

**Review Article****JURIDICAL REVIEW CONCERNING THE IMPLEMENTATION OF CRIMINAL ACTIONS IN THE JURISDICTION OF THE ROKAN HILIR POLICE AS SET FORTH IN KUHP 351 PARAGRAPH (1);**¹ Putra Nahampun, ²Zainal Abidin Pakpahan, ³Nimrot SiahaanEmail : ¹nahampunputra@gmail.com, ²zainalpakpahan@gmail.com,
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Journal homepage:<https://jurnal.arjunajusticia.com/index.php/ijeck>**Abstract:**

The purpose of this research is to find out about the implementation of criminal acts of criminals in the legal area of the Rokan Hilir Police which are regulated in Criminal Code 351 Paragraph (1). The decision handed down by the Rokan Hilir District Court Judge is in accordance with applicable laws and regulations, namely based on the Criminal Code and the provisions of the Criminal Procedure Law in Indonesia. This means that the judge has applied the law in accordance with statutory provisions. Where it relates to persecution, the analysis of Decision Number 534/Pid.B/2023/PN-Rhl, is that based on the existing legal facts the Defendant was declared to have legally committed the criminal act with which he was charged. The defendant has been charged by the Public Prosecutor with a single charge as regulated in Article 351 paragraph (1) of the Criminal Code, the element of which is Persecution. The law does not provide an explanation of mistreatment and does not mention the elements of the act of abuse itself. However, according to jurisprudence and doctrine, abuse is intentional and can cause pain or cause injury to another person's body. So someone who abuses another person must have an element of intention to: Cause pain to another person; Causing injury to another person's body or; Harm the health of others. based on the description of the facts that the Defendant's action of hitting the log towards the body of the victim witness Syafrizal alias Ijal, especially hitting the back of the head of the witness Syafrizal alias Ijal, causing swelling, is a form of action intended to cause pain and injury to the victim, thus this element has been fulfilled according to applicable law. Thus, it is stated that all the elements of Article 351 paragraph (1) of the Criminal Code have been fulfilled, then the Defendant is declared to have been legally and convincingly proven to have committed a criminal act, so the Defendant must be held accountable for his actions and must be sentenced to a crime. So the judge decided to sentence the defendant to imprisonment for 1 (one) year and 4 (four) months, and to pay all court costs in the amount of IDR 5,000 (five thousand rupiah);

Keywords: *Application of Law, Criminal Acts, Criminals*

INTRODUCTION

Acts of abuse in the Rokan Hilir area often occur. Acts of abuse are sometimes triggered by trivial problems. However, whatever the trigger, a person must remain alert to acts of abuse. Although abuse sometimes occurs because there are elements of offense, hurt, revenge or other elements. Disputes are one of the factors that trigger abuse.

In today's social interactions, humans often interact with each other directly. Physical contact often occurs because of various interests. This interaction between fellow humans can sometimes lead to conflict if in social interaction someone does not comply with the norms that exist in society.

RESEARCH METHODS

This research uses normative-empirical legal research. Normative-empirical research is used to analyze or find out to what extent regulations or laws and laws are operating effectively.¹ Normative-empirical legal research is often used to conceptualize what is written in the law (law in book) and also the law is conceptualized to be used in rules or norms so that humans can behave appropriately.²

To support the approach, primary data and secondary data are needed. The results of this approach are expected to produce an understanding of the reality of implementing normative legal provisions, whether the process is running well or not. The method used is through a descriptive approach where the researcher will explain clearly the legal event or legal condition. A legal event is an event that must have legal aspects that apply in certain places and at certain times.³

RESULTS AND DISCUSSION

1. IMPLEMENTATION OF CRIMINAL ACTIONS IN THE JURISDICTION OF THE ROKAN HILIR POLICE

According to the Big Indonesian Dictionary (KBBI), the meaning of applying the law is the act of implementing it. Meanwhile, some experts are of the opinion that application is an act of putting into practice a theory, method and other things to achieve certain goals and for an interest desired by a group or group that has been planned and arranged in advance.⁴ Meanwhile, Austin explains that law is a regulation that is established to provide guidance to intelligent creatures by intelligent creatures who have authority over them.⁵

Talking about the application of the law means relating to the implementation of the law as a fact in the field. So it is interpreted that the application of the law is the implementation of

¹ Ronny Hanitijo Soemito, 1990, *Metodologi Penelitian Hukum dan Jurimetri* (Jakarta: Ghalia Indonesia) hlm. 52

² Jhonny ibrahim, 2013, *Teori dan metodologi penelitian hukum normatif* (Malang: Bayumedia) hlm. 118

³ I Made Pasek Diantha, 2016, *Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum* (Jakarta: Prenada Media Group) hlm. 152

⁴ Andika Trisno, 2017, Marlien Lapian, dan Sofia Pangemanan, Penerapan Prinsip-Prinsip Good Governance dalam pelayanan Piublik di Kecamatan Wanea Kota Manado, *Jurnal Eksektufi* Vol 1 No 1, hlm 2

⁵ Ishaq, 2018, *Dasar-Dasar Ilmu Hukum*, Jakarta : Sinar Grafika, hlm. 3

the law in reality. Whether the intended application of the law is in accordance with statutory legal rules.

J. F. Glastra Van Loon as quoted by Sajtipto Rahardjo explains the function and application of law in society, including:⁶

- a) Bringing order to society and social life arrangements;
- b) Resolving disputes;
- c) Maintain and defend the rules and regulations if necessary by maintaining and defending these rights;
- d) Violence;
- e) Changing rules and regulations in order to adapt to community needs; And
- f) Fulfilling demands for justice and legal certainty by realizing the functions above.

B. Criminal act

According to Lamintang, every criminal act in the Criminal Code can generally be broken down into 2 (two) types, namely subjective elements and objective elements. Subjective elements are elements that are inherent in the perpetrator or are related to the perpetrator and include everything that is contained in his heart. Objective elements are elements that are related to circumstances, namely the circumstances in which the action of the actor must be carried out.⁷

According to Moeljatno, a criminal act is an act that is prohibited by a prohibitive legal regulation which is accompanied by threats (sanctions) in the form of certain penalties, for anyone who violates the prohibition..⁸

The term criminal act is a translation of "strafbaar feit", in the Criminal Code there is no explanation regarding what exactly is meant by strafbaar feit itself. Usually criminal acts are synonymous with delict, which comes from the Latin word delictum. In the Big Indonesian Dictionary it is stated as follows: "Delict is an act that can be subject to law because it is a violation of the criminal law."⁹

The conclusion is that a criminal act is a criminal act that violates existing legal regulations so that the criminal perpetrator is subject to sanctions.

The Subjective Elements of a criminal act are as follows:

1. The nature of violating or *wederrechtelijkheid*;
2. The quality of the perpetrator, for example "the condition of being a civil servant" in a crime of office under Article 415 of the Criminal Code or "the condition of being a manager or

⁶ Sajtipto Rahardjo, 2009, Masalah penegakan Hukum Suatu Tinjauan Sosiologis, Bandung : Sinar Baru, hlm. 15

⁷ Lamintang, 1984, Dasar-Dasar Hukum Pidana Indonesia, Sinar Baru, Bandung, hlm. 183.

⁸ Moeljatno, 2008, Asas-Asas Hukum Pidana, PT Rineka Cipta, Jakarta, hlm 59.

⁹ Teguh Prastyo, 2012, Hukum Pidana, PT. Raja Grafindo Persada, Jakarta hlm. 47.

commissioner of a limited liability company" in a crime under Article 398 of the Criminal Code;

3. Causality, namely the relationship between an action as a cause and a reality as an effect.¹⁰

C. Perpetrator

Crime is not an event of heredity (inheritance from birth, inheritance) nor is it a biological inheritance. Furthermore, according to Muladi and Barda Nawawi Arief, crimes can be committed by anyone, both women and men with different levels of education. "Sociologically, crime is all speech, actions and behavior that economically, politically and socially psychologically is very detrimental to society, violates moral norms and attacks the safety of citizens (whether stated in the criminal law)."¹¹

Sutrisno and Sulis stated that: "the causes of crime can be seen from several factors, namely the talent of the criminal, the natural surroundings and spiritual elements." The talent of a criminal can be seen according to his psychology/spirituality. There are criminals whose souls are irritable, their souls are unable to withstand external pressures, their souls are weak. There are also those who have been spiritually disabled since birth.¹² Apart from that, there is the term kleptonia, namely those who are often very greedy people, what they see they want and steal.¹³ So that a criminal can be defined as someone who experiences failure to adapt or deviate consciously or unconsciously from the norms that apply in society so that their actions cannot be justified by society. Criminals in the world of criminology are perpetrators of criminal acts whose actions can be punished because they are deemed to have committed violations according to the law and statutory regulations..

2. POSITION OF CRIMINAL CASES OF CRIMES IN THE JURISDICTION OF THE ROKAN HILIR POLICE AS REGULATED IN KUHP 351 PARAGRAPH (1)

The position of the case carried out by the Defendant Irwan Saputra alias Marbus bin alm. Rahmat on Sunday 24 September 2023 at approximately 20.30 WIB or at least sometime in 2023 at Jalan H. Ahmad, Kepenghuluan Sungai Pinang, Kubu Babussalam District, Rokan Hilir Regency or at least in other places that are still including within the jurisdiction of the Rokan Hilir District Court which has the authority to examine and try this case, carrying out abuse by:

- Starting at the time and place as mentioned above, the Defendant made a fuss with his aunt whose name was witness Azipah, then the Defendant said he would burn down witness Azipah's house which was used as a home for the tahfidz of the Qur'an, because he was afraid of what the Defendant said then witness Azipah went to the house of witness Syafrijal alias Ijal bin M. Yasin to ask for help to give advice to the Defendant so that the Defendant does not do things that are detrimental to himself or others, then witness Syafrijal alias Ijal bin M. Yasin went looking for the Defendant, after meeting the Defendant, witness Syafrijal alias Ijal bin M Yasin said "what are you doing" to the Defendant, but the Defendant instead

¹⁰ P.A.F. Lamintang, 1997, Dasar-dasar Hukum Pidana Indonesia, Cetakan III, PT. Citra Aditya Bakti, Bandung, hlm. 194

¹¹ Ibid, hlm 4.

¹² Adam Chazawi, 2002, Pelajaran Hukum Indonesia. Jakarta. Raja Grafindo Persada. hlm71

¹³ Tongat, 2009, Dasar-dasar Hukum Indonesia dalam Perspektif Pembaharuan. Malang. UMM Press. hlm 105

challenged witness Syafrizal alias Ijal bin M. Yasin by saying "what do you want, you won't let me into the house", then witness Syafrizal alias Ijal bin M. Yasin said ". If you don't let him in, that's it, don't get angry," but the Defendant accepted the words of witness Syafrizal alias Ijal bin M. Yasin. Then a commotion broke out between the Defendant and witness Syafrizal alias Ijal bin M. Yasin, then the Defendant took a log and hit witness Syafrizal alias Ijal bin M. Yasin 1 (one) time towards the back of witness Syafrizal alias Ijal bin M. Yasin's head, after which the Defendant immediately ran away, then witness Syafrizal alias Ijal bin M. Yasin reported the incident to the Kubu Police for further processing.

- That based on the results of Visum et Repertum Number 400/UMPK/RTPK/2023/964 dated 03 November 2023 which was issued by the UPT Puskesmas Rantau Panjang Kiri and signed by Dr. Ade Rezeki concluded the results of the examination of the victim Syafrizal Alis Ijal bin M. Yasin, 52 years old. The results of the examination found a head injury on the left side that was palpable, swollen, skin-colored measuring two centimeters by two centimeters, on the left side of the upper corner of the left ear there was a three centimeters allegedly caused by blunt force violence. The Defendant's actions are as regulated and punishable by crime in Article 351 paragraph (1) of the Criminal Code.

Regarding the Public Prosecutor's accusations, the Defendant did not raise any objections, where to prove his accusations the Public Prosecutor presented witnesses, namely: Syafrizal alias Ijal bin M. Yasin, Bunyamin alias Ibun bin KH. Almi, Azipah alias Ipah bint M. Yasin under oath, essentially gave the following testimony:

- That the Witness understands that he is being presented at this trial regarding the incident of abuse committed by the Defendant against the Witness;
- That the defendant is the witness' nephew;
- That the incident occurred on Sunday 24 September 2023 at approximately 20.30 WIB on Jalan H. Ahmad, Kepenghuluan Sungai Pinang, Kubu Babussalam District, Rokan Hilir Regency;
- Initially, on Sunday 24 September 2023, at around 20.00 WIB, the witness was at home when suddenly the witness' older brother, Azipah, came and told the witness about the defendant going on a rampage at his house and threatening to burn down his house, which was used as a house for reading the Koran. Al-Quran) for children, because he felt afraid, Azipah asked the witness to give advice to the defendant not to do things that were detrimental to himself or others, then the witness went to meet the defendant, who at that time was in the front alley of Azipah's house. Then the Witness asked what Azipah had said previously and the Defendant explained that he was not allowed to enter Azipah's aunt's house. When he heard this, the Witness then gave advice to the Defendant not to get angry, so an argument broke out between the Witness and the Defendant, then suddenly the Defendant took a log and The witness tried to grab the wood from the Defendant's hand but was unsuccessful, then the Defendant hit the wood towards the witness's body and hit the back of the witness's head, after which the Defendant immediately ran away.;
- That on Sunday 24 September 2023 at approximately 20.15 WIB the Witness had just arrived at Jalan H. Ahmad, Kepenghuluan Sungai Pinang, Kubu Babussalam District, Rokan Hilir Regency then the Witness saw the Defendant involved in an argument with Syafrizal alias Ijal, suddenly the Defendant took wood round on the side of the road and at

that time Syafrizal alias Ijal tried to snatch the wood from the Defendant's hand but was unsuccessful then the Defendant hit him with the wood and it hit the back of Syafrizal alias Ijal's head, after which the Defendant immediately ran away;

- That the Witness only found out after the incident that the quarrel started because the Defendant was arguing with his aunt named Azipah, then the Defendant became angry and threatened to burn down his aunt's house, then Syafrizal alias Ijal came to see the Defendant and intended to advise the Defendant but the Defendant did not accept it and beat him. against Syafrizal alias Ijal;
- That the beginning was on Sunday 24 September 2023 at around 20.00 WIB. The witness was at home then the witness's son's friend, Fahruroji, left his motorbike at the witness' house. Not long after, the motorbike was taken by the defendant without the witness's knowledge. Not long after, it returned. went home, but a few moments later the Defendant intended to take the motorbike back and the Witness forbade him because the Witness was worried that the motorbike would be taken away or sold by the Defendant, then because he felt that his wishes were not being followed, the Defendant became angry with the Witness, after that the Defendant went to the witness's house the old house which had been used as a Koran tahfidz house (a house for studying the Koran) for children and slammed the door of the house while being angry, and the Witness, who was afraid of the Defendant's behavior, immediately locked the house so that it would not be damaged by the Defendant so that at that time The defendant became increasingly angry and even threatened to burn down the house of the Quran tahfidz. Hearing this threat, the witness became afraid, so the witness went to the house of the witness's younger brother, Syafrizal alias Ijal, and told him about the incident. After that, the witness and Syafrizal alias Ijal met the defendant, who at that time was there. in front of the alley of the witness's house, precisely on the side of Jalan H. Ahmad, Kepenghuluan Sungai Pinang, Kubu Babussalam District, Rokan Hilir Regency, then when Syafrizal alias Ijal tried to advise the Defendant not to commit any detrimental actions, the Defendant felt that he did not accept it, so an argument occurred between the Defendant and Syafrizal alias Ijal, at that time the Defendant took a log on the side of the road and hit Syafrizal alias Ijal with the wood and hit Syafrizal alias Ijal in the back;
- That the Defendant was beaten using the round wood 1 (one) time;
- That the Defendant got the wood from the side of the road when the Witness was involved in an argument with the Defendant;
- Whereas as a result of this incident, the witness' head was swollen and for several days the witness also had a fever;
- That the evidence of 1 (one) round piece of wood is the wood that the Defendant used in beating the Witness;
- That as a result of this incident, Syafrizal alias Ijal's head was swollen and still hurt for several days;
- That the Witness understands that he is being presented at this trial in connection with the incident of abuse committed by the Defendant against Syafrizal alias Ijal;

Regarding the witness's statement, the Defendant gave an opinion that he did not object and confirmed it;

3. JUDGE'S CONSIDERATIONS IN THE POSITION OF CRIMINAL CASES OF CRIMES IN THE JURISDICTION OF THE ROKAN HILIR POLICE AS SET FORTH IN KUHP 351 PARAGRAPH (1)

Considering that the Public Prosecutor submitted a letter as attached in the case file as follows:

- Visum et Repertum Number 400/UM-PK/RTPK/2023/964 dated 3 November 2023, issued by UPT Puskesmas Rantau Panjang Kiri and signed by dr. Ade Rezeki, basically concluded the results of the examination of the victim Syafrizal Alis Ijal bin M. Yasin aged 52 years, the results of the examination found a head injury on the left side that was palpable and swollen, skin colored measuring two centimeters by two centimeters, on the left side from the top corner the left ear is three centimeters thick which is thought to have been caused by blunt force trauma;

Considering that the Defendant at the trial has provided information which is basically as follows:

- That the Defendant understands that he is being presented at this trial in connection with the abuse that the Defendant committed against Syafrizal alias Ijal;
 - That the incident occurred on Sunday 24 September 2023 at approximately 20.30 WIB on Jalan H. Ahmad, Kepenghuluan Sungai Pinang, Kubu Babussalam District, Rokan Hilir Regency;
 - That on Sunday 24 September 2023 at around 19.00 WIB the Defendant went to the house of the Defendant's aunt named Azipah, then the Defendant saw a motorbike parked next to his house which turned out to be owned by the Defendant's friend named Fahruroji who had left it at the Defendant's aunt's house, then the Defendant pushed the motorbike and used the motorbike without the knowledge of the Defendant's aunt, then the Defendant took the motorbike to go to the shop, after that the Defendant returned to the Defendant's aunt's house, but when he arrived at the house the Defendant's aunt, Azipah, and her husband immediately scolded the Defendant because the Defendant used the motorbike and the Defendant's aunt immediately locked the house where the Defendant usually sleeps every day, then the Defendant immediately went to the front of the alley of the house, precisely on Jalan H. Ahmad, Kepenghuluan Sungai Pinang, Kubu Babussalam District, Rokan Regency Hilir and the Defendant's aunt complained about the incident to their younger brother named Syafrizal alias Ijal who is still the Defendant's uncle, then Syafrizal alias Ijal came to see the Defendant and strangled the Defendant after that the Defendant stepped back and immediately took a round piece of wood from the side of the road, and the Defendant hit the wood and hit Syafrizal alias Ijal on the back of the head, after which the Defendant immediately ran away;-
 - Bahwa Terdakwa melakukan pemukulan menggunakan kayu bulat tersebut sebanyak 1 (satu) kali;
 - That the Defendant did not know what the victim experienced as a result of the beating because the Defendant immediately ran away;

- That the evidence of 1 (one) round piece of wood is the wood that the Defendant used in beating the victim;
- That the Defendant feels very sorry for the Defendant's actions;
- That the Defendant has previously been convicted of theft;
- Considering that the Public Prosecutor presented the following evidence:

- 1 (one) round piece of wood; Considering that the evidence presented has been legally confiscated according to the law and has been shown to the Defendant and Witnesses and the person concerned has confirmed it, therefore it can be used to strengthen the evidence. Considering that in order to shorten the description of this decision, everything that happened during the trial, especially regarding the testimony of witnesses and the defendant's statement, which is not included in this decision as stated in the minutes of the trial, must be considered to have been sufficiently considered and is an inseparable part of this decision. ;

Considering that next the Panel of Judges will consider whether based on the legal facts mentioned above, the Defendant can be declared to have committed the criminal act with which he is charged; Considering that the Defendant has been charged by the Public Prosecutor with a single charge as regulated in Article 351 paragraph (1) of the Criminal Code, the element of which is Persecution. Considering that regarding these elements the Panel of Judges considered the following:

Considering that the law does not provide an explanation of what is meant by mistreatment and does not mention the elements of the act of abuse itself. According to jurisprudence and doctrine, what is meant by abuse is intentionally causing pain or causing injury to another person's body;

Considering that in order to say that someone has committed abuse against another person, that person must have the opportunity or intention to:

- a) Causing pain (pijn) to others;
- b) Causing injury to another person's body or;
- c) Harm the health of others;

In other words, the person must have an investment aimed at actions to cause pain, injury to another person's body or to harm another person's health. Considering that in this case it is not necessary that the opzet of the perpetrator must be directly aimed at an act to cause pain or disturb his health, however, the pain or harm to the health of another person may occur as a result of the perpetrator's opzet aimed at other acts Therefore, the abuse referred to in Article 351 of the Criminal Code must be carried out intentionally and there is no reason to limit the definition of deliberate or opzet solely as opzet als oogmerk, but must also be interpreted as opzet als zekerheidsbewustzijn and as opzet bij mogelijkheidsbewustzijn.

Considering that the criminal act of abuse as regulated in Article 351 of the Criminal Code is a material criminal act, the criminal act can only be considered as having been completed by the perpetrator, if the consequences that are not intended by the law have actually occurred, namely in the form of pain. (pijn) felt by other people, but the perpetrator's income does not need to be aimed at these consequences.

Considering that based on the limitations of the definition above, the Panel of Judges will then consider whether the Defendant has an investment aimed at actions to cause pain, injury to another person's body or to harm the health of another person so that it fulfills the element of intent.

Considering that before considering the criminal act charged, the Panel of Judges will first consider that the perpetrator of the criminal act charged in this case is Irwan Saputra alias Marbus bin alm Rahmat, who at the trial has confirmed his identity as stated in the indictment and the witnesses have also confirms that the Defendant is the person referred to in the indictment, thus there is no mistake in person (error in persona) as the subject or perpetrator of the criminal act being examined in this case. Considering that next the Panel of Judges will consider the facts in this case as follows;

Considering based on the statements of the witnesses and the statements of the Defendant connected with the documentary evidence and evidence presented at trial, the facts were found to be that starting on Sunday 24 September 2023 at approximately 20.00 WIB the Defendant went to the house of witness Azipah alias Ipah, who is the Defendant's aunt, then the Defendant saw a motorbike parked next to the house which turned out to be owned by the Defendant's friend, Fahruroji, who had left it at his aunt's house, then the Defendant immediately took the motorbike without witness Azipah alias Ipah's knowledge, not long afterward he returned to witness Azipah alias Ipah's house, Knowing this, witness Azipah alias Ipah, who was worried that the motorbike entrusted to him would be taken away or sold by the Defendant, immediately reprimanded the Defendant, making the Defendant angry. After that, the Defendant went to the old house of witness Azipah alias Ipah, which had been used as a Koran tahfidz house (a house for reading the Koran. Koran) for the children and slammed the door of the house while getting angry, and witness Azipah alias Ipah, who was afraid of the Defendant's behavior, immediately locked the house so that the Defendant wouldn't damage it, so at that time the Defendant became even more angry and even threatened to burn down Tahfidz's house. In the Koran, hearing the threat, witness Azipah alias Ipah became afraid so witness Azipah alias Ipah went to the house of his younger brother named Syafrizal alias Ijal and told him about the incident.

Considering that after that at around 20.30 WIT, witness Azipah alias Ipah and witness Syafrizal alias Ijal met the Defendant who at that time was in front of the alley of witness Azipah alias Ipah's house, precisely on the side of Jalan H. Ahmad, Kepenghuluan Sungai Pinang, Kubu Babussalam District, Rokan Regency Downstream, then when witness Syafrizal alias Ijal tried to advise the Defendant not to commit acts that harmed himself or others and the Defendant felt that he did not accept it, so an argument broke out between the Defendant and witness Syafrizal alias Ijal, at that time the Defendant picked up a round piece of wood on the side of the road and when Witness Syafrizal alias Ijal tried to snatch the wood from the Defendant's hands but was unsuccessful, then the Defendant hit him with the wood once and hit witness Syafrizal alias Ijal on the back of the head, after which the Defendant immediately ran away. Considering that based on the statements of witnesses in accordance with the results of Visum et Repertum Number 400/UM-PK/RTPK/2023/964 dated 3 November 2023 which was issued by the UPT Puskesmas Rantau Panjang Kiri and signed by Dr. Ade Rezeki, it is known that as a result of this incident, witness Syafrizal alias Ijal's head experienced swelling, apart from that witness Syafrizal alias Ijal also had a fever for several days.

Considering that based on the description of the facts above, the Panel of Judges considered that the Defendant's action of hitting the log towards the body of the victim witness Syafrizal alias Ijal, especially hitting the back of the head of the witness Syafrizal alias Ijal, causing swelling, was a form of action intended to cause pain and injury to the victim. victim, thus this element has been fulfilled according to the law.

Considering that because all the elements of Article 351 paragraph (1) of the Criminal Code have been fulfilled, the Defendant must be declared to have been legally and convincingly proven to have committed the criminal act as charged in the single indictment; Considering that during the trial, the Panel of Judges did not find anything that could eliminate criminal liability, either as a justification or excuse, the Defendant must be held accountable for his actions;

Considering that because the Defendant is capable of taking responsibility, he must be declared guilty and sentenced to a crime;

Considering that the purpose of punishment is not merely to cause suffering to the Defendant, but rather as an educational effort so that in the future the Defendant can improve his behavior, and in line with the wishes of laws and regulations and public order in general. That punishment must take into account the community's sense of justice so that balance and order in society can be maintained. Apart from that, punishment must also pay attention to the degree of guilt of the Defendant based on the actions that the Defendant has committed.

That based on these considerations and to avoid disparities between perpetrators of other criminal acts whose wrongdoing is similar to that of the Defendant, the Panel of Judges will impose a sentence that the Panel of Judges considers appropriate to the Defendant's actions and fair to the Defendant, which in full is as stated in this ruling. ;

Considering that in this case the Defendant has been subject to lawful arrest and detention, the period of arrest and detention must be deducted in full from the sentence imposed;

Considering that because the Defendant is detained and the detention of the Defendant is based on sufficient grounds, it is necessary to determine that the Defendant remains in detention;

Considering that the evidence presented at the trial is further considered as follows:

Considering that the evidence is in the form of 1 (one) round piece of wood which has been used to commit a crime and is feared to be used to repeat the crime, it is necessary to determine that the evidence is destroyed so that it cannot be used again;

Considering that in order to impose a crime against the Defendant, it is necessary to first consider the aggravating and mitigating circumstances of the Defendant;

Aggravating circumstances:

- The Defendant's actions disturbed the community;
- The defendant has been previously convicted of theft;

Extenuating circumstances:

- The defendant openly admitted his actions and regretted them and promised not to repeat them again;

Considering that because the Defendant has been sentenced to a crime, he must also be burdened with paying the court costs.

Bearing in mind Article 351 paragraph (1) of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Law as well as other relevant laws and regulations;MENGADILI:

1. Declare that the defendant, Irwan Saputra alias Marbus bin Alm Rahmat, as mentioned above, has been legally and convincingly proven guilty of committing the crime of abuse as stated in the single indictment;
2. Sentence the defendant to a prison sentence of 1 (one) year and 4 (four) months;
3. Determine that the period of arrest and detention that the defendant has served shall be deducted entirely from the sentence imposed;
4. Decide that the Defendant remains detained;
5. Determine the evidence in the form of: - 1 (one) round piece of wood
Damaged so that it can no longer be used;
6. Charge the Defendant to pay all court costs in the amount of IDR 5,000 (five thousand rupiah).

CONCLUSION

That the application of the law for the crime of maltreatment at the Rokan Hilir District Court is in accordance with statutory provisions. The decision handed down by the Rokan Hilir District Court Judge is in accordance with applicable laws and regulations, namely based on the Criminal Code and the provisions of the Criminal Procedure Law in Indonesia. This means that the judge has applied the law in accordance with statutory provisions. Where it relates to persecution, the analysis of Decision Number 534/Pid.B/2023/PN-Rhl, is that based on the existing legal facts the Defendant was declared to have legally committed the criminal act with which he was charged. The defendant has been charged by the Public Prosecutor with a single charge as regulated in Article 351 paragraph (1) of the Criminal Code, the element of which is Persecution. The law does not provide an explanation of mistreatment and does not mention the elements of the act of abuse itself. However, according to jurisprudence and doctrine, abuse is intentional and can cause pain or cause injury to another person's body. So someone who abuses another person must have an element of intention to: Cause pain to another person; Causing injury to another person's body or; Harm the health of others. based on the description of the facts that the Defendant's action of hitting the log towards the body of the victim witness Syafrizal alias Ijal, especially hitting the back of the head of the witness Syafrizal alias Ijal, causing swelling, is a form of action intended to cause pain and injury to the victim, thus this element has been fulfilled according to applicable law. Thus, it is stated that all the elements of Article 351 paragraph (1) of the Criminal Code have been fulfilled, then the Defendant is declared to have been legally and convincingly proven to have committed a criminal act, so the Defendant must be held accountable for his actions and must be sentenced to a crime. So the judge decided to sentence the defendant to imprisonment for 1 (one) year and 4 (four) months, and to pay all court costs in the amount of IDR 5,000 (five thousand rupiah);

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