

**CRIMINAL RESPONSIBILITY OF PERPETRATORS OF ASSAULT
JOINTLY RESULTING IN DEATH: STUDY OF DECISION NUMBER
2526/PID.B/2022/PN MDN**

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ABSTRACT

The crime of assault committed jointly resulting in death is a form of serious crime regulated in Article 170 paragraph (2) 3 of the Criminal Code. This study aims to analyze the legal provisions governing criminal liability for perpetrators of assault jointly and how the principle of individual criminal liability is applied in concrete cases. The method used is normative juridical with a descriptive-analytical approach to Decision Number 2526/Pid.B/2022/PN Mdn. The results of the analysis show that the panel of judges considered the elements of joint violence, the involvement of the perpetrators, and the impacts caused. The defendant was sentenced to 8 years and 6 months in prison. The conclusion of this study is that in cases of collective crime, criminal liability must be determined based on the role of each perpetrator.

Keywords: Abuse, Criminal Responsibility, Collective Violence, Death.

A. Introduction

Nowadays, rapid developments have indeed brought significant impacts to society. Social, economic, and cultural transformations often trigger changes in actors in each individual and group.¹ This problem makes crime increasingly rampant and widespread in the community. Criminal acts arise due to several factors such as free association, social injustice, poverty, and negative influence from the media. Criminal acts often arise from individual or group dissatisfaction with the fulfillment of life's needs.

Indonesia is a country of law, all things are regulated by law, including the actions of the judge himself, acts of violence and criminal persecution must be processed according to law. Basically, law enforcement is an effort to realize justice and peace in the lives of society, nation, and state.² Abuse as one of the crimes that is rampant in Indonesia has indeed become a serious concern in recent years. Increasing population, urbanization, and various other socio-economic factors contribute to the increasing number of crimes, including abuse.

¹ Lubis, T. S. (2017). *Penyidikan Tindak Pidana Penganiayaan Berat Terhadap Anak*. *Edutech: Jurnal Ilmu Pendidikan Dan Ilmu Sosial*, halaman 3.

² Jimly Asshidiqie, *Agenda Pembangunan Hukum Nasional Di Abad Globalisasi*, Cetakan 1, Jakarta : Balai Pustaka, 1998, Hlm.93

Abuse is an act committed by a person or group of people that causes physical or mental injury to another person. In the legal context, abuse is often defined as an act of violence that results in injury, minor or serious, to the victim. Abuse can occur in various forms, including beatings, assaults accompanied by sharp objects. Violence committed by more than one person is a serious problem that can disrupt public order. The provisions in the Criminal Code, especially Article 170, provide a legal basis for prosecuting perpetrators of crimes involved in acts of violence together. Abuse carried out together, especially those resulting in death, is a very serious form of crime and requires strict law enforcement. In the context of criminal law, this kind of action involves not only the individual responsibility of the perpetrator, but also the collective responsibility of all parties involved. Currently, the criminal liability system in positive criminal law highlights fault as one of the principles in addition to legality.

The form of action of a criminal act related to the mistake made is called criminal liability. Criminal acts of abuse such as beatings and physical violence are indeed important problems in society. These cases not only cause physical injuries but also result in death. Eradicating abuse requires cooperation from various parties, including the government, legal institutions, and public attention.

B. Research Methods

A study cannot be called research if it does not have a research method.³ Research methods are one of the factors of a problem that will be discussed.⁴ The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method.⁵ The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.⁶

C. Discussion

1. Legal Provisions Regulating Criminal Responsibility for Perpetrators of Joint Assault Resulting in Death According to the Criminal Code

In the Criminal Code, crimes against the body are generally defined as "abuse". The regulation of crimes against the human body is made to protect the body from violations that

³ Koto, I., Hati, L. P., Manurung, A. S., & Siregar, A. S. (2024). Islamic Holy Days: The Contention of Rukyatul Hillal and Hisab Hakiki Wujudul Hilal Disputes for Muslims in Indonesia. *Pharos Journal of Theology*, 105(2).

⁴ Hanifah, I., & Koto, I. (2025). Legal Protection for Workers with Fixed-Term Employment Agreements Before and After the Job Creation Law. *Kosmik Hukum*, 25(2), 245-256.

⁵ Simatupang, R. S. A. (2024). Pelaksanaan Sistem Peradilan Pidana Anak Di Indonesia Perspektif Nilai Keadilan. *Jurnal Yuridis*, 11(1), 54-63.

⁶ Perdana, S., & Koto, I. (2024). Providing Legal Protection for Consumers Against Standard Clauses/One-sided Agreements Made by Business Actors. *DE LEGA LATA: Jurnal Ilmu Hukum*, 9(1), 23-30.

cause pain or injury, even injuries that can cause death.⁷ One of the criminal acts is taking the law into one's own hands or violence and abuse. A criminal act is an act that is prohibited by law and is punishable by punishment. A criminal act can be an active act (doing something that is actually prohibited by law) or a passive act (not doing something that is actually required by law).

In the case of vigilantism, it is more appropriate to commit a crime intentionally because there is basically no justification or excuse because society has realized that the actions taken are unjust and therefore vigilantism must be enforced. Many cases of vigilantism meet the elements of a crime, where the actions are carried out intentionally and violate the law. Legal uncertainty and lack of law enforcement have caused society not to receive justice.

Article 351 paragraph (3) Jo regulates the crime of joint assault resulting in death. Article 55 paragraph (1) ke 1 of the Criminal Code states, "A person who commits, orders or participates in committing the act, by committing assault resulting in death, is threatened with a maximum prison sentence of seven years." The Criminal Code clearly regulates assault in Articles 351 to 358, and joint violence in Article 170. Article 170 paragraph (2) ke 3 of the Criminal Code states that if joint violence results in death, then the perpetrator is threatened with a maximum prison sentence of twelve years.

There are several principles in criminal law, namely *actus non facit reum nisi mens rea* or *actus reus mens rea* (Latin), or *geen straf zonder schuld* or *keine strafe ohne schuld* (German). This is the basis of criminal liability, which states that an act cannot make someone guilty unless it is done with evil intent.

According to Article 353 of the Criminal Code, the act is punishable by a maximum of 4 years in prison. If it causes serious injury, the maximum prison sentence is 7 years, and if it causes death, the maximum prison sentence is 9 years. If we understand the meaning of "premeditated", it means "that there is a time, however short to consider, to think calmly". This shows that the elements of premeditation (*meet voor bedachte rade*) before the act is carried out, known as "premeditated". (abbreviated as "premeditated"), is a special form of intent (*opzettelijk*), and is a reason for aggravating the criminal offense for subjective abuse.

⁷ Marlina, "Punishment dalam Dunia Pendidikan Dan Tindak Pidana Kekerasan," *Jurnal Mercatoria* 7, no. 1 (2014), hlm, 5.

2. Application of the Principle of Individual Criminal Responsibility in Cases of Assault Carried Out Jointly Resulting in Death

Criminal liability is based on the principle of legality as regulated in Article 1 Paragraph (1) of the Criminal Code, which states that "an act cannot be punished, except based on the power of existing criminal legislation". A logical consequence that must be accepted by the perpetrator of a crime is criminal liability. In the general public, criminal liability is usually known as criminal sanctions or punishment. Criminal liability is suffering, or misery, given to a person who commits a crime for the criminal act he has committed.

This limitation is based on the belief that criminal responsibility resulting from a criminal act places more emphasis on the aspect of maturity in committing the act. In other words, a person who is held criminally responsible must have understood the consequences of his actions when committing a crime so that he determines his will to commit a crime. On the other hand, providing an opinion that is more directed at the side of retaliation due to a criminal act, which means that if someone commits a crime, it is not only difficult not to receive retaliation, but there will also be criminal responsibility waiting for him.

A person's ability to be responsible for their actions can be seen from their ability to distinguish between good and bad actions (in accordance with the law and those that are against the law), as well as their ability to determine their choices based on their beliefs about whether an action is good or bad. In addition, perpetrators of criminal acts cannot be held accountable by law if they are still minors, suffer from a disease that interferes with their memory, or are forced to commit acts that exceed the limits. If the perpetrators of criminal acts are in these circumstances, the law forgives them, which means they are free or exempt from all legal demands.⁸

D. Conclusion

The crime of collective assault resulting in death is a serious crime and has wide-ranging impacts, both for the victim, the perpetrator, and the community. Through Decision Number 2526/Pid.B/2022/PN Mdn, it is clear that the court is trying to uphold justice by considering the role of each perpetrator and the available evidence. Criminal liability in collective cases

⁸ Simatupang, S. E., Sahari, A., & Perdana, S. *Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Laka Lantas Di Bawah Umur (Satlantas Polres Langkat)* journal of education, Humaniora and Social Sciences, Vol. 3 No. 2 (Desember 2020) 314-315

like this must be carried out carefully, so that there is no excessive criminalization of perpetrators whose involvement is minimal. The application of the principle of geen straf zonder schuld is very important to ensure justice and legal certainty.

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