

## **Law Enforcement Against Perpetrators of Assault Crimes in the Jurisdiction of Tapanuli Utara Police towards Victims Who Have Died**

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### **ABSTRACT**

*Law enforcement is the process of applying the law carried out by authorized parties in society to ensure that the law is implemented and obeyed by every citizen. This process involves security apparatus and courts that are responsible for examining and processing actions that violate the law as well as imposing sanctions on those proven guilty. Law enforcement against offenders of assault that causes the victim's death is regulated in Article 351 paragraph 3 of the Criminal Code, which addresses the crime of assault resulting in death. It states that if the act is assault that results in death, the guilty will be punished with a maximum prison sentence of 7 (seven) years. This research uses normative legal research by examining literature sources to obtain materials in the form of theories, concepts, principles, and legal regulations related to law enforcement against perpetrators of assault in the jurisdiction of the North Tapanuli Police towards victims who have died.*

**Keywords:** Law Enforcement, Persecution, Victim, Died

### **INTRODUCTION**

Indonesia as a law-based country that is guided by Pancasila has specific goals and objectives, namely to realize a state of life that is safe, peaceful, prosperous, and orderly because the legal status of every citizen is guaranteed. Law lives and develops within society to safeguard the interests of individuals and the community in carrying out activities; without law, humans would become wild and difficult to regulate. The Republic of Indonesia has a goal that is written in the Opening of the 1945 Constitution of the Republic of Indonesia, which is to protect all the people and bloodshed of Indonesia, improve the general welfare, develop the intellectual life of the nation, and contribute to global order based on independence, eternal peace, and social justice. Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia states that Indonesia as a rule of law state should enable society to realize the supremacy of law as one of the requirements of a rule of law state.

According to the Great Dictionary of the Indonesian Language (KKBI), law is a rule or custom that is legally considered binding because it is established by the authorities or the government. On the other hand, law also refers to laws and regulations to regulate social interactions within the community. According to one expert, E. Utrecht, law is a collection of guidelines for living that regulates order in society, which must be obeyed by the entire community.

According to Professor Moeljanto, criminal law is part of the overall law applicable in a country whose foundation and purpose is to determine which acts are permissible and which are prohibited, to determine when and under what conditions such acts are carried out, and how the system of penal application is directed against perpetrators proven to have committed a crime. A criminal act is an act that is declared by legal rules as prohibited and unlawful. A person proven to have committed a criminal act will be required to account for their actions

with a penalty if the perpetrator is at fault. Fault occurs at the time of the act and this indicates a normative view regarding the fault committed by the perpetrator.

Currently, the development of the times in Indonesia not only has a significant influence on the country but also impacts the development of Indonesian society. This includes both behavioral aspects and cultural shifts within the community. This development has led to a high crime rate, rampant violations, and criminal acts occurring in family settings and among society at large. In the context of assault, according to Article 351 paragraph 3 of the Penal Code, the perpetrator is defined as a person who intentionally commits an illegal act that results in injury or pain, which he did not intend to cause death, but ultimately leads to the victim's death. This is different from murder, which is committed with intent, although both result in the victim's death. Assault is regulated in Book II of the Penal Code.

For cases of assault that result in death, it is regulated under Article 351 paragraph 3 of the Criminal Code. The challenge is that the current positive criminal law is considered not effective enough in preventing and addressing cases of assault because the penalties are deemed too lenient. Perpetrators of assault generally face prison sentences of up to two years and eight months or fines of up to four thousand five hundred, while those causing death may be punished with up to seven years. Similar to the case of assault that occurred within the jurisdiction of the North Tapanuli Police with Police Report Number: LP/B/40/III/2023/POLRES TAPANULI UTARA/POLDA SUMATERA UTARA, dated March 5, 2023. According to criminal law expert Prof. Van Hamel, the definition of punishment is a specific suffering that is imposed by an authority empowered to impose punishment on behalf of the state as the responsible party for public order for those who violate and a legal regulation that must be enforced.

The enforcement of criminal law is aimed at maintaining legal order to ensure the security and public order as a whole. The community that participates in committing acts of persecution together that results in the death of a victim is threatened by Article 351 paragraph 3 of the Penal Code, which states that 'if it causes the death of a person, then they shall be punished with a maximum imprisonment of 7 (seven) years.

## **METHODS**

This type of research is an empirical juridical study where the data is obtained directly from the research data sources. The data source in this research refers to the source from which the data is obtained. In this study, the researcher collects data sourced from primary and secondary data. Primary data is data obtained during the implementation of field studies, specifically through observation and direct interviews. Meanwhile, secondary data is data gathered from literature studies, which includes collecting research data by reading, noting, quoting journals, quoting from the internet, quoting books, and literature deemed relevant to the formulation of the problem being researched.

## **RESULTS AND DISCUSSION**

### **Factors Causing the Occurrence of Criminal Acts of Abuse Resulting in Victims Dying**

Etymologically, abuse comes from the word "aniaya". Hilman Hadikusuma defines aniaya as cruel actions or oppression, while the understanding of abuse refers to treatment that is arbitrary involving torture, oppression, and so on towards those who are abused. Thus, abuse

is an act that is contrary to the law, intentionally done with the aim of causing pain or injury to another person's body. According to M.H. Tirtaamidjaja, what is meant by assault is intentionally causing pain or injury to another person. However, an act that causes pain or injury to another person cannot be considered assault if the act is done to enhance the safety of the body. The basis of criminal acts is the principle of legality found in Article 1 paragraph 1 of the Criminal Code. This article states that "no act can be punished except by a law that has previously existed." Meanwhile, the basis for the perpetrator's punishment is the principle of no punishment without guilt (*geen straf zonder schuld*). Based on this, when linked to the crime of assault, the intent must be stated in the indictment. As stated by doctrine or legal science.

Regarding the types of assault, they are regulated in the Penal Code, which categorizes the types of assault into 6 (six) types, consisting of:

- a. Ordinary assault as regulated in Article 351 of the Penal Code;
- b. Minor assault regulated in Article 352 of the Penal Code;
- c. Planned assault regulated in Article 353 of the Penal Code;
- d. Severe assault has been regulated in Article 354 of the Penal Code;
- e. Planned severe assault is regulated in Article 355 of the Penal Code;
- f. Assault against individuals with certain qualifications regulated in Article 356 of the Penal Code.

The difference between ordinary abuse and severe abuse lies in the intensity and consequences of the actions. Ordinary abuse may only cause pain or minor injuries, while severe abuse results in serious injuries or even death to the victim. The factors leading to criminal acts of abuse that cause the victim's death in the Tapanuli Utara police jurisdiction can vary. However, they generally include internal factors of the perpetrator, external factors, as well as a lack of law enforcement and legal awareness. Looking at the internal factors of the perpetrator, acts of abuse may occur due to uncontrolled emotions, lack of legal awareness, personality issues, the influence of alcohol or drugs, family environment, social environment, poverty and social inequality, availability of sharp weapons, lack of strict law enforcement, and insufficient legal socialization, weakness of Inter-Institutional Coordination, Injustice and Cultural and Traditional Differences.

### **Efforts of the North Tapanuli Police Resort to Prevent and Address Criminal Acts of Assault Resulting in Death**

It is said to be a criminal act if an action contradicts the law and can be punished under the Penal Code. The purpose of criminal law in society is to provide a sense of security to the community and groups in carrying out daily activities. A criminal act is the initial step in the creation of a criminal case that is then handled by law enforcement. The impacts of the crime of assault that leads to the victim's death include:

- a. Impact on the Perpetrator
- b. Impact on the perpetrator's family.
- c. Impact on the Victim
- d. Impact on the Victim's Family
- e. Social Impact
- f. Economic Impact

## **Law Enforcement Against Perpetrators of Abuse That Causes Victims to Die at the North Tapanuli Police.**

Law enforcement is the process of realizing legal norms so that they are adhered to and implemented in social and national life. This includes actions to ensure that the law is applied, violated, restored if violated, and to maintain stability and social order. The law must have an ideal purpose because human interests can constantly collide with one another. This is as stated by Sudarsono, who asserts that "if human interests conflict with one another, it will not be possible for the law to provide full protection to one interest while disregarding the other. The law enforcement process by the Criminal Investigation Unit (Satreskrim) of the North Tapanuli Police against perpetrators of assault causing death involves a series of actions that begin with investigation, inquiry, and the submission of suspects and evidence to the Prosecutor's Office.

## **CONCLUSION**

Based on the results of the discussion above, the author can conclude that:

1. The crime of assault according to the Penal Code has several main elements. These elements include intention, the act, and the consequences of the act which cause pain or injury to the body. The types of assault crimes include Ordinary Assault regulated under Article 351 of the Penal Code, Minor Assault regulated under Article 352 of the Penal Code, Intentional Assault regulated under Article 353 of the Penal Code, Severe Assault regulated under Article 354 of the Penal Code, and Aggravated Assault with premeditation regulated under Article 355 of the Penal Code. The factors causing the occurrence of assault crimes that result in the victim's death are due to internal factors from the perpetrator as well as external factors affecting the perpetrator. The internal factors of the perpetrator include uncontrolled emotions, lack of legal awareness, personality issues, and the influence of alcohol, gambling, or drugs. Meanwhile, the external factors of the perpetrator include the family environment, social circles, poverty and social inequality, the availability of sharp weapons, inadequate law enforcement, lack of socialization, weak coordination among institutions, and the presence of cultural and customary differences.
2. The crime of assault that causes death is a heinous act that has far-reaching and very serious impacts on the victim, their family, and the perpetrator. In addition to severe legal consequences for the perpetrator, there are profound psychological impacts on the victim's family, characterized by feelings of loss, trauma, and prolonged sadness. Conversely, the perpetrator will also face heavy legal and social consequences, such as the loss of freedom and negative stigma in society. Therefore, it is important to prevent acts of assault through strict law enforcement and preventive measures involving all elements of society. Efforts to prevent and address assault crimes that result in the victim's death include pre-emptive, preventive, and repressive actions. Prevention involves efforts to raise public awareness, education, and coaching. Meanwhile, handling encompasses strict law enforcement against offenders. Addressing acts of violence resulting in death requires a coordinated effort from various parties, especially law enforcement, community leaders, and all elements of society. Strict law enforcement and comprehensive prevention efforts are key to reducing crime rates and

creating a sense of safety and comfort in the community. The challenges faced by the North Tapanuli Police in preventing and addressing acts of violence that result in death include geographical factors and location accessibility, a lack of legal awareness and community culture, as well as limited resources and technology.

3. The law enforcement by the North Tapanuli Criminal Investigation Unit against perpetrators of the crime of assault that results in the victim's death will follow the applicable legal regulations, namely the Indonesian Penal Code. If someone commits assault and this act causes the victim's death, the perpetrator can be charged under this article and faces a prison sentence of up to 7 (seven) years according to Article 351 paragraph 3 of the Penal Code. The factors that hinder law enforcement against perpetrators of assault that leads to the victim's death are very diverse, ranging from a lack of legal understanding in society, difficulties in proving cases, to social and economic factors. Additionally, the complexity of cases, especially those involving self-defense or hidden motives, can also pose challenges in the law enforcement process. The enforcement of law against perpetrators of assault that causes death is a complex process. The factors hindering law enforcement against perpetrators of assault that result in the victim's death are influenced by the adequacy of resources and facilities in law enforcement, insufficient budget, inadequate support facilities at the crime scene, cultural factors, legal awareness factors, law enforcement factors, and the judicial process.

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