



Research Paper

Analysis of Violent Crimes by Fighters in the Nganjuk Region, East Java

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ABSTRACT : *The conflict action between silat schools that occurred in Nglundo Village, Sukomoro District, Nganjuk Regency, East Java on Sunday, March 5 2023 at 04.00 WIB caused fear, anxiety and trauma to local residents. The conflict that occurred between silat schools in Nganjuk Regency, East Java, violated the criminal law. The purpose of this study is to provide an overview and understanding to analyze the driving factors for criminal acts of conflict violence between silat schools in Nganjuk Regency, East Java and to find out the criminal law for perpetrators of conflict according to the law. Qualitative research design. This research uses empirical juridical type. The research approach to the conflict between silat schools in Nganjuk, East Java uses a sociological approach. Types and sources of primary and secondary legal materials. The procedure for collecting legal materials used is through library research. The process of analyzing used qualitative analysis. The results of the discussion concluded that (1) The conflicts that occurred between silat schools were caused by a history of competition, prejudice and hatred, whether personal, political or ideological in nature (2) The criminal law imposed on perpetrators of conflicts between silat schools was in Article 170 of the Criminal Code is punishable by imprisonment for a maximum of 7 years, if he deliberately destroys objects or if the force used causes injury; with a maximum imprisonment of 9 years, if the violence results in serious injury; with a maximum imprisonment of 12 years, if violence results in death. Article 358 of the Criminal Code is punishable by imprisonment for a maximum of 2 years and 8 months, if as a result of the attack or fight someone is seriously injured; with a maximum imprisonment of 4 years, if the victim dies.*

Keywords: *Violent and Crime Crimes, Conflicts Between Silat Universities, Pesilat Actors*

Received 08 Jan., 2024; Revised 18 Jan., 2024; Accepted 20 Jan., 2024 © The author(s) 2024.

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I. INTRODUCTION

As a constitutional state as stated in Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia), everything must refer to the law [1]. Indonesia is a country that is rich in culture and local wisdom from each region, whether in the form of religion, language, values, arts, works of art, and so on. This cultural diversity can be a source of strength but can also be a conflict for Indonesian society. One of the cultures that has developed in Indonesia is Pencak Silat [2]. Indonesian Pencak Silat Association (IPSI) which is abbreviated as "Pencak Silat" or "Silat College" is an educational institution that provides knowledge and techniques about pencak silat, self-control or mindfulness with an intensive learning system and the process is followed, guided and supervised directly by the teacher or the expert." Silat schools exist in every region, especially on the island of Java, where in their development martial arts schools are influenced by skill. Silat schools are very closely related to the culture of each region, so that the selection of members is very selective because only those that suit the personality and culture of the region are accepted [3].

Pencak silat in any silat school is imbued with and motivated by a philosophy of noble character and has a mental-spiritual aspect as an aspect of self-control. Pencak silat is the result of human cultivation, skills development, and culture in self-defense techniques that aim to ensure security and common prosperity. Pencak silat has become part of human civilization which is taught to people who are interested in it [3]. However, the current development of pencak silat is not always positive, especially if the members of the silat school have high egos so they want to compete with other members of the silat school, as happened at the silat school in

Nganjuk Regency, East Java, which carried out acts of conflict between silat schools. Conflict is a negative behavior because it can disrupt order and security in society, is aggressive in nature and can occur in individuals or in a group. However, conflicts often occur in community groups or organizations, so negative stereotypes are often found regarding the existence of community organizations [4].

The conflict action between silat schools that occurred in Nglundo Village, Sukomoro District, Nganjuk Regency, East Java on Sunday, March 5 2023 at 04.00 WIB caused fear, anxiety and trauma to local residents. The stone-throwing incident that occurred between fighters had an impact on the damage to dozens of residents' houses. The conflict that occurred between silat schools was colored by "rain stones", triggered by the desire to find identity as a martial artist. In addition, the perpetrators of conflicts between silat schools are also underage, so they are still emotionally unstable and easily provoked [5]. Community have violated Article 170 of the Criminal Code and Article 358 of the Criminal Code, which read:

"Anyone who openly and jointly uses violence against people or goods, is threatened with imprisonment for a maximum of five years and six months" (Article 170 paragraph 1 of the Criminal Code)

"The guilty person is threatened with: 1. by imprisonment for a maximum of seven years, if he deliberately destroys objects or if the force used results in injury; 2. by imprisonment for a maximum of nine years, if the violence results in serious injury; 3. with a maximum imprisonment of twelve years, if violence results in death" (Article 170 paragraph 2 of the Criminal Code)

"Those who deliberately take part in an attack or a fight in which several people are involved, in addition to their individual responsibility for what was specifically done by him, are threatened: 1. by a maximum imprisonment of two years and eight months, if the result of the attack or fight is the seriously injured; 2. by imprisonment for a maximum of four years, if the result is someone dies." (Article 358 of the Criminal Code)

The conflict that occurred between silat schools in Nganjuk Regency, East Java, violated criminal law, because criminal law is in the field of public law, so all interests that are wanted to be protected by criminal law are the public interest, so that the position of the state with its law enforcement tools becomes dominant [6]. The use of criminal law as an effort to overcome social problems (crime) is included in the field of law enforcement (especially criminal law enforcement). Therefore it is often said that politics or criminal law policies are also part of law enforcement policies [7].

Research that also discusses conflict between silat schools where the conflict that occurred between fighters SH Terate and SH Winongo in Madiun - East Java was so dynamic. It can be said that because the conflict that initially occurred between individuals, namely the two students of Eyang Suro, then escalated into inter-group conflict. In addition, the course of this conflict was so long that it started in the 1940s until now and was increasingly tense in the 1980s when physical contact (violence) occurred between members of SH Winongo and unknown persons suspected of being members of SH Terate. From this incident, a desire to reciprocate arose, where this desire to reciprocate still continues to this day, the most recent occurred in September 2020. This conflict could not be resolved because the functional group that was supposed to be able to resolve the conflict failed to stop communication from the provocateur and vulnerable groups.

The act of aggression carried out by the participant had an impact on the condition of the participant who had to be detained in the police for several months and received a bad assessment from the public. Participants admitted that they felt sorry for the actions they had taken and wanted to repeat the act of aggression [4]. Lack of legal literacy makes people not aware that they have violated the rule of law [8]. Based on previous studies on conflict between silat schools that had been conducted by Anindita Nur Hidayah, Yoga Rosmanto, Rivaldo Noval Putra Santosa, and Agus Adriyanto and Dara Jois Lucky Lintang Laksana, researchers will develop new research focused on conflicts between silat schools in the district. Nganjuk, East Java through the title "Criminal Violence Committed by Fighters in the Nganjuk Regency, East Java". The purpose of this study is to analyze the driving factors for criminal acts of conflict violence between silat schools in Nganjuk Regency, East Java and to analyze the criminal law for perpetrators of conflict according to the Law

II. LITERATURE REVIEWS

Conflict Violence and Crime

Violence is one of the categories of crime, because it can disturb the peace, comfort, and tranquility of a group of people, besides that violence has violated human morality (immoral) in society. Whereas crime is behavior that violates the rule of law and violates the norms of social life and human rights, so it should be prevented and avoided [7]. Another definition of violence (geweld) is an act that involves great physical and emotional force against a person or group of people who are powerless. A perpetrator of violence (auctor intellectualis) who commits physical or verbal violence to other people (auctor physicus) makes the victim unable to do anything other than what the perpetrator of violence wants [9]

One form of violence that often occurs in society is conflict. Conflict is a negative behavior because it can disrupt order and security in society, is aggressive in nature and can occur in individuals or in a group. However, conflicts often occur in community groups or organizations, so negative stereotypes are often found regarding the existence of community organizations. The conflicts that occur begin with verbal and end non-verbal [4].

Silat College in Community Life

Indonesian Pencak Silat Association (IPSI) which is abbreviated as Pencak Silat" or Silat College is an educational institution that provides knowledge and techniques about pencak silat, self-control or mindfulness with an intensive learning system and the process is followed, guided and supervised directly by the teacher or the expert." Silat schools exist in every region, especially on the island of Java, where in their development martial arts schools are influenced by skills. Silat schools are very closely related to the culture of each region, so that the selection of members is very selective because only those that suit the personality and culture of the region are accepted [3]. Silat college organizations focus on martial arts, arts, sports, and spiritual or supernatural skills, some even teach a balance for the whole, but spiritual education is always the main subject.

Legal Certainty Theory

Obedying the law means upholding the law in carrying out government duties. In line with that, Sudargo Gautama argued that a rule of law state is a country whose entire actions are based on and regulated by laws that have been predetermined with the help of a people's voter body [10]. The most important elements in a rule of law, namely:

- 1) There is a Constitution as a written regulation that regulates the relationship between the government and its citizens.
- 2) There is a division of powers (*machtscheiding*) which specifically guarantees an independent judicial power.
- 3) There is a scattering of state or government power (*spreiding van de staatsmacht*).
- 4) There is a guarantee of human rights.
- 5) There is a guarantee of equality before the law and a guarantee of legal protection.
- 6) There is a principle of legality, the exercise of government power must be based on law (statute) [11].

Chronology of Conflict between Silat Universities in Nganjuk, East Java

The conflict action between silat schools that occurred in Nglundo Village, Sukomoro District, Nganjuk Regency, East Java on Sunday, March 5 2023 at 04.00 WIB caused fear, anxiety and trauma to local residents. The stone-throwing incident that occurred between fighters had an impact on the damage to dozens of residents' houses. Conflicts occurred between silat schools which were colored by "rain stones", triggered by the desire to find identity as a martial artist. In addition, the perpetrators of conflicts between silat schools are also underage so they are still emotionally unstable and easily provoked [5].

III. RESEARCH METHODS

The qualitative research design is in accordance with the development of the writing flow in this study which wants to explore issues related to the driving factors for violent criminal acts of conflict between silat schools in Nganjuk Regency, East Java, the criminal law that applies in accordance with the Criminal Code, and the obstacles experienced by the police in handling crimes conflict between martial arts schools. This study uses a juridical empirical type, namely a type of legal research that is conceptualized sociologically as an empirical phenomenon that can be observed in the scope of life. Empirical juridical is intended to review the application of criminal law enforcement against parties involved in conflicts between silat schools in Nganjuk, East Java [7]

The research approach to the conflict between silat schools in Nganjuk, East Java uses a sociological approach that discusses an object that is based on the community that is in the discussion [7]. The type and source of this research data is in the form of primary legal material, which comes from the Criminal Code and Regulations regarding violence. Meanwhile, secondary legal materials are journals, books and related literature [7]. Data collection procedures, namely legal materials used through library research by understanding and analyzing the Criminal Code that are relevant to cases of conflict between silat schools in Nganjuk, East Java and then analyzing them [7]. The process of analyzing the data in this study used qualitative analysis to obtain an overview of how primary legal material is compared to secondary legal material so as to find facts that are constructed as part of data analysis [7].

IV. RESEARCH RESULTS AND DISCUSSION

Triggers of Conflict Between Silat Universities

Pencak silat is a traditional Indonesian martial art rooted in Malay culture, and can be found in almost all parts of Indonesia [12]. Pencak silat in the archipelago has existed since the royal era with the aim of being the basis of defense and security to protect the kingdom. According to Zakaria states that pencak silat grows and develops from the colonial era hereditary through a long process to the next generation [13].

According to Zakaria martial arts in pencak silat contains two meanings, namely art and self-defense [13]. Art in pencak silat refers to beauty, patterns of movement, and more specifically it is defined as the performing art of pencak silat. Self-defense in pencak silat is defined as an attack and how to protect yourself from your opponent. Various forms of pencak silat in Indonesia are not just techniques for self-defense but also cultural assets that must be preserved. Movement techniques in pencak silat which are passed down from generation to generation without interference from western culture symbolize the sacredness and culture of Indonesia [14]. It can be concluded that pencak silat is the result of Indonesian human culture which needs to be preserved whose aim is to defend, maintain, existence (independence) and integrity (unity) towards the environment/surrounding nature to achieve harmony in life in order to increase faith and piety [15].

The existence of various martial arts colleges as a culture that needs to be preserved and passed down from generation to generation. Pencak silat has developed over time, as evidenced by the increasing number of universities. However, the number of silat colleges also goes hand in hand with the emergence of a problem, namely conflict between schools. Conflict is basically something that is unavoidable in life. According to Takacs intergroup conflict is the desire of individuals to contribute to group actions at the expense of other groups [16]. Conflicts between groups arise because of a history of competition, prejudice and hatred, be it personal, political or ideological background. In this case, conflicts between individual or collective silat schools between one group and another are motivated by ideological differences, existence, expanding teachings/power, differences in goals and interests of each group, causing friction and resulting in conflict [17].

The factor causing the conflict between silat schools in Nganjuk Regency is due to the large number of underage members (15th-18th) who have been legalized as citizens. Young members of silat use their emotions and temperament to solve a problem. Problems in silat colleges begin with individual problems that extend to other members because of the brotherly nature of the members. Members who are involved in conflict are caused by the misuse of teachings that are used for individual interests. Misuse of teachings on members is also caused by the lack of character education taught by colleges. Pencak silat only emphasizes self-defense and physical education.

The presence of conflict between silat schools has an impact on both the actors and the community. This impact causes the conflict to expand and there will be university conflicts in other areas. Increasing conflicts will have opportunities for the members involved to be entangled in legal issues regarding violence, persecution and acts of beatings. Silat members who are entangled in legal problems, apart from threatening the future, will also be restricted by their immediate environment from participating in pencak silat. In addition, members who are involved in conflict will be dishonorably expelled from the school. The impact of the conflict was also felt by the college which resulted in good relations between fellow martial arts schools. The martial arts school involved has received a negative image from the public and the mass media. In addition, the community also experienced impacts ranging from material and non-material losses to the loss of life.

Criminal law for perpetrators of conflict according to the law

Criminal responsibility in criminal law is intended to determine whether a criminal can be held accountable for a crime he has committed or not. In the case of a crime, it can be accounted for if there is an error. Because in the principle of criminal responsibility there is a principle that coexists with the principle of legality, namely the principle of no crime without any mistakes. Criminal liability is determined based on the fault of the maker and not just by fulfilling all the elements of a crime. Thus, mistakes are placed as a determining factor for criminal responsibility and are not only seen as mere mental elements in criminal acts [18]. However, there is also another view that departs from the principle of no crime without fault, namely the theory of separation of criminal acts and criminal responsibility or known as the dualistic teaching [18]. In essence, this theory teaches that even though he has committed a crime, but the maker is not covered in a mistake, he can still be held responsible for his actions, because in the case of committing a crime, the maker is not always guilty of his actions. From the teachings of this dualistic theory, it can be concluded that mistakes are only an element of criminal responsibility, not as an element of a crime, because criminal acts only regulate actions that are against the law.

In general, theories about criminal law regarding criminal responsibility according to civil law adhere to guilt as an element of a crime, so because of that in discussing criminal responsibility it will simultaneously discuss errors in which this teaching is called monistic theory. From these theories, it can be concluded that

error is the basis for determining criminal responsibility, and criminal responsibility will also determine whether the perpetrator of a crime can be punished. It's just that mistakes as a basis for criminal responsibility are not elements of a crime. The relationship between guilt, criminal responsibility and sentencing is that first of all we have to talk about guilt, after it can be determined that there was a mistake it can be determined about the accountability of the perpetrator of the crime, only after that will determine sentencing.

Authority is an understanding derived from government law, which can be explained as a whole of the rules relating to the acquisition and use of government authority by public law subjects in public law relations. Some authorities are free and bound, this bound authority is the reference for state officials to carry out legal actions. There are three sources of this authority, namely attribution, delegation and mandate. The authority of the police in carrying out investigations into criminal acts is an attribution authority that has been granted by law. Institutionally, Law Enforcement has the authority as an institution authorized to protect and protect the community. The authority of Law Enforcement is regulated in Law Number 2 of 2002 concerning the Police (hereinafter referred to as the Police Law). The authority of Law Enforcers of the Republic of Indonesia (hereinafter referred to as Polri) is based on the attribution authority granted by law, so that as for matters that are considered disturbing to the public, and deserve investigation, Law Enforcers play a full role in handling them. The main duties of the National Police based on Article 13 of the Police Law are:

- 1) Maintain public order and security;
- 2) Upholding the law, and
- 3) Provide protection, shelter and service to the community.

To provide comfort and create social order, the Criminal Code rules are implemented. This will be subject to the following articles:

1) Article 170 of the Criminal Code

- (1) Any person who openly and jointly uses force against persons or goods, shall be punished by a maximum imprisonment of 5 years and 6 months.
- (2) The offender shall be punished: by imprisonment for a maximum of 7 years, if he deliberately destroys objects or if the force used results in injury; with a maximum imprisonment of 9 years, if the violence results in serious injury; with a maximum imprisonment of 12 years, if violence results in death.

2) Article 262 of the Criminal Code

- (1) Any person who openly or in public and with collective energy commits violence against people or goods, shall be punished with imprisonment for a maximum of 5 years or a fine of up to category V in the amount of Rp. 500 million.
- (2) If the violence referred to in paragraph (1) results in the destruction of goods or causes injury, the penalty shall be a maximum imprisonment of 7 years or a maximum fine of category IV, namely Rp.400 million.
- (3) If the violence referred to in paragraph (1) results in serious injury, the penalty shall be imprisonment for a maximum of 9 years.
- (4) If the violence referred to in paragraph (1) results in the death of a person, the penalty is imprisonment for a maximum of 12 years
- (5) Everyone as referred to in paragraph (1) and paragraph (2) may be subject to additional punishment in the form of payment of compensation as referred to in Article 66 paragraph (1) letter d.

3) Article 358 of the Criminal Code

Those who deliberately take part in an attack or a fight in which several people are involved, apart from their individual responsibility for what was specifically done by them, are threatened:

- (1) By imprisonment for a maximum of 2 years and 8 months, if as a result of the attack or fight someone is seriously injured;
- (2) By imprisonment for a maximum of 4 years, if a person dies as a result.

4) Article 472 of the Criminal Code

Everyone who takes part in an attack or a fight involving several people, in addition to their individual responsibility for the specific crime committed, shall be punished with:

- a) Imprisonment for a maximum of 2 years and 6 months or a maximum fine of category III, namely Rp. 50 million, if the attack or fight results in serious injury; or
- b) Imprisonment for a maximum of 4 years, if the attack or fight results in the death of a person.

V. CONCLUSION

The conclusions from the results of this study are 1) Conflicts that occur between silat schools are caused by a history of competition, prejudice and hatred, be it personal, political or ideological background. Then the majority of members who are underage (15 to 18 years old) who still use emotional and temperamental traits are also the cause of conflict. 2) The criminal law imposed on perpetrators of conflicts between silat schools is that Article 170 of the Criminal Code is punishable by imprisonment for a maximum of 7 years, if he deliberately destroys objects or if the force used causes injury; with a maximum imprisonment of 9 years, if the violence results in serious injury; with a maximum imprisonment of 12 years, if violence results in death. Article 358 of the Criminal Code is punishable by imprisonment for a maximum of 2 years and 8 months, if as a result of the attack or fight someone is seriously injured; with a maximum imprisonment of 4 years, if the victim dies.

The research suggestions obtained are 1) Mediation should be held by elders or seniors between silat schools, because the conflict between the two schools is a hereditary conflict. Silat is a martial sport in Indonesia which is the hallmark of the country, so that prolonged conflict should not disturb the image and achievements of the sport of pencak silat in Indonesia. 2) Law enforcers must act neutrally and not side with one of these silat schools. Law enforcement continues to play a role as the vanguard in protecting all communities and guaranteeing order and regularity as well as the safety of Indonesian citizens.

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