

Criminal Responsibility for Public Order Violations in Bandar Lampung (Study of Decision Number 8/Pid.C/2025/PN. Tjk)

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Abstract

Public order violations are a common problem in urban areas and have the potential to disrupt public peace and comfort. This situation demands strict law enforcement, especially in determining the form of criminal liability for perpetrators of violations. In Bandar Lampung City, public order violations are specifically regulated in Bandar Lampung City Regional Regulation Number 01 of 2018 concerning Public Peace and Public Order. This study aims to determine and analyze the form of criminal liability for public order violations in Bandar Lampung City and examine the basis for judges' considerations in issuing decisions against perpetrators of these violations. The focus of the research is directed at the Tanjung Karang District Court Decision Number 8/Pid.C/2025/PN Tjk as a case study, to observe the application of criminal law in judicial practice for minor crimes that disturb public order. The research method used is a normative juridical method supported by an empirical approach. The results of the research are in Decision Number 8/Pid.C/2025/PN. The TJK shows that the defendant was legally and convincingly proven to have violated Article 59 letter a of Bandar Lampung City Regional Regulation Number 01 of 2018, and was sentenced to imprisonment with a probationary period. The sentence reflects an educational and preventive law enforcement effort. The judge's considerations in issuing the verdict were not only based on the legal aspects, but also considered sociological and philosophical aspects, such as the social impact of the act, the defendant's condition, and the purpose of the sentence. This study concludes that the judge's verdict has reflected the proportional and just application of the law, while still paying attention to the interests of society and humanitarian values in criminal law enforcement.

Keywords: Criminal Liability, Public Order, Regional Regulations



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INTRODUCTION

Enforcing public order is one of the fundamental functions of law enforcement officers in maintaining social order, public safety, and a sense of security for citizens. However, recent public order violations in several areas, including Bandar Lampung, continue to pose a serious problem, impacting social comfort and public peace. These violations not only disrupt public spaces but also have the potential to lead to social conflict, damage to public facilities, and burden handling at the investigative and judicial levels. Public order has a broad meaning, encompassing all forms of order that ensure harmonious social life in accordance with applicable legal and social norms. Disruptions to public order can cause public unrest and even develop into threats to social, economic, and political stability. Therefore, criminal law plays a crucial role as an instrument of social control to protect society from various forms of violations that threaten public order. The definition and violation of public order from some literature cannot be found clearly, however, if seen from book III chapter II of the Criminal Code it can be concluded that violation of public order is an act of violation committed by a person which by its nature can cause danger to the continuity of community life and can cause disturbances to order and comfort in society. Indonesian society is shocked by violations of public order in Indonesia, there are several cases that should be followed up in accordance with the law but instead become disturbing to the community and there is a gap in law enforcement.

Violations of public order generally involve acts that disrupt or disrupt the order of community life (Najemi, Monita, and Erwin 2025). Examples include the spread of false news that causes unrest, mass brawls, the destruction of public facilities, and provocative actions that incite chaos. These acts not only harm individuals but also threaten the collective interests of society. Therefore, firm and proportionate law enforcement is an urgent need to maintain the authority of the law and protect the public from actions that disrupt public order. In the context of criminal law, criminal liability is the core of the sentencing process. Criminal liability refers to a person's ability to bear the legal consequences of a criminal act (Aida et al. 2023). The main elements of criminal liability include the existence of a prohibited act (*actus reus*), fault or malicious intent (*mens rea*), and the perpetrator's capacity to take responsibility. Therefore, anyone legally and convincingly proven to have committed a criminal act must be held accountable before the law. In judicial practice, judges play a crucial role in determining whether an act meets the elements of a crime and what form of accountability should be imposed on the perpetrator. Judges assess not only the normative aspects of laws and regulations but also consider aspects of justice and the law's utility to society. Therefore, judicial decisions serve as concrete representations of how the law is applied in real life and serve as important research material in criminal law studies.

One example of the application of criminal law to violations that disturb public order can be found in the Tanjung Karang District Court Decision Number 8/Pid.C/2025/PN Tjk. This minor criminal case began on Monday, September 29, 2025 at around 10:30 a.m. WIB, when Police officers from the Subdit Gasum Samapta Polda Lampung were conducting routine patrols on Jalan Kamboja, precisely in front of Toserba Chandra Karang, Bandar Lampung City. During the patrol, officers found Junaidi Bin Sutrisno begging on a public road by directing the traffic of passing cars and motorbikes, and expecting a reward or mercy from motorists. For this act, officers conducted an inspection and arrested the defendant, and during the arrest, Rp9,000.00 was found in cash which was suspected to be the proceeds of the begging activity. Furthermore, the defendant and the evidence were taken to the police station to be processed according to applicable legal provisions. This case was then examined with a fast-track examination at the Tanjung Karang District Court on September 30, 2025. During the trial, the defendant did not object to the charges and admitted all of his actions, and confirmed the statements of two witnesses presented by the investigator as the public prosecutor. Based on the legal facts revealed at the trial, the Judge stated that the defendant was legally and convincingly proven guilty of violating Article 59 letter a of Bandar Lampung City Regional Regulation Number 01 of 2018 concerning Public Order and Public Order. For his actions, the defendant was sentenced to two months in prison with a four-month probationary period, so that the sentence does not need to be served unless the defendant repeats the crime during the probationary period, and evidence in the form of money was confiscated for the state and the defendant was burdened with court costs. This decision is interesting to study because it contains important aspects regarding the perpetrator's form of criminal responsibility, the judge's considerations in issuing the decision, and its relevance to applicable criminal law principles (Moeljatno 2020). This decision can be used to assess the extent to which the court applied the principles of justice, legal certainty, and expediency in enforcing the law against perpetrators of violations that disrupt public order.

Furthermore, this research is important because differing interpretations often arise when determining whether an act constitutes a violation of public order. In some cases, law enforcement against perpetrators has sparked controversy because it is perceived as inconsistent with society's sense of justice. Therefore, a study of the judge's decision in this case is expected to provide a deeper understanding of how the concept of criminal responsibility is

applied in judicial practice, while also providing a theoretical contribution to the development of criminal law in Indonesia. This research is expected to enrich the literature on the application of criminal law in maintaining public order, as well as provide a concrete picture of how judges use their authority in interpreting the elements of criminal acts and imposing sanctions according to the level of culpability of the perpetrator. Thus, this research has important value both theoretically and practically in supporting law enforcement efforts that are just, transparent, and uphold human values. Based on this background, the researcher is interested in conducting research whose results will be written in a thesis entitled "Criminal Responsibility for Public Order Violations in Bandar Lampung Based on Decision Number 8/PID.C/2025/PN Tjk".

Literature Review

Criminal liability can be defined as "penal responsibility," in Dutch, "toerekenbaarheid." Criminal liability involves imposing sanctions on perpetrators for actions that violate boundaries or create prohibited situations (Hidayatuzzakia 2023). Criminal liability involves the mechanism of transferring sanctions contained in legal offenses to the perpetrators. According to Chairul, criminal liability is the mental state of the subject when committing a prohibited act. Legal liability can also be said to connect the subject's situation with an act and the punishment that should be imposed (Yanuarita 2025). Therefore, the criminal liability phase has two models of review: blaming someone for committing a criminal act and imposing punishment for their mistake. Because, mistake should be the basis and motive for the punishment. In criminal liability, the perpetrators of the criminal act are assigned the basis for imposing criminal punishment (Mahmuda, Gusti, and Anrusfi 2025). The element of fault is the primary element in criminal liability. The perpetrator's fault must contain several elements, including committing an unlawful act, being over a certain age of responsibility, and having a form of fault that is intentional or negligent, with no excuse (Rahmadanti, Fikri, and Khairo 2022). According to Sudarto, in order for someone to have aspects of criminal responsibility, there are several elements that must be fulfilled, namely the presence of a criminal act carried out by the perpetrator of the criminal offense and there is a component of error in the form of will or negligence (Mahyudin 2023). Forms of fault in criminal law include intentional (opzet), negligence (culpa), and the absence of a criminal expungement. In terms of criminal expungement, there are two basic types: justification and excuse.

According to E.Y. Kanter and S.R. Sianturi, the elements of being responsible are a conscious state, not being mentally disturbed by a persistent or temporary illness, and not having a developmental disability. Furthermore, the mental capacity to understand the nature of one's actions, to determine one's will regarding the actions, to recognize the reprehensibility of the actions, and to have no excuse. Public order implies a condition of orderliness or regularity, with no deviations from the existing order. This order is related to obedience, because obedience prevents deviations; the absence of deviations signifies order (Ohoiwutun et al. 2023). This order reflects the existence of standards, guidelines, and instructions for individuals in social interactions. Public order is a condition that is safe, peaceful, and free from disturbances or chaos that could hinder efforts to advance the welfare of the entire community in accordance with applicable laws and norms (Jumadil et al. 2022). This underscores the importance of public order in facilitating effective governance, implementing development initiatives, and improving the welfare of the community within a specific area, ultimately aiming to achieve desired development goals for the benefit of the community (Ramadhany 2023). In practice, violations of public order are often classified as minor crimes (tipiring) handled through expedited investigations. Despite their minor nature, these violations still

have social impacts because they can cause unrest and disrupt public comfort. Regulations regarding public order in Bandar Lampung City are specifically regulated in Bandar Lampung City Regional Regulation Number 01 of 2018 concerning Public Order and Peace. This regional regulation serves as the legal basis for the regional government in maintaining public order and peace as part of the implementation of regional autonomy. The purpose of this regional regulation is to create a safe, orderly, and conducive community environment in Bandar Lampung City.

One of the acts expressly prohibited is begging on the streets or in public places. This provision is stipulated in Article 59, letter a, of Bandar Lampung City Regional Regulation Number 01 of 2018, which states that everyone is prohibited from begging on streets, greenways, parks, or other public places. This prohibition is intended to maintain traffic order, the safety of road users, and prevent public unrest. For violations of this provision, this regional regulation also stipulates criminal sanctions. The imposition of criminal sanctions for violations of public order is intended as a law enforcement effort to provide a deterrent effect and raise public legal awareness. The sanctions stipulated in this regional regulation are minor, in the form of imprisonment or fines, the implementation of which still refers to the provisions of national criminal law and criminal procedure law. Based on the systematics of Bandar Lampung City Regulation Number 01 of 2018 concerning Public Order and Peace, the case studied in Decision Number 8/Pid.C/2025/PN Tjk, namely street begging, falls under Chapter V concerning the Scope of Regulation. This chapter contains substantive provisions that directly regulate various forms of public order violations committed in public spaces. This has the potential to disrupt the order and tranquility of social life. This prohibition is expressly stipulated in Article 59, letter a, of Bandar Lampung City Regulation Number 01 of 2018, which prohibits anyone from begging on the street or in public places.

According to M. Yahya Harahap, the Court Hearing, Appeal, Cassation, and Judicial Review, among other things, states that minor crimes are a type of crime that can be classified as a minor crime. However, Law Number 8 of 1981 concerning Criminal Procedure (KUHAP) does not specify which crimes fall under the category of minor offenses. Instead, the KUHAP defines the "criminal threat" in terms of the severity of the offense. Based on the definition of minor offenses above, the author identified several types of minor offenses listed in the Criminal Code (KUHP): disturbing public order, disrupting public meetings, disrupting religious gatherings, obstructing traffic, disrupting district court proceedings, and destroying public documents. Minor offenses are acts deemed by lawmakers to be of relatively low seriousness, yet they are still classified as unlawful and subject to criminal sanctions. In the Indonesian criminal law system, minor offenses are subject to general principles of criminal law, particularly the principle of criminal responsibility. Therefore, even if classified as minor, any perpetrator of a minor offense can still be held criminally responsible if the elements specified by law are met. Punishment for minor crimes is generally not oriented toward retribution, but rather toward development and prevention. Therefore, judges often impose conditional sentences, fines, or other educational sanctions. This approach is intended to encourage perpetrators to recognize their mistakes and deter them from repeating their actions, while also serving as a warning to the public to comply with applicable legal norms. Thus, criminal liability for minor crimes is a legal mechanism that remains based on the basic principles of criminal law, albeit applied more simply and proportionally. The application of criminal liability aims to maintain public order, provide legal certainty, and realize justice and benefit the community, as reflected in Decision Number 8/Pid.C/2025/PN Tjk, the subject of this research.

RESEARCH METHODS

This study uses a qualitative research method with a juridical approach. This study uses a normative juridical method supported by an empirical approach, with a focus on a literature review of positive legal norms related to public order crimes and an analysis of the Tanjung Karang District Court Decision Number 8/Pid.C/2025/PN Tjk as the main object of the study. Data sources consist of secondary data in the form of primary legal materials (the 1945 Constitution, the Criminal Code based on Law Number 1 of 2023, the Criminal Procedure Code, the Judicial Power Law, the Regional Government Law, the Bandar Lampung City Regional Regulation on Public Order, and court decisions), secondary legal materials (books, research results, and legal scientific works), and tertiary legal materials (legal dictionaries, encyclopedias, and indexes), as well as primary data obtained through interviews with three sources, namely police investigators, prosecutors, and judges. Data collection was carried out through literature studies and field studies which included observation and interviews, then the data was processed through the stages of selection, classification, and systematic arrangement. All data were analyzed qualitatively using descriptive-analytical methods and a deductive approach to provide a comprehensive picture of criminal responsibility and judges' considerations in cases of violations of public order.

RESEARCH RESULT AND DISCUSSION

Forms of Criminal Responsibility for Public Order Violations in Bandar Lampung Based on Decision Number 8/Pid.C/2025/PN. Tjk

The form of criminal liability for violations of public order in Bandar Lampung city, as reflected in decision number 8/Pid.C/2025/PN. Tjk, can be analyzed not only based on normative considerations in the decision but also strengthened through interviews with law enforcement officials directly involved in handling the case, namely judges, investigators, and prosecutors. This approach provides a more comprehensive picture of the application of criminal liability in practice. Based on the results of the interview with the Tanjung Karang District Court Judge, Uni Latriani, it was obtained that criminal liability in cases of violations of public order must still refer to the basic principles of criminal law, even though the case is classified as a minor crime. Criminal penalties can only be imposed if all elements of criminal liability are met, including the existence of a criminal act, error, ability to be responsible, and the absence of justification or forgiveness. In this case, the Judge considered that the Defendant's actions had clearly fulfilled the prohibition elements as regulated in Article 59 letter a of Bandar Lampung City Regional Regulation Number 01 of 2018, so that legally criminal liability is appropriate to be imposed on the Defendant. The interview results indicate that criminal liability in cases of violations of public order remains understood as a legal construct based on the basic principles of criminal law. Although violations of public order are classified as minor crimes (Suhaimi and Ambodo 2020), the application of criminal liability cannot be separated from the principles of legality and culpability. This emphasizes that the minor nature of a crime does not diminish the need to fulfill the elements of criminal liability before sanctions are imposed on the perpetrator (Profianto 2025).

The emphasis on fulfilling the elements of a criminal act, fault, and the capacity to be responsible demonstrates that criminal responsibility is positioned as a form of legal connection between the perpetrator and their actions. In this context, punishment is not viewed as an automatic reaction to a violation of norms, but rather as a legal consequence that can only be imposed if there is a fault for which the perpetrator can be personally held accountable. This approach aligns with criminal law doctrine, which places fault as an absolute requirement for punishment (Bayuaji and Kuswardani 2024). Furthermore, the assertion that there is no

justification or excuse places criminal liability as a selective mechanism in law enforcement. This means that not every act that violates legal norms necessarily results in punishment, but only acts committed under normal circumstances without any conditions that legally eliminate the unlawful nature or culpability of the perpetrator. Thus, criminal liability serves as an instrument to prevent unjust or excessive punishment (Musdalifah et al. 2024). This demonstrates that in the practice of law enforcement against violations of public order, criminal liability remains conceptually and normatively understood, rather than merely administratively or repressively. This approach reflects an effort to maintain a balance between the interests of upholding public order and protecting individual rights. Therefore, criminal liability for minor crimes retains the same legal weight as other crimes, although the form of sanctions can be adjusted according to the seriousness of the act (Teafani Kaunang Slat 2020). Furthermore, Judge Uni Latriani explained that the form of criminal responsibility imposed in the form of a conditional sentence is based on considerations of proportionality and the purpose of the punishment. While violations of public order, such as begging on the street, do require action to maintain public order, punishment should not be solely repressive. Therefore, a conditional sentence is considered the most appropriate form of criminal responsibility, as it confirms the perpetrator's guilt while also providing the defendant with an opportunity to improve.

Judge Uni Latriani's statement regarding the application of conditional sentences reflects the understanding that criminal responsibility is not only interpreted as the imposition of sanctions, but also as an instrument of social control that must be implemented proportionally. The emphasis on the principle of proportionality indicates that the form of criminal responsibility must be tailored to the character of the act, the level of culpability of the perpetrator, and the impact on public order. Analysis of this statement shows that punishment in cases of violations of public order is placed within the framework of modern criminal purposes, which are not solely retributive, but also contain elements of development and prevention (Sabadina 2025). Conditional sentences are positioned as a form of criminal responsibility that still affirms the perpetrator's culpability, but does not result in excessive punishment consequences, especially for perpetrators of minor crimes. Furthermore, the understanding that punishment should not be solely repressive demonstrates an imbalance between safeguarding the public interest and protecting individual rights. In the context of common offenses such as street begging, a conditional sentence is considered capable of providing a preventative effect without neglecting humanitarian aspects. This reflects that criminal liability is intended to encourage behavioral change in the perpetrator, not simply inflict suffering. Thus, the interview results indicate that a conditional sentence is a relevant and contextual form of criminal liability in handling minor crimes. The application of a conditional sentence does not eliminate the nature of punishment but rather shifts its orientation toward development and rehabilitation. This analysis reinforces the view that in common offenses, criminal liability must be applied flexibly, fairly, and in accordance with the objectives of criminal law (Siti and Maulidah 2025).

Meanwhile, based on the results of interviews with Investigator Koko Hendrawan, it was explained that law enforcement against violations of public order is carried out as part of efforts to maintain public peace and safety. Begging activities on the street often cause traffic disruptions and have the potential to endanger the safety of perpetrators and road users. Therefore, when an act is found that meets the elements of a violation as regulated in Bandar Lampung City Regional Regulation Number 01 of 2018, police officers are obliged to take action in accordance with applicable legal procedures. In this case, the Investigator assessed that the Defendant consciously committed begging on the street, so it is appropriate to be processed

legally and held criminally accountable. The interview with Prosecutor Imam also strengthened the analysis regarding the form of criminal responsibility in this case. The Prosecutor stated that although the case of violating public order was categorized as a minor crime, the prosecution process was still carried out with due regard for legal certainty and the public's sense of justice. The Prosecutor emphasized that the implementation of Article 59 letter a of Bandar Lampung City Regional Regulation Number 01 of 2018 is a concrete form of regional law enforcement that must be respected. According to the Prosecutor, the imposition of a conditional sentence is a balanced form of criminal responsibility, because on the one hand it provides a deterrent effect, and on the other hand it does not cause undue suffering for the perpetrator who comes from a low-income group.

Based on the results of interviews with law enforcement officers involved in handling cases of violations of public order, namely Judge Uni Latriani, Investigator Koko Hendrawan, and Prosecutor Imam, a comprehensive picture was obtained regarding the application of criminal responsibility in minor crimes. These three perspectives show a harmonious understanding that criminal responsibility must still be applied based on the basic principles of criminal law, even though the act committed is classified as a violation of public order. Furthermore, the results of interviews with Judges emphasized that criminal responsibility cannot be separated from the fulfillment of fundamental elements, namely the existence of a criminal act, error, the ability to be responsible, and the absence of justification or forgiveness. This view shows that in judicial practice, minor crimes are not treated simply or administratively, but are still tested through a complete criminal law framework. Thus, criminal responsibility is understood as a form of legal relationship between the perpetrator and his actions that requires an error that can be accounted for. Furthermore, the results of interviews with investigators indicate that law enforcement against violations of public order is positioned as an effort to maintain public peace and safety. Street begging activities are considered to have potential risks to traffic order and public safety (Ningtyas et al. 2025), so that when actions are found that meet the elements of violations as regulated in Bandar Lampung City Regional Regulation Number 01 of 2018, police officers are obliged to take action according to legal procedures. This investigator's view shows that the investigation process functions as an initial stage in establishing the basis for criminal accountability, especially in assessing the perpetrator's intent and awareness of his actions (Elok Faikotul Hasana 2024).

Meanwhile, from the prosecutor's perspective, criminal liability in cases of violations of public order is understood as a means of upholding legal certainty while maintaining a sense of justice within the community. The prosecutor emphasized that even though the case is classified as a minor crime, the prosecution process must still be carried out professionally and proportionally. This demonstrates that criminal liability is not intended to impose excessive punishment, but rather to affirm the application of regional legal norms and provide a deterrent effect for the wider community. The integration of these three perspectives demonstrates that criminal liability for violations of public order is implemented gradually and continuously, from investigation and prosecution to trial. Criminal liability is not only interpreted as the imposition of sanctions, but also as a social control mechanism aimed at maintaining public order, preventing recurrence of violations, and increasing public legal awareness. Thus, the results of this integrated interview demonstrate that the application of criminal liability for violations of public order in Bandar Lampung City has been carried out normatively and proportionally. Although these offenses are minor offenses, they are still processed within a criminal law framework that upholds the principles of legality, culpability, and the objectives of punishment that are oriented towards development and prevention. This analysis confirms that criminal liability in the context of public order functions not only as an instrument of enforcement but

also as a means of upholding justice and social order. According to the author's analysis, violations of public order are still treated as legal acts that can be held criminally accountable, even though they are considered minor crimes. Law enforcement officials believe that a person can only be punished if proven to have committed a prohibited act, done consciously, and without any reason that can justify or excuse the act. In practice, law enforcement against violations of public order is not only aimed at punishment, but also at maintaining public order and safety. Therefore, the form of criminal accountability applied is directed so that it is not harsh or excessive, but rather tailored to the perpetrator's condition and the impact of their actions, so that punishment remains fair and acceptable to society.

A legal analysis of criminal liability in cases of violations of public order in Bandar Lampung City shows that the application of criminal sanctions remains based on the fundamental principles of criminal law, even though the acts committed are categorized as minor crimes. Within the normative framework, criminal liability is not treated as an automatic consequence of a violation, but is preceded by a systematic process of examining the elements of the offense (Sulistio and Salsabilla 2023). Judges assess the existence of an act prohibited by regional regulations, the perpetrator's culpability, the ability to take responsibility, and the absence of justification or forgiveness. This pattern demonstrates the operation of the principles of legality and culpability as the primary foundations of criminal liability, so that violations of public order remain within the framework of complete criminal law, not merely administrative violations resolved formally. From the perspective of analyzing the objectives of punishment, the form of conditional punishment imposed can be understood as a reflection of a modern approach to punishment that focuses not solely on retribution. Conditional punishment contains a dimension of recognition of the perpetrator's guilt while simultaneously opening up opportunities for development and prevention. From a criminal law perspective, this model demonstrates an orientation toward specific deterrence to prevent the perpetrator from repeating their actions, as well as general deterrence through normative messages to society. This analysis positions punishment as a corrective instrument that maintains the function of protecting society without neglecting humanitarian aspects.

In the context of public order violations such as street begging, criminal accountability through conditional punishment can be analyzed as an application of the principle of proportionality (Fajri, Ardan, and Haris Djoko Saputra 2025). Sanctions are imposed by considering the level of culpability and the socio-economic condition of the perpetrator, so the law does not operate rigidly. This demonstrates that judges conduct individualized assessments of the crime, with the perpetrator's background being a relevant factor in determining the form of sanction. Legally, this approach emphasizes that punishment must not cause suffering that exceeds the objectives of law enforcement, thus remaining in line with the values of substantive justice. Furthermore, from the perspective of the function of criminal law, criminal liability in this case can be understood as a form of law enforcement as a means of social control. Law enforcement is aimed at maintaining public order and safety, while simultaneously fostering legal awareness. Thus, criminalization functions not only as a reaction to violations but also as a preventive mechanism within the social system (Kartika Maulida 2025). This analysis demonstrates the integration of legal certainty through the application of norms, justice through adapting sanctions to the perpetrator's circumstances, and benefit through protecting the public interest, all of which are reflected in the practice of criminal liability for violations of public order.

Basic Considerations of Judges in Handing Down Decisions Against Perpetrators of Violations That Disturb Public Order

The judge's considerations in issuing a verdict against a public order violator are not only based on written legal provisions, but are also influenced by the facts revealed in court and the views of law enforcement officials involved in the case (Abidin 2025). Interviews with judges, investigators, and prosecutors revealed that the judge's considerations are developed in a gradual and comprehensive manner to ensure the verdict is fair and proportional. Based on the results of the interview with Judge Uni Latriani, it was explained that in making a decision on violations of public order, the judge first considers the legal aspect, namely whether the defendant's actions have fulfilled the elements of a criminal act as regulated in Bandar Lampung City Regional Regulation Number 01 of 2018. The judge emphasized that even though the case being examined is classified as a minor crime, proof of the elements of the act, error, and ability to be responsible remains the main basis before the sentence is imposed. In addition, the judge also considers the purpose of the sentence, so that the sentence imposed is not only punitive, but also provides an opportunity for the defendant to improve himself. The judge's statement in the interview demonstrates that the decision-making process for violations of public order aligns with the theory of judicial deliberation, which emphasizes the integrated use of legal, sociological, and philosophical considerations. Within the context of legal considerations, the judge first assesses whether the elements of the crime, as stipulated in Bandar Lampung City Regional Regulation Number 01 of 2018, are fulfilled. This approach aligns with Sudikno Mertokusumo's view that judges, in deciding a case, must base their decision on applicable law and the facts proven in court. By ensuring the existence of a criminal act, fault, and capacity for responsibility, the judge applies the principles of legality and fault as the primary foundations of sentencing (Maggalatung 2018).

Furthermore, the assertion that the case is classified as a minor crime but still requires proof of fault demonstrates that the judge does not ignore the principle of no punishment without fault (*geen straf zonder schuld*). This aligns with the theory of criminal responsibility, which states that the severity of a crime does not eliminate the judge's obligation to carefully assess the perpetrator's culpability. Thus, the judge's considerations are not formalistic, but rather substantive and oriented towards legal justice. In addition to the legal aspects, the judge's statement regarding the purpose of sentencing reflects the application of philosophical considerations within the theory of judicial deliberation. The judge does not interpret sentencing solely as a means of retribution, but also as an effort to guide and improve the defendant's behavior. This view aligns with modern sentencing theory, which emphasizes preventive and rehabilitative goals. As argued by Muladi, sentencing must be directed toward protecting society and guiding the perpetrator. By imposing a sentence that provides the defendant with an opportunity to improve themselves, the judge demonstrates a just and humane sentencing orientation.

The interview results demonstrate that the judge's considerations in issuing decisions regarding public order violations align with the theory of judicial deliberation, both from a legal and philosophical perspective. The judge not only applies the law textually but also considers the goals and values of justice that exist within society, ensuring that the decision has legal and social legitimacy. Furthermore, the interview with Investigator Koko Hendrawan demonstrated that the judge's considerations are inseparable from the previous investigation. The investigator explained that public order violations, such as begging on the street, are seen as potentially disrupting traffic and endangering public safety. Therefore, the facts obtained during the investigation, including the defendant's manner of committing the act and the circumstances at the scene, are important considerations for the judge in assessing the impact

of the defendant's actions on public order. This information assists the judge in assessing the seriousness of the act. The investigator's explanation regarding the role of the investigation in public order violation cases demonstrates that the basis for the judge's deliberations cannot be separated from the facts obtained during the initial stages of law enforcement. In the theory of judicial deliberation, the facts resulting from the investigation constitute factual legal considerations, namely, the judge's assessment material derived from actual legal events and proven through valid evidence. This aligns with Yahya Harahap's opinion, which states that judges, in rendering decisions, must base their assessments on the legal facts revealed in court, which generally stem from the results of the investigation and prosecution.

The investigator's explanation that street begging has the potential to disrupt traffic and endanger public safety demonstrates a sociological dimension to the judge's deliberations. Facts regarding the situation at the scene, the defendant's method of committing the act, and the potential risks posed serve as the basis for the judge's assessment of the extent to which the act impacts public order. In the theory of judicial deliberation, this aspect includes sociological considerations, namely considerations related to the public interest and the social consequences of a criminal act. Furthermore, information from the investigation helps the judge determine the seriousness of the defendant's actions. This assessment is crucial because it influences the type and severity of the sentence imposed. According to sentencing theory, the judge assesses not only whether the act violates the law but also the extent to which it poses a danger or disturbance to the community. Therefore, the facts from the investigation serve as a bridge between legal and sociological considerations in the decision-making process. Therefore, the investigator's interviews demonstrate that the investigative process plays a strategic role in shaping the judge's deliberations. The facts obtained during the investigation stage are not only used to prove the crime, but also serve as a basis for the judge to assess the defendant's impact on public order and determine a proportionate sentence. Meanwhile, an interview with Prosecutor Imam revealed that during the prosecution process, the prosecutor also considered the public interest and the community's sense of justice. The imposition of sentences for violations of public order aims to enforce local regulations and provide a deterrent effect. However, the prosecutor also considers the defendant's personal circumstances, ensuring that the charges are proportionate. The considerations submitted by the prosecutor also become material for the judge in determining the type and severity of the sentence imposed.

The results of the prosecutor's interviews indicate that the prosecution process plays a crucial role in shaping the basis of the judge's deliberations, particularly in balancing the public interest with the public's sense of justice. In the theory of judicial deliberation, the prosecutor's demands constitute both legal and sociological considerations, as they are based on proven legal facts and also take into account the social impact of the defendant's actions. This aligns with Sudikno Mertokusumo's view that judges, when deciding cases, must consider not only written law but also the broader interests of society. The prosecutor's emphasis on the goal of sentencing, which is to enforce local regulations and provide a deterrent effect, reflects the application of the preventive goal of sentencing. In the context of violations of public order, a deterrent effect is necessary to foster public awareness of the law and prevent repeat offenses. However, the prosecutor's consideration of the defendant's personal circumstances demonstrates a humane and proportional approach. This approach aligns with modern criminal theory, which emphasizes that punishment must be tailored to the perpetrator's circumstances and level of culpability. Furthermore, the prosecutor's proportional demands provide the judge with the opportunity to impose a just and balanced sentence. In the theory of judicial considerations, the prosecutor's demands serve as a reference in determining the type

and severity of the crime, although the judge is not fully bound by those demands. Therefore, the considerations presented by the prosecutor become part of a comprehensive assessment process that helps the judge reach a decision that reflects legal certainty, justice, and expediency. Therefore, the results of interviews with prosecutors indicate that prosecution in cases of violations of public order are not solely oriented towards punishment, but also consider the interests of society and the circumstances of the perpetrator. This reinforces the view that the basis for the judge's considerations in issuing a decision is built through the synergy between the investigation, prosecution, and examination processes in court.

Based on interviews with judges, investigators, and prosecutors, it is clear that judges' reasoning in issuing decisions regarding violations of public order does not stand alone, but rather is the result of a series of interrelated law enforcement processes. Judges' decisions are based on an assessment of facts obtained during the investigation phase, then strengthened through the prosecution process, and finally tested during the trial. This aligns with the theory of judicial reasoning, which states that judges must base their decisions on legal facts and applicable legal provisions, while also considering the impact of the act on society. During the investigation phase, investigators play a crucial role in gathering preliminary facts regarding the defendant's actions. In cases of violations of public order, investigators assess that begging on the street disrupts traffic flow and endangers the safety of both road users and the perpetrator. Facts regarding the defendant's method of committing the act, the location of the incident, and the surrounding environmental conditions are crucial materials presented in subsequent legal proceedings. These facts help judges understand the actual conditions on the ground and assess the extent of the disturbance caused by the defendant's actions to public order.

Furthermore, during the prosecution process, prosecutors present criminal charges, taking into account the public interest and the community's sense of justice. Prosecutors not only emphasize the need to enforce regional regulations to maintain their strength and authority, but also consider the defendant's personal circumstances, such as their social and economic background. Therefore, the charges filed are proportionate, meaning they are not too severe but still reflect a violation of the law. In the theory of judicial deliberation, the prosecutor's charges are crucial because they reflect the public interest and provide a fair approach to the perpetrator. After the investigation and prosecution stages, the judge then assesses all the facts and charges during the trial. The judge ensures that the defendant's actions meet the elements of a crime stipulated in Bandar Lampung City Regional Regulation Number 01 of 2018. Furthermore, the judge also considers the purpose of sentencing, which is not only to punish but also to encourage the defendant to recognize their mistake and not repeat their actions. Therefore, in cases of minor violations of public order, judges tend to impose sentences that are less harsh but still provide a deterrent effect.

Based on interviews with judges, investigators, and prosecutors, it is clear that judges' considerations in issuing decisions regarding violations of public order are the result of interconnected law enforcement processes, from investigation and prosecution to trial. Judges do not issue decisions unilaterally, but rather comprehensively assess the legal facts, the defendant's condition, and the impact of the act on public order. This aligns with the theory of judicial considerations, which emphasizes that decisions must be based on law, facts, and a sense of justice. During the investigation phase, investigators gather facts related to the defendant's actions, such as the defendant's method of committing the act, the location of the incident, and the circumstances surrounding the incident. In cases of violations of public order, the facts are crucial for the judge in assessing the defendant's impact on public order and determining the seriousness of the offense. Furthermore, during the prosecution process, the

prosecutor presents criminal charges, taking into account the public interest and the public's sense of justice. The prosecutor believes that imposing criminal penalties for violations of public order aims to enforce local regulations so that they are complied with by the public and provide a deterrent effect. However, by considering the defendant's personal circumstances, the charges submitted are proportionate and not excessive. The prosecutor's charges serve as one of the judge's considerations in determining the type and severity of the sentence.

During the trial, the judge assesses all the facts and charges based on applicable laws and regulations. The judge ensures that the elements of the crime have been met and assesses the most appropriate sentencing objective. In cases of violations of public order, the judge also considers aggravating and mitigating factors for the defendant before issuing a verdict. By considering all these aspects, the judge strives to balance the interests of maintaining public order with protecting the defendant's rights. This approach demonstrates that the judge's considerations are not solely oriented towards formal law enforcement but also consider the values of justice and humanity. Therefore, the verdict is expected to not only provide legal certainty but also be acceptable to society and provide a learning experience for the defendant. Based on Decision Number 8/Pid.C/2025/PN Tjk, the Tanjung Karang District Court stated that the Defendant Junaidi Bin Sutrisno was legally and convincingly proven guilty of committing the crime of begging on the street, as regulated in Article 59 letter a of Bandar Lampung City Regional Regulation Number 01 of 2018 concerning Public Order and Public Order. For this act, the judge sentenced him to 2 (two) months in prison, but the sentence does not need to be served (conditional sentence), with the provision that the sentence will be carried out if the Defendant commits another crime during the 4 (four) month probation period. In addition, evidence in the form of money amounting to Rp9,000.00 was confiscated for the state, and the Defendant was charged with paying court costs of Rp2,000.00. In this decision, the judge also noted the aggravating circumstances in the form of the Defendant's actions which disturbed the community, as well as mitigating circumstances including the Defendant regretting his actions, admitting his guilt, and never having been convicted, so that the conditional sentence was seen as a form of punishment which was proportional and in accordance with the objectives of development.

According to the author, Decision Number 8/Pid.C/2025/PN Tjk shows that the judge has applied the law appropriately and proportionally in handling violations of public order which are classified as minor crimes.¹ The decision confirms that the act of begging on the street remains an unlawful act and can be held criminally accountable, so that the existence of Bandar Lampung City Regional Regulation Number 01 of 2018 is not only administrative, but has real criminal consequences. The author assesses that the imposition of a conditional sentence of two months with a four-month probation period reflects the judge's efforts to balance legal certainty and a sense of justice, especially by considering the defendant's social conditions. On the one hand, this decision still confirms the defendant's guilt and provides a deterrent effect, but on the other hand, it does not result in excessive criminal penalties for perpetrators who come from vulnerable groups. A legal analysis of the judge's reasoning in issuing a verdict in a public order violation case shows that the judge's reasoning is integrative because it combines legal, sociological, and philosophical approaches in forming the reason for the decision (*ratio decidendi*). From a legal perspective, the judge places Bandar Lampung City Regional Regulation Number 01 of 2018 as the legal basis for the action, which confirms the application of the principle of legality that no act can be punished without prior regulation. Within the criminal law framework, the judge continues to conduct complete proof of the elements of the crime, namely the existence of a prohibited act, the existence of error, the ability to be

¹ Tanjung Karang District Court. (2025). Decision Number 8/Pid.C/2025/PN. Tjk.

responsible, and the absence of justification or forgiveness.² This demonstrates the consistent application of the principle of error, so that violations of public order are not simply decided because they are classified as minor crimes. Thus, normatively, it is clear that regional law is positioned as part of the criminal law system that is subject to the general principles of criminal responsibility. From a sociological perspective, the judge's considerations reflect an understanding that law operates not only within the realm of text, but also within social reality. The judge considered the defendant's actions not merely a violation of written norms, but rather an action that had the potential to disrupt traffic order, road user safety, and the public's sense of security. This approach demonstrates the application of the concept of law as a means of social control, where the existence of criminal sanctions is directed at protecting public legal interests. In legal analysis, this shows that the judge considered the social harm arising from the defendant's actions, so that the decision is not only oriented towards individual culpability, but also towards protecting collective interests. Thus, there is a balance between the rights of the perpetrator as an individual and the interests of the wider community as stakeholders in public order.

Meanwhile, from a philosophical perspective, the judge's rationale demonstrates an orientation toward the goals of modern sentencing, which extend beyond mere retaliation. The choice to impose a conditional sentence demonstrates that the judge considers preventive and developmental functions in addition to their retributive function. In legal analysis, a conditional sentence reflects the application of the principle of proportionality, as the type of punishment imposed is tailored to the level of culpability and the defendant's personal circumstances, including the socio-economic background underlying the offense. This approach emphasizes that punishment is directed toward corrective and preventive effects, rather than excessive suffering, thus aligning with humanitarian values and substantive justice. It also demonstrates the view that criminal law functions as an *ultimum remedium*, where punishment is used in a measured and rational manner. Overall, through an analysis of the structure of these considerations, it is clear that judges do not use mechanical reasoning, but rather discover the law by connecting written norms, social conditions, and values of justice. The integration of the legal, sociological, and philosophical dimensions demonstrates that decisions are constructed within a modern criminal law framework that seeks to maintain a balance between legal certainty, expediency, and justice.

CONCLUSION

Criminal liability can only be imposed if it is proven that there was an act that violates the provisions of Bandar Lampung City Regional Regulation Number 01 of 2018, was carried out consciously, and there is no justification or excuse. In Decision Number 8/Pid.C/2025/PN Tjk, the defendant was declared capable of being responsible for his actions and imposed a conditional sentence, which shows that punishment is not only aimed at punishment, but also provides an opportunity for the perpetrator to improve themselves. The judge's considerations in passing a sentence for general violations are based on a comprehensive assessment of the legal aspects, social impact, and the purpose of punishment. The judge considers the facts from the investigation, the prosecutor's demands, as well as aggravating and mitigating circumstances before imposing a sentence. In Decision Number 8/Pid.C/2025/PN Tjk, these considerations resulted in a proportional and humane decision, thus ensuring legal certainty, maintaining public confidentiality, and fulfilling the public's sense of justice.

² Bandar Lampung City Regional Regulation Number 01 of 2018 concerning Public Order and Public Order.

Research Limitations

This study is limited by its scope, which focuses on a single court decision, namely the Tanjung Karang District Court Decision Number 8/Pid.C/2025/PN Tjk. This focus on a single decision means the results cannot comprehensively describe the pattern of criminal liability application and judicial considerations in public order violation cases in other regions or in similar decisions. Therefore, the findings of this study cannot be broadly generalized and require further research with a more diverse range of decisions.

Suggestions and Directions for Future Research

The author's suggestion is that it is necessary to increase the consistency of enforcement of Bandar Lampung City Regional Regulation Number 01 of 2018 in order to create legal certainty and a deterrent effect for perpetrators of public order violations. Law enforcement officers are expected to not only focus on enforcement, but also prioritize a preventive and educational approach to the community. The local government together with law enforcement officers need to increase the socialization of regional regulations to the community so that understanding of public order provisions is better, so that the potential for violations can be minimized. For further research, it is recommended to expand the object of study by analyzing more than one court decision or comparing the application of law in other regions, in order to obtain a more comprehensive picture of the application of criminal liability for public order violations.

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