "The Decision of Ultra Petita in Criminal Matters, Journal of Ultra Petita Decisions in Criminal Matters", Journal of Ultra Decisions, 2017, 3.

<sup>15</sup> Yahya Harahap, *Criminal Procedure Law on Lawsuits, trials, confiscations, evidence, and Court Decisions*, (Jakarta: Sinar Grafika, 2008), 801.

For this reason, although the Panel of Judges can make a decision according to its conscience, the Panel of Judges is still limited by the principle of *Ultra Petita* and Article 182 paragraph (4) of the Code of Criminal Procedure has stipulated that "regarding the judge's deliberations in handing down a verdict must be based on an indictment". Thus, it is clear that if the Panel of Judges uses an article that is not included in the indictment, then indirectly the Panel of Judges has committed a violation of Article 182 paragraph (4) of the Code of Criminal Procedure. This is also supported by M. Yahya Harahap in his book who writes that "Punishment means that the defendant is sentenced to a criminal sentence in accordance with the threat stipulated in the article of the crime charged against the defendant".<sup>16)</sup>

In determining the article to be charged, JPU is required to be able to first review the related article, whether the related crime has fulfilled the article to be charged. Then, the JPU should also pay attention to the purpose of the sentence, both in the form of restoring order, preventing intentions to commit criminal acts, personal improvement of convicts, providing moral satisfaction to the community based on a sense of justice, and providing a sense of security for the community.<sup>17)</sup> Based on the matters described above, in the event that the JPU is negligent and does not include an article that should be charged against the accused in the indictment, the Panel of Judges does not have a legal basis to use the article as the basis for the decision.

This is considering that the Panel of Judges hereby based on the indictment, has the obligation to determine/further examine whether the criminal elements were fulfilled by the accused through his actions.<sup>18)</sup> Such negligence of the JPU will result in the creation of uncertainty, justice and legal expediency. Victims will not get certainty of law enforcement which is their right.

Legal certainty is not only a value, but also a human right. Thus, if the guarantee of legal certainty (legal provisions) is not achieved, it can be said that

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<sup>16</sup> Yahya Harahap, *Discussion of Criminal Procedure Code Issues: Court Hearings, Appeals, Cassation, and Judicial Review*, Second Edition, (Jakarta: Rineka Cipta, 2016), 38.

<sup>17</sup> *Ibid.*

<sup>18</sup> Muhammad Yasin, *Op. Cit.*

human rights are forcibly taken away, which can then create a situation where humans cannot distinguish which actions are prohibited and which actions are actually allowed by law. If this happens, the law will lose its own meaning because it will no longer be used as a guide for its legal society.<sup>19)</sup>

Circumstances without legal certainty will certainly cause chaos and unuse of law for the community. Laws that are not enforced with certainty and consistency will not be able to provide benefits, happiness, and trust in society. Therefore, legal certainty will be achieved when the rule of law is able to create legal certainty called *realistic legal certainty* for the community.

#### **D. CONCLUSION**

JPU's negligence by not establishing articles that are in accordance with the case being handled will cause legal uncertainty. Existing legal provisions should be used to achieve legal certainty. This legal uncertainty will result in the loss of human rights, causing chaos, and unbenefit to society. Such negligence can ultimately limit the authority of the Panel of Judges in deciding the charges, considering that the basis for the Panel of Judges in handing down the verdict is the indictment. The JPU should be more careful in choosing the articles to be charged against the accused. The indictment has an important role in law enforcement in the Court, which is a foothold for the Panel of Judges in weighing the severity of the defendant's crime. Therefore, it is very important for the JPU to exercise prudence in enforcing the law.

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<sup>19</sup> Fence M.Wantu, "Anatomy in Law Enforcement by Judges", *Periodical Journal of the Law Pulpit*, Vol.19, No.2, 2007, 388.

## BIBLIOGRAPHY

### A. BOOK

Harahap, Yahya, *Pembahasan Permasalahan KUHP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*, Edisi Kedua, Rineka Cipta, Jakarta, 2016.

Harahap, Yahya, *Hukum Acara Pidana Tentang Gugatan, persidangan, penyitaan, pembuktian, dan Putusan Pengadilan*, Sinar Grafika, Jakarta, 2008.

Moeljatno, dalam Muhammad Rusli, *Hukum Acara Pidana Kontemporer*, Cetakan Pertama, Citra Aditya Bakti, Bandung, 2007.

Muladi, Barda Nawawi Arief, *Teori-Teori dan Kebijakan Pidana*, Alumni, Bandung, 1998.

Muladi, Barda Nawawi Arief, *Bunga Rampai Hukum Pidana*, Alumni, Bandung, 1994.

Prodjodikoro, Wirjono, *Tindak Tindak Pidana Tertentu Di Indonesia*, PT Eresco, Jakarta, 1980.

Sidharta, *Pengantar Hukum Indonesia*, Alumni, Jakarta, 2006.

Soekanto, Soerjono, Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Raja Grafindo Persada, Depok, 2021.

Soekanto, Soerjono, *Pengantar Penelitian Hukum*, UI Press, Jakarta, 1986.

Syahrani, Riduan, *Rangkuman Intisari Ilmu Hukum*, Citra Aditya Bakti, Bandung, 1999.

Umar, Husein, *Metode Penelitian Skripsi dan Tesis*, Rajawali, Jakarta, 2013.

### B. JOURNAL

Harefa, Safaruddin, "Kebijakan Kriminal Dalam Menanggulangi Kelebihan Kapasitas Lembaga Pemasyarakatan", *Jurnal Yuridis*, Vol.5, No.2 Desember 2018.

Kusumaningrum, Rosalia Devi, "Putusan Ultra Petita Dalam Perkara Pidana, Jurnal Putusan Ultra Petita Dalam Perkara Pidana", *Jurnal Putusan Ultra*, 2017.

M.Wantu, Fence, “Anatomi Dalam Penegakan Hukum Oleh Hakim”,  
*Jurnal Berkala Mimbar Hukum*, Vol.19, No.2, 2007.

### C. INTERNATIONAL AND NATIONAL INSTRUMENTS

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

Undang-Undang Nomor 11 Tahun 2021 Tentang Perubahan atas Undang-Undang Nomor 16 Tahun 2004 Tentang Kejaksaan Republik Indonesia

Undang-Undang Nomor 17 Tahun 2016 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2016 Tentang Perubahan Kedua Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak Menjadi Undang-Undang

Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia

Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak

Undang-Undang Nomor 8 Tahun 1981 Tentang KUHAP

Putusan Pengadilan Negeri Ngabang Nomor 48/Pid.Sus/2019/PN.Nba

### D. INTERNET

“Manifestasi Teori Tujuan Hukum Gustav Radbruch dan MashabPositivisme di Indonesia”, Advokat Konstitusi, diakses 9 September 2022, <https://advokatkonstitusi.com/manifestasi-teori-tujuan-hukum-gustav-radbruch-dan-mashab-positivisme-di-indonesia/>.

“Batasan Ultra Petita dalam Putusan Perkara Pidana”, Muhammad Yasin, diakses 28 Desember 2022, <https://www.hukumonline.com/klinik/a/batasan-i-ultra-petita-i-dalam-putusan-perkara-pidana-lt59127a57206a8>.