

## Criminal Responsibility Against STM May 2 Bandar Lampung Students Who Conducted Brawls Carrying Sickle Sharp Weapons in the BLK Vocational School Environment, Bandar Lampung City (Decision Study Number: 30/Pid.Sus-Anak/2022/Pn.Tjk)

Lukmanul Hakim<sup>1</sup> Risti Dwi Ramasari<sup>2</sup> Massriyati<sup>3</sup>

Faculty of Law, Universitas Bandar Lampung, Bandar Lampung City, Lampung Province, Indonesia<sup>1,2,3</sup>

Email: [hukmanulhakim@ubl.ac.id](mailto:hukmanulhakim@ubl.ac.id)<sup>1</sup> [risti@ubl.ac.id](mailto:risti@ubl.ac.id)<sup>2</sup> [massriyatirka@gmail.com](mailto:massriyatirka@gmail.com)<sup>3</sup>

### Abstract

Factors that cause children to fight with sickles in the SMK BLK school environment in Bandar Lampung City based on Decision Number: 30/Pid.Sus-Anak/2022/Pn Tjk are individual psychological factors themselves can cause crimes such as emotional power, low mentality, illness heart with victims, revenge. The factor of public ignorance is also a cause of criminal acts. This lack of outreach/education to the community is what causes this crime to occur in people who are classified as ignorant of the existence of rules regarding regulations that prohibit people from carrying firearms or sharp weapons in public places. Suggestions for the community, especially parents, to supervise and guide their children to be careful in socializing and educating about what matters are their duties and responsibilities as students, so as not to violate the law. Moreover, to the extent of causing harm to himself and others.

**Keywords:** Accountability, Students, Brawl



This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/).

### INTRODUCTION

Humans are the most perfect social creatures created by God. Humans were created by God to have reason and thought that can be used to do everything with will and self-awareness. In addition to reason, humans are also given lust. Lust was created because humans cannot live if they do not have the desire to eat, the lust to seek wealth and other desires. However, if lust cannot be controlled with common sense, it will continue to explode and because of that many crimes are committed by a handful of people because they are unable to control their passions. Sociologically crime is a human behavior created by some members of society, who have power and authority. This means that crime is a stamp given to certain behaviors of humans which stamp is given by other parties. In social reality crime is a behavior that is formed.

Crime as a social phenomenon can be felt directly and indirectly by the community. The problem lies in evaluating the actions that have been done against the norms that apply in society. Actions that are viewed by society as a social violation, either directly or indirectly cause harm to society. Ownership of sharp weapons in Indonesia is very free. civil society can easily own and trade sharp weapons freely for any reason, sharp weapons can be used as a tool needed by someone to carry out their duties such as a chef needs a sharp weapon such as a knife to cut meat, then a farmer needs a sharp weapon such as a sickle to farming purposes, apart from that sharp weapons can also be used as collectibles such as ancient sharp weapons and sharp weapons which are referred to as heirlooms, however the ownership of sharp weapons which is very free has a negative impact and this negative impact is the widespread abuse of sharp weapons.

Article 2 paragraph (1) of Law Number 12/Drt/1951 which prohibits all types of activities related to firearms from buying and selling to owning them, but there are exceptions found in

Article 2 paragraph (2) of Law Number 12 /Drt/1951 concerning Amending the Ordonnantietijdelijke Bijzondere Strafbepalingen (Staatblad 1948 Number 17), namely the exception of sharp weapons that are allowed on the grounds of legal and legal use. Every citizen must comply with the rules that apply in the law, if someone violates the rules, legal sanctions will apply according to his actions. Since the existence of the universe there have been unlawful events. One of them is a criminal act, a criminal act or a criminal act is a crime that violates the elements of criminal law. Law is placed in the highest position, where all citizens must behave up to the limits permitted by law. Thus every citizen who commits a crime must face the law. However, if we look closely at social life, the opposite is true, because criminal acts are easier to find.

The rise of crime is mainly caused by human desires that are unlimited and cannot control themselves to live life according to reasonable norms, so that there is a strong urge to fulfill desires by justifying various means, including by committing crimes. One of the crimes that need attention is the crime of carrying a stabbing weapon or often abbreviated as a sharp weapon. Possession or carrying of sharp weapons at the wrong place and time is often a sign that another crime will be committed by the bearer, because usually in these conditions the function of sharp weapons is to defend oneself or to physically attack other people. Besides that, possession of stabbing objects can encourage a person's intention to use them to attack other people, so possession or carrying stabbing weapons is classified as a crime. Prohibition in the possession of stabbing weapons has become a classic problem that has been implemented for a very long time considering the dangers that can arise from stabbing weapons or the like which can encourage a person's intention or desire to commit other crimes such as criminal acts of violence against other people.

There are many criminal acts in the form of violence using stabbing weapons, either to defend oneself or to attack other people, where the evil intention will easily arise if there is a stabbing weapon attached to a person's body. The prohibition of stabbing weapons is regulated in Emergency Law Number 12 of 1951 concerning Amending the Ordonnantietijdelijke Bijzondere Strafbepalingen (Staatblad 1948 Number 17). The potential for crimes that can arise from possessing or carrying sharp weapons outside the home is so great that the existence of this law is maintained with relatively heavy criminal penalties. Even though the stabbing weapon was brought only as a precaution or hidden or not shown, this action still poses a threat of crime against other people so that it is included as a crime.

Like the case that occurred in the jurisdiction of the Tanjungkarang District Court, a child started on Tuesday 00 June 2022 at around 20.00 WIB the witness met the child at the child's house on the street in Bandar Lampung city by saying "XXX is entrusting CR (Celurit) anyway" then the child perpetrator replied "Yes, where is XXX" then XXX handed over 1 (one) sickle blade to the Child Actor and then by the Child Actor 1 (one) sickle blade was kept in the Child's room. Then at around 20.30 WIB we went to ALWI's house which is located at Jalan Padjajaran, Bandar Lampung City on a motorbike belonging to a friend of the perpetrator's son named XXXX and at that time we were riding 3 (three) passengers.

Whereas at around 01.00 WIB the perpetrator child arrived at the perpetrator's child's house which is located in Bandar Lampung City, then the perpetrator's child entered the house and took a sharp weapon of the sickle type then the perpetrator's child left the house again then the perpetrator's child handed the sharp weapon to Witness XXXX to take him. That the perpetrator's child with witness XXXX and XXXX's witness did not have permission from the authorities to hand over, store, carry these sharp weapons and were not in accordance with the perpetrator's child's work as a student and the intention to carry these sharp weapons was for the next link the perpetrator's child, together with witness XXXX and witness XXXX along with

evidence in the form of sharp weapons in the form of sickles were taken to the Sukarame Police, Bandar Lampung City. Law exists in society as a tool used to achieve justice, law also functions to protect society. Legal rules that are binding and coercive make anyone have to obey and comply with existing legal provisions. The law does not necessarily work automatically. In a rule-of-law state, there must always be a relationship with the existence of law enforcement officials. Law enforcement officials are parties who play a very important role in enforcing the law to achieve order, regularity and justice and a sense of security in society. The problem of stabbing weapon ownership that occurs in society is not a light problem, especially if the ownership of stabbing weapons can cause harm to other people.

## **RESEARCH METHODS**

This research uses the type of normative juridical legal research, namely by examining various literature that is not limited by time and place, as well as examining various literature in the form of books, the results of previous research and laws and regulations both printed and online related to the problems studied. To answer the existing problems, this study used 3 (three) research approaches, namely, the statutory approach, the conceptual approach, and the comparative approach.

The types and sources of legal materials used in this study consist of primary, secondary and tertiary legal materials. Collection of legal materials is carried out by identifying and inventorying positive law rules, researching library materials (books, scientific journals, research reports), and other sources of legal materials that are relevant to the legal issues being studied. Legal materials that have been collected are then classified, selected and ensured that they do not conflict with each other, to make it easier to analyze and construct them.

## **RESEARCH RESULTS AND DISCUSSION**

### **Factors Causing Children to Have Fights Carry Sharp Weapons Sickles in the SMK BLK School Environment in Bandar Lampung City Based on Decision Number: 30/Pid.Sus-Anak/2022/Pn Tjk**

Law enforcement is an attempt to realize ideas and concepts into reality. Law enforcement is a process to make legal wishes come true. What is called legal desires here are none other than the thoughts of making laws which are formulated in the legal regulations. Discussions about the law enforcement process also extend to the making of laws. The formulation of the thoughts of legislators as outlined in legal regulations will also determine how law enforcement is carried out, while good law is formed by taking into account the various interests that exist in society, both public interests (including the main interests of the state), individual interests and the interests of the state. personal.

Thus the formation of law must try to balance these various interests. The most important public interest is the interest of the state to protect the existence and nature of the state and the interest to monitor and promote social welfare. The formation of law must pay attention to living law. There is a balance between written law and unwritten law. The development of law is strongly influenced by ideological, political, social and cultural conditions. So, it's not just the government's wish. Factors that cause perpetrators to commit crimes include:

1. Individual psychological factors themselves can cause crimes such as emotional power, low mentality, hurt by the victim, revenge.
2. The factor of public ignorance is also a cause of criminal acts. This lack of socialization/ counseling to the community is what causes this crime to occur in people who are classified as ignorant of the existence of rules regarding the crime of taking and keeping protected animals.

Factors that cause crime according to several theories are as follows. The theory of free will, this theory states that the cause of crime is human will itself, individual (anthropological) which includes: age, gender, civil status, profession or occupation, place of residence or domicile, social level, education, organic and psychological constitution then social theory, including: population density, social composition, customs, religion, government orders, economic conditions, industry, education, social security, and others. Based on the factors that cause the perpetrators to commit crimes above, the factors that influence the perpetrators in committing crimes are based on internal factors which come from within oneself and external, namely from environmental factors. Factors that cause the perpetrator to commit a crime make the reason why the perpetrator commits the crime.

## **CONCLUSION**

Factors that cause children to fight with sickles in the SMK BLK school environment in Bandar Lampung City based on Decision Number: 30/Pid.Sus-Anak/2022/Pn Tjk are individual psychological factors themselves can cause crimes such as emotional power, low mentality, illness heart with victims, revenge. The factor of public ignorance is also a cause of criminal acts. This lack of outreach/education to the community is what causes this crime to occur in people who are classified as ignorant of the existence of rules regarding regulations that prohibit people from carrying firearms or sharp weapons in public places. Suggestions for the community, especially parents, to supervise and guide their children to be careful in socializing and educating about what matters are their duties and responsibilities as students and as citizens, not to violate the law. Moreover, to the extent of causing harm to himself and others.

## **BIBLIOGRAPHY**

- Adami Chazawi. 2010. Pelajaran Hukum Pidana Bagian I. Pustaka, Jakarta.
- Andi Hamzah. 2008. Delik-Delik Tersebar diluar KUHP dengan Komentar. Pradnya Paramita, Jakarta.
- Andi Hamzah. 2014. Delik-Delik tertentu Dalam KUHP. Sinar Grafika, Jakarta.
- Barda Nawawi Arief. 2002. Kebijakan Hukum Pidana. PT. Citra Aditya Bakti, Bandung.
- C.S.T. Kansil. 1999. Pokok-pokok Hukum Pidana. Pradnya Paramita, Jakarta.
- Departemen Pendidikan dan Kebudayaan. 2000. KBBI. Balai Pustaka, Jakarta.
- Erdianto Effendi. 2011. Hukum Pidana Indonesia. Refika Aditama. Bandung.
- Farid, R. N., & Zainudin Hasan. 2022. Penerapan Sanksi Pidana Terhadap Tindak Pidana Penggelapan Dalam Jabatan Terhadap Karyawan Toko Erafone Megastore Cabang Mall Kartini Bandar Lampung (Studi Putusan Nomor 569/Pid. B/2021/Pn Tjk). Innovative: Journal Of Social Science Research, Vo.2 No.1.
- Nursariani Simatupang Dan Faisal. 2017. Kriminologi Suatu Pengantar. Pustaka Prima, Medan.
- Peraturan Pemerintah Nomor 92 Tahun 2015 tentang Perubahan Atas Peraturan Pemerintah Nomor 27 Tahun 1983 tentang Pedoman Pelaksanaan Hukum Acara Pidana (KUHP)
- Undang-Undang Darurat Nomor 12 Tahun 1951 tentang Mengubah rdonnantietijdelijke Bijzondere Strafbepalingen (Staatblad 1948 Nomor 17).
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945
- Undang-Undang Nomor 1 Tahun 1946 jo. Undang-Undang Nomor 73 Tahun 1958 tentang Pemberlakuan Kitab Undang-Undang Hukum Pidana (KUHP).
- Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia.
- Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Republik Indonesia.
- Undang-Undang Nomor 48 Tahun 2009 tentang Perubahan Atas Undang-Undang Nomor 4 Tahun 2004 tentang Kekuasaan Kehakiman Republik Indonesia.
- Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana (KUHP).