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## **Public Perception towards the Punishment of Criminal Beatings Perpetrators in Gedangan through Sociology of Law Perspective**

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### **ABSTRACT**

*Persecution is a behavior that is clearly intended to cause suffering or injury to another individual, the intentional component must include the purpose of causing suffering or injury to another individual. The persecution can be committed in several ways such as slapping and beating. The regulation on beatings has actually been regulated in Article 170 of the Criminal Code, the article also regulates the punishment imposed on the perpetrators of beatings based on the actual damage committed. There were many cases of beatings in the Gedangan area, Sidoarjo, in 2022. One example is a case of beating committed by 5 perpetrators on St Mandala, Semambung Village, Gedangan, Sidoarjo. Therefore, this research aims to discuss the legal sociology perspective of the beating case. This research used normative legal method which focuses on the discussion of legal issues using laws and regulations, combined with legislative approaches related to the case of beating that occurred in Gedangan, Sidoarjo. The application of the law on beatings in the Gedangan, Sidoarjo involves minors and the diversion is involved first if the act of beating is not a recurrence of an offense. If diversion is not possible due to either a recurrence of the offense or a lack of agreement, then prosecution is conducted by the Public Prosecutor based on the Law.*

**Keywords:** *Criminal Beatings, Persecutions, Public Perception*

## INTRODUCTION

The existence of law can control human attitudes and actions so as not to endanger the rights and interests of other individuals. The existence of law in Indonesia has not been applied optimally. The fact that there are still many violations of the law that occur in Indonesia. The decrease of crime from 2019 and 2021 is known to be 11%. Meanwhile, the criminal risk level from 2019 and 2021 has decreased by 12.62%. The rate of crime and the level of criminal risk have decreased, the total of crimes in 2021 which reached 239,481 cases with a criminal risk level of 90% indicates that there seems to still be high rates of crime in Indonesia. The total of crimes is based on the various forms of crimes that occurred. Some forms of crime, such as violence, murder, robbery, fraud, rape, drug and substance abuse, and many others. In addition, the theft is recognized as the most common criminal case with a percentage of 26.50% in 2021. Drug abuse is in second place with a percentage of 10.72% in 2021. Gambling is in third place with a percentage of 8.89% in 2021. Meanwhile, persecution is in fifth place with a percentage of 2.72% in 2021.

Persecution is an act that intentionally damages the physical health of another individual, either by causing illness (injury/wound/pain) or obstructing the daily activity (such as serious injury).<sup>1</sup> Persecution is a behavior that is clearly intended to cause suffering or injury to another individual, the intentional component must include the purpose of causing suffering or injury to another individual.<sup>2</sup> The persecution can be committed in several ways such as slapping and beating.<sup>3</sup> Several cases of persecution that often occur recently tend to be cases of beating. There were 8,445 cases of serious persecution in 2021 where one of the cases that occurred was a case of beating.<sup>4</sup> Beating can be classified as serious persecution because it causes massive damage to the people's lives, infrastructure or even vehicles at the location of the bullying. Beating is a process, manner, moving, which means unlawful, jointly committing an act of violence against another individual, the individual's property, or common property.<sup>5</sup> Beatings can be committed with bare hands, sharp weapons such as machetes, knives, and sickles; or blunt weapons such as wooden blocks and stones. Generally, beatings occur due to disputes between community groups, causing massive fights. The regulation on beatings has

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<sup>1</sup> P.A.F. Lamintang, *Dasar-Dasar Hukum Pidana Indonesia* (Bandung: PT. Citra Aditya Bakti, 2013).

<sup>2</sup> Tirta Gautama Al Ibrahim, "Tinjauan Yuridis Tindak Pidana Persekusi Melalui Media Sosial," *Justice Law: Jurnal Hukum* 1, no. 2 (2021): 36–43.

<sup>3</sup> Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana*, Cetakan 6. (Jakarta: Kencana, 2017).

<sup>4</sup> Elena Loredana Pirvu Silviu Turza, "Persecution Based on Human Rights Violation," *Romanian Association of Humanitarian Law* (2013).

<sup>5</sup> Haryanto Ginting, "Peranan Kepolisian Dalam Penerapan Restorative Justice Terhadap Pelaku Tindak Pidana Pengeroyokan Yang Dilakukan Oleh Anak Dan Orang Dewasa" (Universitas Medan Area, 2015).

actually been regulated in Article 170 of the Criminal Code, the article also details the punishment given to the perpetrators of beatings based on the damage done.

There were many cases of beatings in the Gedangan area of Sidoarjo in 2022. Some of these cases include a case of beating by 5 perpetrators on St Mandala, Semambung village, Gedangan, Sidoarjo on Wednesday, 24 August 2022, at night where there was one victim who was still underage. Another case of beating was a gang attack by dozens of youth martial artists against three victims who were drinking coffee at the “Raya Gedangan” coffee shop on Sunday, 13 November 2022. Many cases of beatings that occurred in the Gedangan area, Sidoarjo led to various public perceptions. A group of individuals whose values, norms, methods and procedures interact with each other are based on a continuous system of habits and by a shared identity acquired through the shared need to interpret sensory data. This response or knowledge about the environment is known as public perception.<sup>6</sup> Public perception can be generated from the legal application of beatings in Gedangan, Sidoarjo. Moreover, cases of beatings that occur in the Gedangan area, Sidoarjo are usually committed by teenagers or underage children. This has led to various public perceptions of the legal application of beating perpetrators in the Gedangan area, Sidoarjo. Based on previous background, this research is conducted to discuss the legal sociology perspective of the beating case.

## LITERATURE REVIEW

### Beatings

Beating can also be defined as an assault or generalized violence against another individual that leads to minor or serious injury to the other individual.<sup>7</sup> Beatings can be committed with bare hands, sharp weapons such as machetes, knives, and sickles; or blunt weapons such as wooden blocks and stones. Generally, beatings occur due to disputes between community groups, causing massive fights. In accordance with the Criminal Code, beating can be classified as a form of persecution. The crime of beating is regulated in Article 170 of the Criminal Code of Law No. 23/2002 concerning child protection which regulates the application of criminal sanctions for underage children who commit violent acts including beatings.<sup>8</sup> Under Article 59 of the Child Protection Law, it is stated that special protection must be provided to children in conflict with the law.<sup>9</sup> Furthermore,

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<sup>6</sup> Zainal, “Persepsi Masyarakat Terhadap Partai Politik Di Desa Terantang Kecamatan Mandastana Kabupaten Barito Kuala,” *Jurnal Pendidikan Kewarganegaraan* 5, no. 9 (2015): 735–742.

<sup>7</sup> Muh Triocsa Taufiq Z, “Tinjauan Sosisologi Hukum Atas Tindakan Main Sendiri Oleh Massa Terhadap Pelaku Kejahatan Di Kota Makassar” (Universitas Hasanuddin Makassar, 2014).

<sup>8</sup> Menteri Hukum dan Hak Asasi Manusia Republik Indonesia, *Undang-Undang Republik Indonesia 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* (Jakarta, 2016).

<sup>9</sup> Pemerintah Pusat Indonesia, *Undang-Undang Republik Indonesia Nomor 23 Tahun 2002 Tentang Perlindungan Anak* (Jakarta, 2002).

Article 64 Paragraphs 1 and 2 states that children in conflict with the law are those who are victims of crime and are in conflict with the law.

### Public Perception

Perspective is defined as a point of view of a complex unit of language as a movement, which has a preliminary part, a main part, and a final part; a dynamic aspect according to the *Kamus Besar Bahasa Indonesia*.<sup>10</sup> Perception is a process that is generated from feelings, where sensations include actions, feelings or causes of emotional states. While local area insight is a reaction or information about the climate about a group of individuals who interact with each other because they have values, norms, customs and procedures that form a sustainable customary system that meets common needs and is connected to a shared identity developed through interpretive abilities.<sup>11</sup> Public perception cannot just appear out of nowhere, there are several factors that can affect it. These factors are caused by differences in individual interpretations after observing something. There are 3 factors that affect person's perception, such as (1) the individual concerned (the perceiver); (2) perception targets; (3) condition under the perception.<sup>12</sup>

### Legal Sociology

The legal sociology is concerned with exploring the causes or settings where there is a discrepancy between the ideal social order and actual social conditions.<sup>13</sup> The legal sociology is a part of human sociology that perceives the social reality of law from real objects, for example, considering the collective habits such as standard organization, daily habits, and innovative habits appear and the fundamental part (spatial organization) and population density of legal institutions.<sup>14</sup> According to Satjipto Rahardjo, the legal sociology is a science that studies legal phenomena. In addition, he also divided the characteristics of legal sociology into 3 characteristics, such following below:

1. The legal sociology aims to provide explanations for legal practices.
2. Legal sociology constantly tests the empirical validity of a regulation or legal statement.
3. Legal sociology refrains from assessing the law.<sup>15</sup>

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<sup>10</sup> Kamus Besar Bahasa Indonesia, "Perspektif," *Kamus Besar Bahasa Indonesia (KBBI) Kamus Versi Online/Daring (Dalam Jaringan)*.

<sup>11</sup> Zainal, "Persepsi Masyarakat Terhadap Partai Politik Di Desa Terantang Kecamatan Mandastana Kabupaten Barito Kuala."

<sup>12</sup> Stephen P Robbins and Timothy A. Judge, *Perilaku Organisasi*, 16th ed. (Jakarta: Salemba Empat, 2015).

<sup>13</sup> Dr. Fithriatus Shalihah, *Sosiologi Hukum*, 1st ed. (Depok: Rajawali Pers, 2017).

<sup>14</sup> I Gusti Ngurah Dharma Laksana et al., *Buku Ajar Sosiologi Hukum* (Bali: Pustaka Ekspresi, 2017).

<sup>15</sup> Ibid.

## RESEARCH METHODOLOGY

This research used normative legal method which focuses on the discussion of legal issues using laws and regulations, combined with legislative approaches related to the case of beating that occurred in Gedangan, Sidoarjo. This type of research will focus on describing the legal rules that will be applied to the legal problem. This type of research, among other things, organizes juridical examination, which is a kind of legitimate study that is complemented by the examination of selected writings or materials. This research is about law, which is considered a social norm or rule that guides all ways of behavior. Therefore, the stock of positive regulations, regulatory and legal standards, legitimate discoveries in specific cases, legitimate systematics, levels of agreement, close regulation, and legitimate history are the main focus of normative legal research.<sup>16</sup> This research problem approach uses a case approach. The contextual investigation approach is a concentrated, definitive and inside-out way of dealing with certain side effects.<sup>17</sup> The case studied in this research is a case of beating in Gedangan, Sidoarjo.

## RESULT & DISCUSSION

### Law Enforcement to Prevent the Occurrence of Criminal Beatings

Wayne La Favre asserts that the law enforcement process is basically a discretionary determination that requires making choices that are subject to personal judgment and not strictly regulated by law. Meanwhile, in his book titled *Constitutional Ethics and Ethics Court*, Jimly Asshiddiqie stated that law enforcement can be understood as an effort to enforce the law properly and if violated, restore the violated law so that it can be enforced again.<sup>18</sup> According to Notohamidjojo, there are 4 important standards of law enforcement, such as humanity, justice, decency, and honesty.<sup>19</sup>

Public awareness of the law is the foundation of law enforcement. According to Ewick and Silbey, this kind of legal awareness can be divided into three categories, such as awareness as an attitude, awareness as an epiphenomenon (awareness as a social structure), and awareness as a cultural practice. As an attitude, awareness proves that social groups of all sizes and types are shaped by the actions of individuals, including families, peer groups, work groups, and communities, legal institutions, and societies.

Law enforcement does not only mean law enforcement, although in fact in Indonesia the tendency is in that direction, so the concept of law enforcement is

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<sup>16</sup> Dr. Jonaedi Efendi, *Introduction to Law and Introduction to Indonesian Law* (Surabaya: Jakad Publishing, 2018).

<sup>17</sup> Suharsimi Arikunto, "Prosedur Penelitian Sebagai Suatu Pendekatan Praktik.," *PT.Rineka Cipta*. (2020).

<sup>18</sup> Jimly Asshiddiqie, *Constitutional Ethics and Ethics Court* (Jakarta: Sinar Grafika, 2016).

<sup>19</sup> Afif Noor, "Membangun Kultur Penegak Hukum Yang Berintegritas Dalam Penegakan Hukum," *Ulil Albab: Jurnal Ilmiah Multidisiplin* 1, no. 6 (2022): 1660–1668.

very general. Furthermore, there is a tendency in favor of viewing the application of the law as judicial decisions that are implemented. It is important to note that this rather narrow perspective has some drawbacks, if the application of the law or the judge's decision disturbs the peace of society. Positive law regulates Indonesian society and the existence of customary institutions can still be found in some regions. Individuals who are part of society have a constant desire to coexist with other members of society. This normal attribute leads individuals to communicate with each other. Human collaboration can usually be valuable or detrimental. Regulation comes into the public eye as a stabilization of the various ways of cooperation of individuals living in the public arena on the grounds that the law contains standards of looking at collaboration, for example, behavior that is seen as hindering the freedom and sense of fairness of other individuals or the community as a local area that is considered to feel its effects.

Since crime is a complex condition that can be interpreted in several ways, you can hear various comments about criminal activities in everyday life. A civilized society will definitely judge whether an act can be considered a crime, certainly in terms of the sense of justice of society and the law. A further change of events in the science of jurisprudence is always accompanied by criminology to find out about the causes of crime. Crimes include one act or group of individuals who together commit a criminal offense against the Criminal Code.<sup>20</sup> The actions taken by people who break the law are called lynching or *Eigenrichting*, and one form of this is beatings. The crime of beating is one of the types of offenses covered by the Criminal Code. Pickpockets who are caught red-handed are beaten, and beatings are a process, a way of ganging up to attack a crowd of villagers simultaneously. The beatings in Article 170 of the Criminal Code, which establishes that they were committed collectively with the intent to cause damage. Article 170 of the Criminal Procedure Code also proves the elements present in the act of beating.

Persecution is generally referred to as a crime against the body under the Criminal Code. Mistreatment, such as torture, bullying, and so on is called persecution.<sup>21</sup> On the other hand, there is no definition of persecution in the Penal Code itself. Therefore, for an individual to be called a batterer, they must naturally intend to cause pain or bodily injury to another individual or endanger the health of another individual through their actions. Those kinds of violence constitute acts of public disorder and are clearly a crime. In addition, this article does not applicable if the individual follows rather than participates in the violence. A fight between two groups of adolescents or children that is committed in a short period of time together and they act violently at the same time. Joint criminal offenses are divided

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<sup>20</sup> Fry Anditya Rahayu Putri Rusadi, Sukinta, and Bambang Dwi Baskoro, "Penetapan Gratifikasi Sebagai Tindak Pidana Korupsi Dan Pembuktiannya Dalam Proses Peradilan Pidana," *Diponegoro Law Journal* 8, no. 2 (2019).

<sup>21</sup> Ismail Saptani, *Kasus Penganiayaan Dan Penanggulangannya* (Jakarta: Deepublish, 2014).

into minor injury, serious injury, and even death penalty. Beating is the most common criminal offense, and the criminal law, particularly article 170 of the Criminal Code, regulates it. Beating is often a crime committed by several individuals with the intention of using sharp instruments such as beams, wood, or other tools.

When the judge examined the defendant who committed the crime of beating, he treated the defendant in accordance with the applicable laws, and always paid attention to him. This ensured that the defendant's rights were protected in accordance with the Criminal Procedure Code, one of which is Article 51. The victim suffers damage as a result of the crime. Pain, moral loss, physical loss, and social loss are some of the consequences of being a victim of crime. Victims testify that norms that are not enshrined in law, sometimes not recognized by law, or even only partially published as standards of human behavior, i.e. legal norms, have a significant impact on our daily behavior, among others Legislators. Incorporating legal terms and judges applying them in disputes.

The offender's ability to be held responsible is also linked to a certain age. Since it is possible for individuals to be psychologically influenced at a certain age to commit an act, this proves that only criminals who are above a certain age are entitled to take responsibility for the acts they have committed and be held accountable for them. Children of a certain age are inherently incapable of properly recognizing their actions, which also means that children are unable to distinguish between right and wrong at a certain age. Indeed, this impacts on the child's ability to regret his or her actions. If an individual child specifically makes a mistake and because of his or her actions the cycle of crime is completed, the child will be mentally upset in his or her adult life.

Since the offender cannot be held accountable if he/she is incapable of responsibility because the offender is not of legal age or because the offender's psychological condition is impaired, the judge must determine and determine whether the offender has a criminal component. Capacity to accept responsibility during the sentencing process. The purpose of criminal law is to foster a sense of justice at all social levels. A criminal offense is also under the control of criminal law because individuals who commit offenses will be educated and punished according to their actions. Criminal law is also under the control of criminal law because individuals who commit crimes will be educated and punished according to their actions. Legislation that provides sanctions will also encourage other individuals not to commit crimes. The Criminal Code penalizes the use of force including murder, maltreatment, including killing, and torture, among others assault by one individual on another, duels (in Book II Chapter VI of the Criminal Code), where two individuals deliberately initiate a one-on-one duel until several individuals use force (beatings) simultaneously in various forms. Collective use of force is prohibited by article 170 of the Criminal Code, which is contained in Chapter V (Crimes against Public Order) of Volume II (Crimes). Assault crimes

The local community is very concerned about crimes committed by many people. In addition, many individuals were involved in the beating, which led to the death of the victim.

Article 358 of the Criminal Code becomes the legal basis for determining the crime of hitting multiple individuals (two or more individuals) causing the victim to be seriously injured or die on one side or on two sides. Because there are so many who among the crowd members are killed or injured is unknown. Individuals who are or were involved in a beating can also be threatened with the provisions of Article 351 of the Criminal Code, in addition to being threatened with Article 358 of the Criminal Code. Considering article 358 further, this article deals with the consequences of assault or fighting between groups. Serious injury and death of individuals are the consequences that must be punished. Individuals who work to protect the weaker party or to break up a fight or assault cannot be classified as perpetrators of beatings.

The protection of victims of crime has not been taken seriously in the national legal system. The fact that national laws and regulations at least regulate the rights of crime victims proves this. Here is a violation of Article 27 Paragraph 1 of the 1945 Constitution: "There is an imbalance between the protection of victims of crime and the protection of perpetrators of crime." All citizens are equal in their condition under the supervision of the rules and government and are obliged to maintain the rules and government in any case. Under the principle that all are equal before the law, both as suspects and as victims of criminal offenses, humanity as Pancasila is the foundation of philosophical values that inspire all that exists. Law in Indonesia, starting from the 1945 Constitution and descending to the book of laws. Every time a crime occurs, there must be a loss for the victim. Crime victims must bear tangible and intangible losses. Victims are the ones who suffer the most from crime and do not get legal recourse from the perpetrators. The victim of crime is not taken into consideration when the perpetrator is punished by the court.

### **Legal Application of Criminal Beatings Against Underage Children**

The crime of child beating is a collective act of violence completed publicly by individuals under 18 years of old that may upset public demand or endanger life and property. The definition of criminal beating is the humiliating behavior that many individuals do that causes pain, injuries, and endangers bodily health.<sup>22</sup> The definition of a crime is an individual's action as an unlawful wrong, so that it can be punished and the perpetrator can be held accountable for his actions. The modification of the Indonesian Children's Criminal Justice System Law as the basis for the dismissal of children's criminal cases, the child perpetrator of beatings is committed in accordance with the guidelines relating to the freedom of children in

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<sup>22</sup> Ayu Ratih Indra Kusumawati, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani, "Pertanggungjawaban Pidana Terhadap Pengeroyokan Oleh Anak Di Bawah Umur Mengakibatkan Kematian," *Jurnal Interpretasi Hukum* 3, no. 1 (2022): 199–203.

conflict with the law and the provisions of the Criminal Code associated with wrongdoing. Article 1 Paragraph 3 of the Indonesian Children's Criminal Justice System Law contains provisions on violence against children. Children who violate the law in accordance with restorative justice prioritize the imposition of punishment on children through diversion efforts based on the Law. Furthermore, Article 71 Paragraphs 1 and 2 of the Criminal Code regulates the imposition of punishment on children. Sanctions, both legal and additional. Article 79 stipulates that children involved in violent or serious crimes are liable to imprisonment.

Detention is one of the most popular types of discipline for young people. Handling the responsibility of children's criminal cases without a judicial process is conducted by prioritizing restorative justice, seeking children's cases outside the criminal justice system and realizing peace through a settlement between the child's family and the victim of the criminal offense to protect the perpetrator from deprivation of freedom due to beatings can be called diversion efforts.<sup>23</sup> In Supreme Court Regulation No. 4/2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System, Law No. 11/2012 on the Juvenile Criminal Justice System does not clearly regulate the procedures and stages of the diversion process. The regulation explains that diversion is applied to children who are 12 years old but not yet 18 years old or 12 years old even though they have been married but not yet 18 years old, who are suspected of committing a criminal offense.<sup>24</sup> The basis of criminal liability is the existence of fault either intentionally (*opzet*) or negligently (*culpa*). This proves that the basis for holding individuals accountable for their actions is based on the concept or justification of whether or not the criminal elements are proven. If the elements of the crime are proven, the guilt is also proven and of course punished, so that criminal responsibility is attached to the criminal elements.<sup>25</sup> In criminal law against someone who commits an offense or a criminal act, accountability requires the principles of criminal law. One of the principles of criminal law is the legal principle of *nullum delictum nulla poena sine pravia lege* or known as the principle of legality. The principle of legality is an unwritten basic principle in imposing punishment on people who have committed criminal acts. This basis is about the accountability of a person for the actions he/she has committed.

Criminal liability in Dutch is known as *torekenbaarheld*. Criminal liability is intended to determine whether a suspect or defendant can be held accountable or not. It means that a person will not be convicted if there is no fault.<sup>26</sup> There are

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<sup>23</sup> Rico A. Wuisan, "Kajian Hukum Terhadap Tindak Pidana Dalam Perkembangan Hukum Pidana," *Lex Crimen* 9, no. 2 (2020).

<sup>24</sup> Menteri Hukum dan Hak Asasi Manusia Republik Indonesia, *Peraturan Mahkamah Agung No. 4/2014 Tentang Pedoman Pelaksanaan Diversi Dalam Sistem Peradilan Pidana Anak* (Jakarta, 2014).

<sup>25</sup> Rasyid Ariman and Fahmi Raghil, *Hukum Pidana* (Malang: Setara Press, 2016).

<sup>26</sup> Ahmad Ihsan Amri, "Criminal Liability Against Child Exploitation Perpetrators by Educators in Islamic Boarding Schools," *IUS POSITUM (Journal of Law Theory and Law Enforcement)* 1, no. 4 (2022).

several factors that must be fulfilled in order for a person to be accountable, such as (1) unlawful factor; and (2) mistake factor. If a person has committed a criminal act and has fulfilled the elements of a criminal act that have been determined in the Law, the perpetrator is obliged to take responsibility for his/her actions. In criminal law, only people who are capable of responsibility can be liable for criminal charges. For example are healthy and not in pain (permanent/temporary); normal development; can understand their activities; and realize that their activities are disgusting.<sup>27</sup>

The process of children's criminal liability in cases of beating is regulated under the Children's Criminal Justice System Law. The law regulates the way of proceeding at all levels of assessment, particularly at the examination, indictment and juvenile justice stages. Article 95 of the Children's Criminal Justice System Law regulates the authoritative approval of the violation of diversion by the ruler or authority and the criminal approval for examiners, public investigators, and judges who violate diversion in accordance with the provisions of the Law, if diversion is not implemented at a certain level of examination. In addition to the Children's Criminal Justice System Regulation that provides the framework for adolescent offending, the government issued the Unofficial Law (Government Regulation) No. 65/2015, which details on the way to divert children who violate the law. Article 79 of the Children's Criminal Justice System regulates the terms and conditions for the imposition of punishment for other violent offenses committed by children. It can be stated that serious crimes committed related to violence against children will be punished in accordance with the law. Minimum imprisonment does not applicable for children, and the maximum imprisonment is half of the maximum adult imprisonment as long as the Criminal Code does not contradict the Children's Criminal Justice System Law with criminal provisions.

Article 170 Paragraph 1 of the Criminal Code provides for a maximum imprisonment of five years and six months for beating a child to death if the act uses violence and is committed by several persons with individual or property. In a public (general) place and Paragraph (2) provides for imprisonment for a maximum of seven years and imprisonment for a maximum of nine years, if the act is committed with intent to cause harm, if the act causes grievous bodily harm it is eligible for imprisonment for 12 years, presuming that it results in death. Therefore, child beating is an act of violence committed by many people and resulting in injury or even death in public. According to the provisions of Article 170 of the Criminal Code, such acts are punishable by a fixed term of imprisonment. Sanctions determined in accordance with Article 79 of the Children's Criminal Justice System Law are used as the main basis for determining prison sentences for violence or serious crimes against children.

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<sup>27</sup> Amir Ilyas, *Asas-Asas Hukum Pidana Memahami Tindak Pidana Dan Pertanggungjawaban Pidana* (Yogyakarta: Renggang Education Yogyakarta, 2012).

## CONCLUSION

Socialization to the community and schools about the existence of Criminal Code Article 170, which provides criminal penalties for perpetrators of beatings in accordance with the type of violence committed, including detention for up to 7 years if the perpetrator deliberately destroys property or uses violence to cause harm can be conducted law enforcement efforts to anticipate or prevent the occurrence of beatings in the Gedangan area, Sidoarjo. if the violence causes serious injury, the maximum penalty is nine years in prison. In addition, it is known that Article 351 of the Criminal Code regulates punishment in the form of confinement of fines and imprisonment for a maximum of 2 years and 8 months and if the act causes great damage, or even death, the perpetrator is sentenced to 5 years in prison.

The application of the law on beatings in the Gedangan area, Sidoarjo involving underage children involves diversion first if the act of beating is not a recurrence of an offense. If diversion is not possible due to either a recurrence of the offense or lack of agreement, the case is prosecuted by the Public prosecutor in accordance with the law. Sentences in the children's justice system range from a fine of up to two years' imprisonment and a fine of IDR 200,000,000.

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