



## CRIMINAL RESPONSIBILITY OF PERPETRATORS OF PUBLIC FACILITY DESTRUCTION (Analysis of Court Decision Number 620/Pid.B/2022/PN.Kisaran)

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### ABSTRACT

Background that caused the destruction of public facilities was that the defendant wanted to increase his income as a toilet guard and if the toilet remained in front of the defendant, he felt annoyed because the defendant's income was reduced. So that the defendant's income is sufficient from guarding public toilets, because if in front of residents or buyers or traders do not want to pay or do not want to urinate or defecate in the toilet that the defendant damaged. Criminal liability for prisoners who damage public facilities is that the defendant is sentenced to 9 (nine) months in prison each because the elements of Article 107 paragraph (1) of the Criminal Code have been fulfilled so that the defendant has been proven legally and convincingly guilty of committing a crime of damaging public facilities, so that as a result of his actions, the Manpower, Industry and Trade Service of Batu Bara Regency suffered a loss of around IDR 5,000,000.00 (five million rupiah). The judge's considerations in passing a verdict on the crime of destroying public facilities in Court Decision Number 620/Pid.B/2022/PN Kis are that the Panel of Judges has considerations starting from the demands of the Public Prosecutor, the fulfillment of elements in accordance with the articles charged and there are no justifications and excuses, so that they are found guilty, as well as aggravating and mitigating factors.

### 1. Introduction

Upholding justice and truth has always been the dream of all citizens, wherever they are, because justice and truth are fundamental human needs. Human rights are enshrined in Article 1 of the Minister of Home Affairs Regulation Number 44 of 2010 concerning Public Order, Peace, and Protection in the Context of Upholding Human Rights.

Every state decision-making is required to reflect a sense of justice and the interests of the community. Applicable and future laws must not be unilateral and/or solely for the benefit of those in power, as this contradicts democratic





principles. Separation of powers is crucial to prevent the accumulation of power, which is often abused and arbitrarily violates the rights, freedoms, and equality of the people.

In practice, government-provided facilities are often neglected in terms of maintenance, driven by a lack of public concern for the upkeep and maintenance of public facilities. This is often done through littering, discarding cigarette butts, and graffiti on walls.

The police are also responsible for the destruction of public facilities because the National Police have duties and authorities stipulated in Article 13 of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, which states, "The main duties of the National Police of the Republic of Indonesia: Maintaining public security and order, enforcing the law, and providing protection, assistance, and services to the public."

Legal regulations regarding the destruction of public facilities are regulated in Book II of the Criminal Code concerning Crimes and Chapter V concerning Crimes Against Public Order. Specifically, the destruction of public facilities is regulated in Article 170 of the Criminal Code, which states, "Anyone who openly and with joint force uses violence against people or property shall be subject to a maximum imprisonment of 5 (five) years and 6 (six) months."

Destruction or damage in the main form is regulated in Article 406 of the Criminal Code, paragraph (1), and destruction or minor damage is regulated in Article 407 of the Criminal Code.

## 2. Research Method

The type of research used in this study is normative legal research. This research utilizes literature or secondary data, including books and legal norms contained in laws and regulations, legal principles, legal rules, and legal systems. It also examines statutory provisions, court decisions, and other legal materials relevant to the research formulation.

The type of research conducted in the preparation of this thesis utilizes the normative legal research method (normative juridical). Normative juridical research refers to legal research that refers to legal norms contained in laws and regulations.

This research is descriptive in nature. Descriptive research is intended to provide data as accurately as possible. In this case, it will describe the criminal liability for the destruction of public spaces/facilities by prisoners. This descriptive research begins with collecting data related to the discussion above, then



compiling, analyzing, and interpreting the data to obtain a clear picture of the phenomenon being studied.

The data collection techniques used in this research include document studies to obtain theoretical or doctrinal concepts, opinions or conceptual thinking, and preliminary research related to the research object, which can include legislation and scientific works, as well as cases resulting from legally binding court decisions.

To uncover theories from this data, a qualitative method is used, referring to legal norms contained in legislation and court decisions, as well as norms that exist and develop within society.

The analysis of legal materials in this research will be conducted qualitatively, meaning that the legal materials are described qualitatively using orderly, coherent, logical, and effective sentences, thus facilitating interpretation of the legal materials and understanding the analysis results.

### 3. Results And Discussion

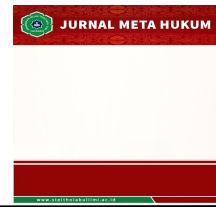
#### Results

Humans possess varying talents and interests. Talents are present from birth and serve as a measure for society in determining whether a person is capable of mastering a particular field. If a person possesses talent in a particular field, it is easier for that person to master it. Talent is good if it involves positive things. Innate or talent that is difficult to direct or control properly will lead to bad behavior in that person, leading to a tendency to commit crimes that disturb society due to negative characteristics.

Due to the difficult economic situation, there is a lack of good employment opportunities for people who should be in the workforce, making it extremely difficult to meet their needs. This results in a person's lack of clarity, compounded by social jealousy that encompasses the family, especially within the perpetrator, which leads to unlawful acts.

Law is the foundation of societal hope and trust in regulating social interactions. Law is the embodiment or manifestation of these values. Therefore, law enforcement is expected to be trustworthy and uphold the authority of the law, which essentially means upholding the values of trust within society.

The policies to be implemented will encompass law enforcement activities primarily aimed at improving order and legal certainty in society. To this end, the coordination system will be strengthened and the duties of law enforcement agencies will be harmonized. This will be achieved, among other things, by streamlining the functions, duties, powers, and authorities of law enforcement



institutions according to their respective professional scopes and based on a sound cooperative system.

The increasing and frequent occurrence of crime in society is a matter of great concern, thus calling on the government (state) as a servant and protector of the community to address the spread and increase of crimes that violate the values and norms that exist and apply within a society, thus making these crimes criminalized by the state. Criminal law is an important tool in crime prevention, or perhaps a remedy in eradicating crimes that disturb and harm society in general and victims in particular.

#### 4. Discussion

Crime can be addressed through both preventative and repressive means. These measures involve imposing sanctions on perpetrators. Criminal sanctions are the best available tool we have to address threats of harm. Criminal sanctions are sometimes the primary guarantor, and ethics are the primary threat to human freedom.

Based on the facts revealed at trial, on Friday, May 27, 2022, at approximately 8:00 a.m. Western Indonesian Time, the defendant, along with Suhendri (aka Hendrik), and Hasan, demolished a market toilet at the Pagurawan People's Market on Jalan Jendral Sudirman, Lingkungan I, Pangkalan Dodek Village, Medang Deras District, Batu Bara Regency.

Starting on Monday, May 16, 2022 at approximately 12.00 WIB, when the Defendant was at the Pagurawan People's Market, Pangkalan Dodek Village, Medang Deras District, Batu Bara Regency, then at that time he saw someone from the Manpower, Industry and Trade Office of Batu Bara Regency whose name the Defendant did not know, then the Defendant approached the man and at that time the Defendant told the man to move the toilet of the people's market from the front to the back, but at that time the man had not agreed and if it was to be moved he asked to be informed, but the Defendant has not yet notified the man from the Manpower, Industry and Trade Office of Batu Bara Regency, then on Wednesday, May 25, 2022 at approximately 21.00 WIB, the Defendant informed Hasan as the chairman of the Traders Association at the market but the Defendant did not notify or ask for permission from the man from the Manpower, Industry and Trade Office of Batu Bara Regency, then the Defendant It is also unknown whether Hasan had notified the Batu Bara Regency Manpower, Industry and Trade Office, but at that time Hasan agreed by saying to the Defendant "do it, it's called wanting to do good."



Then on Thursday, May 26, 2022 at approximately 10:00 PM WIB, the Defendant along with Suhendri alias Hendrik, Zulham and Hasan were sitting in the people's market, the Defendant asked the Defendant's friend to help the Defendant dismantle the market toilet door by destroying the wall in the market with the Defendant giving money or wages after each job, then the next day on Friday, May 27, 2022 at approximately 8:00 AM WIB the Defendant together with Suhendri alias Hendrik, Zulham and Hasan brought tools in the form of a large hammer, mallet and chisel then together destroyed the wall and at that time it was enough to do it in one day, then both toilet doors were dismantled and the doors were taken to the back and placed in a new location, after arriving at the location The Defendant, along with Suhendri alias Hendrik, Zulham, and Hasan, also built the toilet for three days, but the project remains unfinished due to a lack of funds.

The Defendant did not have permission from the Batu Bara Regency Manpower, Industry, and Trade Office to demolish the wall of the toilet at the People's Market. However, the Defendant did obtain permission from Hasan, a member of the Market Traders Association. Initially, the Defendant requested permission from Hasan, but according to the Defendant, there was no need for him to do so, as Hasan had long known the Defendant well.

The Defendant paid Suhendri alias Hendrik, Zulham, and Hasan Rp 50,000.00 (fifty thousand rupiah) each. The Defendant carried out the demolition because he needed the toilet door to be moved to the back toilet. As far as the Defendant knew, the toilet wall was a public space at the Pagurawan People's Market. The Defendant's role was to strike with a hammer and chisel, alternating with Suhendri alias Hendrik. Zulham and Hasan.

The Defendant wanted to supplement his income as a toilet guard, and if the toilet remained in front of him, he would be upset because his income would decrease. He wanted to supplement his income by maintaining the public toilet, as if it were in front of residents, buyers, or vendors, they would refuse to pay or urinate or defecate in the toilet he had damaged. Besides being a toilet guard at the market, the Defendant was also the head of the SPSI (Student Association of Indonesian Market Associations). According to the Defendant, the wall could not be reused because the walls had been destroyed by hammers or sledgehammers.

The wall that the Defendant, along with Suhendri alias Hendrik, Zulham, and Hasan, had destroyed was given to vendors in need, but the Defendant, along with Suhendri alias Hendrik, Zulham, and Hasan, demanded payment for removing the stones. As a result of the actions of the Defendant, Suhendri alias Hendrik, Zulham, and Hasan, the Batu Bara Regency Manpower, Industry, and



Trade Office suffered a loss of approximately Rp. 5,000,000.00 (five million rupiah). Thus, the second element has also been fulfilled.

Based on the aforementioned considerations, the element of jointly and unlawfully destroying, damaging, rendering unusable, or removing property that is wholly or partially owned by another person has been fulfilled.

With the fulfillment of these elements, the defendant has been legally and convincingly proven guilty of committing the crime of jointly destroying property. Consequently, the defendant is sentenced to seven months in prison.

The judge is the crown and pinnacle of the reflection of the values of justice and essential truth, human rights, legal mastery, factuality, and visualization of the ethics and morality of the judge in question. In order to maximize the objectives of the law, judges must not only fulfill a sense of legal certainty but also fulfill a sense of justice. The judge's considerations in imposing a sentence will significantly determine whether a judge's decision is considered fair and accountable.

The judge's considerations in issuing a verdict can be used as analytical material regarding the judge's orientation in issuing the verdict. It is also very important to see how the verdict is relevant to the predetermined objectives of sentencing. In general, it can be said that a judge's verdict that is not based on the correct orientation, meaning it does not align with the predetermined objectives of sentencing, will actually have a negative impact on the crime prevention process itself and will not benefit the convict.

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## 5. Conclusion

The background that led to the destruction of public facilities was that the defendant wanted to increase his income as a toilet guard. If the toilet remained in front of the defendant, he would be upset because his income would be reduced. So that the defendant's income was sufficient from guarding the public toilet, because if it was in front of residents, buyers, or traders, they would not want to pay or refuse to urinate or defecate in the toilet that the defendant had damaged.

Criminal liability for prisoners who destroyed public facilities is that the defendant was sentenced to a prison sentence of 9 (nine) months each because the elements of Article 107 paragraph (1) of the Criminal Code were fulfilled, so that the defendant has been legally and convincingly proven guilty of committing the crime of destroying public facilities. As a result of his actions, the Department of Manpower, Industry, and Trade of Batu Bara Regency suffered a loss of approximately IDR 5,000,000.00 (five million rupiah).

The judge's considerations in handing down the verdict for the crime of vandalism of public facilities in Court Decision Number 620/Pid.B/2022/PN Kis



were that the Panel of Judges considered the Public Prosecutor's demands, the fulfillment of the elements as stipulated in the articles of the indictment, the absence of justification or excuse, thus declaring the defendant guilty, and the aggravating and mitigating factors. The Panel of Judges' considerations in deciding this case included the defendant's courteous behavior during the trial, his admission and regret for his actions, and his promise not to repeat the unlawful act in the future. The aggravating factor was the defendant's prior conviction.

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