

CRIMINAL RESPONSIBILITY AGAINST PEOPLE OF THE CRIME OF MATTERS IS REVIEWED FROM ARTICLE 170 OF THE CRIMINAL LAW BOOK

Rahman Firmansyah¹, Deny G.², Muhammad A³, Rian Rahadian⁴

^{1,2,3,4}Faculty Of Law, University Buana Perjuangan Karawang, Indonesia

HS.Ronggo Waluyo, Puseurjaya, Telukjambe Timur, Karawang, Jawa Barat 41360

Email: deny.guntara@ubpkarawang.ac.id (Corresponding Author)

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Abstract

This study examines criminal liability and judges' considerations for perpetrators of demolition based on Article 170 of the Criminal Code (KUHP), with a focus on the analysis of Decision Number 15/Pid.B/2022/PN.Kwg. Demolition is an act of violence that involves two or more people together against one or more victims, with the potential to cause serious physical injury or even death. This study aims to uncover how Criminal Liability Against Perpetrators of Demolition is Reviewed from Article 170 of the Criminal Code (Study of Decision Number: 15/Pid.B/2022/PN.Kwg) and Judge's Considerations in Deciding Cases of the Crime of Murder in Decision Number: 15/Pid.B/2022/PN.Kwg. The research method used is document analysis, by using court decision documents to examine legal considerations, the evidence submitted, as well as other factors that affect the criminal decision-making process. The results of this study consider key aspects such as the evidence needed to prove the guilt of the perpetrators of the demolition committed by members of CSOs, as well as the influence of the number of perpetrators in the demolition, and the role of each perpetrator in the incident. This study highlights that criminal liability for perpetrators of demolition committed by members of CSOs is greatly influenced by the evidence presented at the trial, including the chronology of events, motives, and contributions of each perpetrator to the violence that occurred. The court also considers mitigating factors such as the losses incurred by the victim and the attitude of the perpetrator after the incident. The implication of this study is to deepen the understanding of the application of Article 170 of the Criminal Code in cases of rape, as well as its relevance in the context of modern criminal law. These findings make an important contribution to legal practitioners, academics, and law enforcement in understanding how the criminal justice system handles violent crimes committed together, with the hope of improving justice and the effectiveness of law enforcement in Indonesia.

Keywords: Demolition, Criminal Liability, Court Decision.

INTRODUCTION

Indonesia is a country based on law (rechtsstaat) only after the amendment to the 1945 Constitution is expressly stated in Article 1 and Article 3, in Indonesia a country based on law, the government must guarantee law enforcement and the achievement of legal objectives. There are three elements to law enforcement that are always considered, namely justice, expediency

or results (doelmatigheid), and legal certainty. In the doctrine, the main goal of law is order (Yamin, 1959). Compliance with order is the basic requirement for an orderly society, another goal of law is the achievement of justice. To achieve order and interaction between people in society, it must reflect legal certainty (Soekanto, 1979).

. Violence committed jointly against people (beatings) is the criminal act that most often occurs in society. Bearing in mind that these collective criminal acts of violence have become rampant among the community resulting in victims such as suffering from minor and serious injuries, even fatalities, therefore there is a demand that sanctions be imposed on perpetrators of violent criminal acts collectively, So it must really be able to provide a deterrent effect for the perpetrators of violent crimes together. With the actions of law enforcement officials in providing sanctions for perpetrators of violent crimes together, it is hoped that they will be able to reduce the crime rate that occurs, especially in Karawang Regency. namely: Crimes of Joint Violence (beatings) and other criminal acts.

From the description above, the author includes a case that occurred in Karawang Regency with Decision Number 15/Pid.B/2022/PN.Kwg with a case of a mass organization clash that occurred on West Karawang Interchange Road, Purwadana Village, East Telukjambe District, Karawang, West Java, on the day Wednesday 11/24/2021. A total of three people were injured, and one of them died. The following is a complete chronology of mass organization clashes in Karawang. The incident started when GMBI NGOs from various regions held a demonstration regarding waste processing in front of a company in the Karawang International Industrial City (KIIC) area. 1 Car Passenger Victim of Attacks During Mass Organization Riots in Karawang Died, 2 People Become Suspects. A crowd from a combination of mass organizations in Karawang ganged up on four people in the car of stray GMBI members. The passengers suffered serious injuries and the car they were traveling in was destroyed due to damage by the mob.

In the above case, the prosecutor charged the suspects with the following charges:

Declare that Defendant I Rendra Sulaeman Alias Ceper Bin Eman Sulaiman and Defendant II Diki Ariansyah Alias Diki Bin Kadi Nuryadi have been legally and convincingly proven to have committed criminal acts openly and with joint force Using violence against people resulting in death and openly and With joint force Using violence against property as regulated and punishable by crime in Article 170 paragraph (2) 3rd of the Criminal Code in conjunction with Article 170 paragraph (1) of the Criminal Code and Article 170 paragraph (2) 1st of the Criminal Code in conjunction with Article 170 paragraph (1) of the Criminal Code as contained in the First Subsidiary and Second Primair Indictments:

1. Sentenced defendant I Rendra Sulaeman Alias Ceper Bin Eman Sulaiman and defendant II Diki Ariansyah Alias Diki Bin Kadi Nuryadi to 8 (eight) years and 6 (six) months respectively minus the period of detention that the Defendants had served with orders to The Defendants remain in custody;
2. Determine that the evidence is in the form of: - 1 (one) red INK brand helmet fragment, - 1 (one) T stick, - 1 (one) sickle, - 1 (one) Honda Brio 4-wheeled vehicle black color number S 12724, - 1 (one) t-shirt belonging to Br. Ahmad Sudir (deceased) with GMBI striped motifs in black and gray used in the case. Defendant Diki Ariansyah Bin Kadi et al

3. Determine that the Defendants will pay court costs of IDR 2,000 (two thousand rupiah) each.

This research is expected to provide useful theoretical contributions to the development of legal science, especially for the development of criminal law science. Providing academic information regarding legal action that can be taken if you are a victim of violent attacks.

RESEARCH METHOD

This research was conducted using normative legal research methods, considering the object/focus of this research study is a product of statutory regulations (Marzuki, 2017). The approach used is the statutory approach (Statue Approach), an approach that utilizes an analysis of statutory provisions that have a link or relevance to the legal issues in this study (Ibrahim, 2013) and the case approach (Case Approach), an approach to cases related to the issues examined by the author.

The data analysis technique that will be used in this study is to use a qualitative juridical analysis method in the form of interpretation of legal materials, then the results of the analysis will be linked to the problems abbreviated in this study in order to produce an objective assessment in answering the issues raised in this research. (Ali, 2013). The data sources used in this study are primary legal materials in the form of legal materials that have authority and are binding. Secondary legal materials are explanations related to primary legal materials such as legal books, scientific papers, internet materials, articles, opinions from legal experts, and other legal materials (Ibrahim, 2013).

DISCUSS AND ANALYSIS

Criminal Liability of the Perpetrators of the Beatings Judging from Article 170 of the Criminal Code (Study Decision Number: 15/Pid.B/2022/PN.Kwg)

Cases of criminal acts of violence committed by members of community organizations include clashes between two community organizations (ormas) that occurred on Jalan Interchange Karawang Barat, West Java, on Wednesday, November 24 2021. The following is the chronology of the incident:

Occurrence: Around 12.00 WIB; two groups of mass organizations were involved in clashes on Jalan Interchange in front of the Resinda Hotel; A Honda Brio car with the plate number S1724 BB was the target of a mob attack.

Chronology: A Honda Brio car passes on Jalan Interchange Karawang; A number of members of mass organizations chased the car from before the gas station to in front of the hotel; The mob destroyed the car, which was badly damaged, and even tried to set it on fire; In a tense atmosphere, the car driver and two other people were injured.

Suspects and the Riot: Two people were injured as a result of this clash; One driver and two other people were victims; The masses of mass organizations were involved in the riot and destroyed a Honda Brio car.

Cause of the clash: It is suspected that the clash occurred due to a dispute between two mass organizations; The passing Honda Brio car caused tension and ultimately suffered serious damage.

Law has a coercive nature by providing sanctions to legal subjects who commit acts against the law so that social life becomes better, regulations are made to regulate it, so that these regulations are obeyed by legal subjects, these regulations must be equipped with coercive

elements. Thus, the law has the nature of regulating and forcing everyone to obey the rules in society and providing strict sanctions (in the form of punishment) against anyone who does not comply. W.F.C van HATTUM formulated criminal law as follows:

"A totality of principles and regulations followed by the State or other general legal communities, where they as guardians of general legal order have prohibited the commission of unlawful acts and have associated violations of their regulations with suffering that specifically in the form of punishment" (Lamintang, 1997).

The term criminal law is a translation of the Dutch term *Strafrecht*. *Straf* means criminal and *Recht* means law. Moeljatno provides the understanding that criminal law is part of the overall law that applies in a country, which provides the basics and rules for:(Moeljatno, 2002)

1. Damage to goods;
2. Mistreatment of people or animals;
3. Throwing stones at people or houses;
4. Throwing things away until they are scattered, etc.

The term violence is used to describe behavior, whether overt or covert, and either offensive or defensive, accompanied by the use of force against another person (Poernomo, 1994). Criminal acts are often carried out due to the involvement of other people or together with a large number of perpetrators (the masses). This is appropriate and requires an investigation into the relationship between the two parties to make it clear and clear that the criminal liability or accountability of law enforcement authorities on the parties seen to be directly or indirectly responsible.

The forms of participation are contained in Article 55 paragraph (1) of the Criminal Code which states that you can be punished as the author (*dader*) of an act or criminal act which reads:

1. Paragraph (1) Those who do it, order it to do it and participate in doing it, which is translated from Dutch as *zin die net feit plegen, doen plegen en medeplegen*.
2. Paragraph (2) Those who, by giving or promising something, by abusing power or dignity, by violence, threats or deception, or by providing opportunities, means or information, deliberately encourage others to commit criminal acts or *zij die het feit uitlokken*.

In the provisions of Article 55 and Article 56 of the Criminal Code, it can be concluded that what is meant by the term participation is the participation of one or more people when another person commits a crime or criminal act. Even though the characteristics of participation or *deelnemening* in a *strafbaar feit* or criminal act exist, if in the offense the suspect is involved more than one person or several people, not every person concerned who took part in the act or criminal act can be said to be someone can be punished. Criminal acts or criminal acts committed by several people or groups *en masse* or committed by more than one person, in criminal law in Indonesia the term is known as an offense or an element of inclusion which is included in a special form of criminal law in Indonesia.

As for the forms of offenses or elements of participation in Article 5 of the Criminal Code, there are 4 offenses of participation, among others The *pleger* or person who commits a criminal act is one person who is basically a person (individual) who clearly carries out a perfect action that fulfills all the elements of the formulation of an offense and who in this case commits the crime alone.

A doer or person who orders a criminal act or act to be committed is a person who uses an intermediary or other person who cannot be punished to achieve his or her goals. This is because the person who was ordered to do so has an inability to take responsibility for this, there is a reason for forgiveness. In this case it can be said that the party giving the order or the intellectual actor and the party being ordered are the material actor and the role of the persuader is limitative.

Utlokker or someone who advocates a criminal act or act is someone who persuades or encourages other people to follow their own plans, so that another person or someone commits a criminal act. In this regard, the persuader uses means of persuasion such as: promises, gifts, violence, abuse of power, deception, threats, means, information or opportunities. The position of the proponent or proponent in this case is as an intellectualist actor and the advocate or perpetrator is a materialist actor, therefore the role of the persuader is not limited.

Medepleger or who participates in committing a criminal act is someone who participates in providing ideas through communication with other people where according to the agreement they both commit a criminal offense or criminal act.

Criminal responsibility leads to punishment for the perpetrator if he has committed a crime and meets the elements determined by law. Judging from the moment an action is taken, it violates the law. Elements of being able to take responsibility include:

The state of his soul; Not experiencing continuous or temporary pain disorders; Not experiencing any developmental defects (stupid, idiotic, immobile, etc.); There are no disturbances due to shock, hypnosis, overloaded anger, unconscious influences, fever.

His soul abilities; Can realize the essence of his actions; Can show his desire for this action Can know the blameworthiness of the action.

Responsibility is based on the state and ability of the soul, not the state and ability of a person's mind. Components and subjects of criminal responsibility where a person or perpetrator of a crime does not have criminal responsibility or is charged with committing a criminal act if he does not commit a criminal act and the criminal act must violate the rules, but even if he commits a criminal act, this cannot always be condemned. A person who commits a crime is only punished if he is legally proven and convicted of the crime.

The term "criminal" is a more specific term, namely indicating sanctions in criminal law. Apart from that, the term "criminal" is a special term in criminal law that replaces the term punishment, it is necessary to limit the concept or central meaning which may have distinctive characteristics. Saleh stated "Criminal is a reaction to an offense, and this takes the form of suffering that the state deliberately inflicts on the perpetrator of the offense."

Regarding criminal responsibility for perpetrators of violence, advocacy actors can be categorized as orders or incentives to carry out triggers, at least more than one person, who individually can be a group of people or called an intellectual group. An actor and someone who is recommended or frequently recommended. are called materialistic actors. Advocacy takes the form of intellectual actors encouraging other people or materialistic criminals. The initiator is a person who adores or encourages another person to carry out an action or criminal act, moving other people to fulfill what he proposes. This happens because they are influenced or seduced by the efforts or methods and efforts of supporters to carry out as regulated in Article 55 Paragraph (1) Book II of the Criminal Law.

In the main case in Decision Number 15/Pid.B/2022/PN.Kwg where the Defendant Rendra Sulaeman Alias Ceper Bin Eman Sulaiman together with the Defendant Diki Ariansyah Alias Diki Bin Kadi Nuryadi, on Wednesday 24 November 2021 at approximately 13.00 Wib or at least at other times in November 2021 or at least still in 2021, located in front of the Resinda Hotel Jl. West Karawang Toll Interchange, Purwadana Village, East Telukjambe District, Karawang Regency, or at least in other places which are still included in the jurisdiction of the Karawang District Court which has the authority to examine and try, those who commit, who participate in committing, taking the lives of others.

From the description above, it can be concluded that regarding criminal responsibility for social organizations in criminal acts of mobbing (Study Decision Number: 15/Pid.B/2022/PN.Kwg).

Judge's Considerations in Deciding Criminal Murder Cases in Decision Number: 15/Pid.B//2022/PN.Kwg

The judge's legal considerations are based on the Public Prosecutor's indictment, valid evidence and the subjective and objective conditions that a person can be convicted of. The Karawang District Court judge who examined and tried case Number 15/Pid.B//2022/PN.Kwg after hearing the statements of the witnesses, paying attention to the documentary evidence and evidence presented at the trial, hearing the Public Prosecutor's Indictment, hearing the Defense Memorandum and reading Criminal charges filed by the Public Prosecutor.

Judges in handing down decisions against perpetrators of criminal acts of violence committed jointly against people in public use considerations of juridical values. Juridical considerations are the judge's considerations which are based on the facts revealed in the trial or factors revealed in the trial and which have been determined by law as matters that must be included in the decision. Juridical considerations are as follows, Public Prosecutor's Indictment, Witness Statement, Expert Statement, Statement of the Defendant, Evidence and Articles charged in the Criminal Code.

Considering, that based on the legal facts at trial, witness RUSTAM Bin LASMUN, witness NASRUN Bin MIKAN, and witness ABDUL KHAFID Bin TAMSIR and Br. AHMAD SUDIR, all of whom are members of the GMBI NGO Rembang District, departed from Rembang Regency for Karawang Regency on Tuesday 23 November 2021 at approximately 20.00 WIT with the intention of attending a solidarity action held at PT. ICHI Karawang Regency used a black Hoda Brio car with registration number S 1724 BB with the GMBI logo. At around 12.00 WIT, witness RUSTAM Bin LASMUN, witness NASRUN Bin MIKAN, and witness ABDUL KHAFID Bin TAMSIR and Br. AHMAD SUDIR left the demonstration location to withdraw money from an ATM. After withdrawing the money, they then wanted to look for food. On the way, the vehicle driven by witness RUSTAM Bin LASMUN was chased by a group of unknown people (who were later discovered by NGOs GMPI and LAS Laskar NKRI). The NGO's Brio car was thrown with stones, then a group of NGOs blocked it, then the Monil Brio vehicle driven by witness RUSTAM Bin LASMUN, which included witness NASRUN Bin MIKAN, witness ABDULKHAFID Bin TAMSIR and victim AHMAD SUDIR, stopped in front of the Resida Karawang Hotel, precisely on Jalan West Karawang Toll Interchange, Purwadana Village, Teluk Jambe District, Karawang Regency.;

Considering, that as a result of the actions of the Defendants and their colleagues it is known that: - Based on the Visum Et Repertum Letter Number 152/VLJ-VeR/XII/2021 in the name of Achmad Sudir dated 7 December 2021 which was signed by Dr.Liya Suwarni.Sp.FM with the conclusion of the examination Blunt violence was found in the form of bruises on the back, abrasions on the face, back, limbs; lacerations on the head, back and limbs, signs of old illness. There was heavy bleeding and free blood in the chest cavity and abdominal cavity. There were skull and rib fractures. The cause of death was blunt trauma to the head which caused damage to brain tissue; Blunt trauma to the chest which causes ribs to break and penetrates the lungs thereby tearing lung tissue and pulmonary blood vessels, blunt trauma to the back which causes kidney damage; resulting in heavy bleeding.

Considering, that as a result of the actions of the Defendants, the victim witness, the late Achmad Sudir, died; Considering, that with the above considerations, this element has been fulfilled; Considering, that because all the elements of Article 170 paragraph (2) 3 of the Criminal Code in conjunction with Article 170 paragraph (1) of the Criminal Code have been fulfilled, the Defendants must be declared to have been legally and convincingly proven to have committed the criminal act as charged in the first subsidiary indictment;

Considering, that because the subsidiary charges have been proven, further charges do not need to be considered again; Considering, that because the Public Prosecutor's indictment is prepared cumulatively, the Panel of Judges next considers the second indictment prepared by the Public Prosecutor with subsidiary charges, the Panel of Judges first considers the primary indictment as regulated in Article 170 paragraph (2) 1st of the Criminal Code in conjunction with Article 170 paragraph (1) of the Criminal Code.

CLOSURE

Conclusion

Criminal Liability of the Perpetrators of the Beatings Judging from Article 170 of the Criminal Code (Study Decision Number: 15/Pid.B/2022/PN.Kwg) that the criminal responsibility of the perpetrators of the beatings is greatly influenced by the evidence presented at trial, including chronology of events, motives and the contribution of each perpetrator to the violence that occurred.

The judge's considerations in deciding the crime of murder case in Decision Number: 15/Pid.B/2022/PN.Kwg are considering mitigating factors such as the losses borne by the victim and the attitude of the perpetrator after the incident. The implication of this research is to deepen understanding of the application of Article 170 of the Criminal Code in cases of beatings, as well as its relevance in the context of modern criminal law. These findings provide an important contribution to legal practitioners, academics and law enforcers in understanding how the criminal justice system handles violent crimes committed collectively, with the hope of improving justice and the effectiveness of law enforcement in Indonesia.

Sugesstion

In the context of criminal responsibility for perpetrators of beatings, justice must be prioritized for all parties, which is more optimized from the aspect of monitoring and taking action against criminal acts of beatings committed by members of community organizations.

There must be more optimization regarding preventive efforts carried out by the police and there must be synergy between law enforcement agencies. Optimizing guidance for

members of mass organizations carried out by the police and related agencies authorized to provide guidance to mass organizations.

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