



Empirical and Sociolegal Approaches in Case of Students or Students' Battle Problems

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Abstract

Fighting behavior among teenagers is not only caused by their own desires, but many factors influence it. Among them, external factors, namely the influence of friends who greatly influence the association and behavior of a person. As well as internal factors such as the psychology of the perpetrators of the brawls, they do not seem to have much effect, because from the data taken, it can be seen that even though the child is obedient in worship, he is capable of committing acts of violence and becoming a perpetrator in criminal acts of brawls. This study aims to analyze how the empirical and sociolegal approaches are in the case of student or student brawls. This study uses the Normative method, using the Law approach. This research is descriptive in nature.

Keywords: *Brawl; Actors; Students; Students; Empirical; Sociolegal*

Introduction

The younger generation is the successor to the ideals of the struggle of a nation in the future which will build a better nation and maintain national sovereignty. Students are a part of the nation's successors who need protection to ensure physical and mental social development. To carry out coaching and provide protection for school students as the younger generation who will continue the progress of the nation, support is needed, both in terms of institutions and legal instruments that are better and more adequate. In conditions of age like this, students tend to put forward emotional attitudes and aggressive actions. From a student's point of view,

Nowadays, there are frequent acts of violence in the world of education by students, acts of violence in the world of education can be committed by anyone, for example classmates, upperclassmen and underclassmen and between schools and this violence is carried out in various ways, for example brawls, bullying, stabbing and there are many other things that are negative. This means that the social

context contains past and present perceptions and interpretations. It may also mean a description of crime that includes some thoughts about what crime and society will be like at some point in the future.¹

In big cities there are cases of student brawls. As a result of the brawl using sharp weapons such as sickles, one victim died. This brawl happened because they mocked each other on social media, challenged each other and then they agreed to have a brawl that began with firing firecrackers. Brawl in the Indonesian dictionary means a fight involving many people. In this study, brawls mean fights between many people whose perpetrators are teenagers. Psychologically, fights involving teenagers are classified as a form of juvenile delinquency. Juvenile delinquency, in terms of fights, can be classified into two types of delinquency, namely situational and systematic. In situational delinquency,

The existence of police officers will be greatly felt by the community if in carrying out their duties they can have a positive impact on fulfilling the wishes of the community, namely to protect, protect and serve the community. In this case what the community wants is that the National Police can provide a sense of security, the community feels protected both morally, namely a feeling of peace that will guarantee the safety of individual souls both in the environment where they live, work environment and travel as well as materially in the form of protection of property and residence.

The role of the Police in dealing with acts of student violence is very important, the Police who have a social role must act quickly so that these actions do not drag on and cause casualties and material losses. Police officers must act decisively and fairly in handling the case. Article 30 paragraph (4) of the 1945 Constitution states "The National Police of the Republic of Indonesia as an instrument of the State that maintains security and public order has the duty to protect, protect, serve the community, and enforce the law".

The need for proper handling for students who commit forms of criminal acts with violence, namely by enforcing the law. Law enforcement concerns enforcement activities against any violations or deviations from laws and regulations.²The law authorizes the police to enforce the law in various ways, one of which is repressive means in the form of prosecution.³Enforcement is a process, method, act of acting on an action or event.

The role of the police apparatus is not only limited to the field in handling and securing students. Police officers also play a role in arresting and investigating perpetrators of student brawls. Arrests were made at the scene of the perpetrators who were considered provocateurs, investigations were carried out to find out the motives for the brawl, the perpetrators and the chronology of the student brawls that were carried out was indeed very difficult to make judgments about what actions to take in a short time at the first arrest of a criminal act. The repressive action taken by the police after making arrests for students involved in brawls, is to provide strict rules/sanctions to students if it is necessary to expel them from school with prior coordination.

The police apparatus is a law enforcement apparatus, so in carrying out law enforcement efforts, the police apparatus in their service takes action on reports from the public about criminal acts.⁴

Based on the description above, problems regarding:

¹J. Robert Lilly, *Context and Consequence Criminology Theory*, Fifth Edition, Prenadamedia Group, Jakarta, 2015, page 18

²Judicial Commission of the Republic of Indonesia, *Dialectics of Reform of the Indonesian Legal System*, (Jakarta: Secretariat General of the Judicial Commission of the Republic of Indonesia, 2012). pg 74

³Agus Raharjo and Angkasa, *Police Professionalism in Law Enforcement*, *Journal of Legal Dynamics* Vol 11 No. 3 September 2011, p. 395

⁴Vivi Arfiani Siregar and Briпка Fitrianto, *The Process of Investigating Children as Offenders of Crime Based on Article 21 of Law no. 11 of 2012 concerning the Juvenile Criminal Justice System*. pg 14

1. How is the enforcement of criminal law with an empirical approach by the police against cases of criminal acts in brawls between students or students?
2. How is the enforcement of criminal law with a socio-legal approach by the police against cases of criminal acts in brawls between students or students?

Method

This research is categorized into the type of research is a normative legal it is based on the issues and themes raised as a topic of research. The research approach used is a philosophical and analytics, the research focuses on the view of the rational, analytical, critical and philosophical, and ended with the conclusion that aims to generate new findings as answers from subject matter that has been set. As well as will be analyzed with descriptive analytical method, namely by describing the laws and regulations that apply to the legal theory and practices of law enforcement positively related to the problem.

Discussion

Criminal Law Enforcement with an Empirical Approach by Police Apparatus to Cases of Criminal Actions in Brawls Between Students or Students

The phenomenon of violence and brawls between students which tends to increase both in quantity and quality in recent years has raised concerns from many parties and urged for more effective handling methods. In particular, the phenomena of violence and brawls between students have direct implications for the development of intervention programs in schools. The current outbreak of violence and student brawls indicates that the intervention programs that have been implemented have proven to be ineffective and schools need to find more effective programs.

Fighting behavior among teenagers is not only caused by their own desires, but many factors influence it. Among other things, the influence of friends which greatly affects the association and behavior of a person. Internal factors such as the psychology of the perpetrators of the fights do not seem to have much effect, because from the data taken it appears that even though the child is obedient in worship, he is capable of committing acts of violence and becomes the perpetrator in the crime of brawls. Economic circumstances and family conditions also influence, the majority of students who participate in brawls are from low to moderate economic families. In addition, the attention of parents to children is another contributing factor.

Children who are broken home or do not live with their parents or even children who do not get enough attention from their parents are the majority of children who participate in brawls. The school tried its best to make peace agreements and agreements with other schools that were affected by the brawls, but the brawls still occurred.

Preventive law enforcement efforts are prevention efforts by the police in the form of socialization, special coaching, counseling from one school to another every year by involving the Public Relations of the Regional Police, routine patrols and carrying out routine monitoring every night at vulnerable points in the Yogyakarta area. , Conducting patrols of students who are hanging out outside school hours, and efforts to enforce law on a defensive basis have actually been carried out and the functionalization of criminal law, an attempt to tackle crime through rational criminal law enforcement to fulfill a sense of justice and efficiency. Penal legal efforts that focus on the implementation of the law, such as socialization of the law to students or the public and the application of the law itself has been running as it should.

Non-penal legal remedies, non-penal law enforcement efforts focus more on the principle of kinship and are indirectly carried out without the use of criminal means or criminal law, namely the settlement of criminal cases through mediation. Non-penal efforts are also law enforcement which are actually carried out by law enforcement officials, especially the police. Because non-penal efforts are efforts to deal with criminal acts by using criminal law, that is only what can be done. So it feels suitable to be applied in criminal law enforcement for perpetrators of brawls between students.

In the Criminal Code there is no known collective responsibility, sanctions are more aimed at individuals. Imposing sanctions on groups evenly is almost impossible. Seeing the collective nature of brawls which are so complicated and unique, it is necessary to take action that originates from criminal law tools in the form of fair and effective sanctions. However, the settlement of brawl cases that are legally processed is only resolved for each individual based on available evidence. This matter has been processed based on the applicable law, while the juridical basis for legal arrangements in the settlement of the brawl case is subject to Article 351 concerning persecution and its settlement is more amicable/deliberative settlement. The efforts made were conducting socialization, forming a Task Force, youth organizations.

Criminal Law Enforcement with a Sociolegal Approach by Police Apparatus in Cases of Criminal Action in Brawls between Students or Students

Researchers using a socio-legal perspective are expected to observe conflict prevention models from all layers of interdisciplinary scientific knowledge. This is useful for providing solutions that are more effective in reducing the intensity of problems, such as student fights. If we only focus on legal punishment as a solution to fights, then there will definitely be a loss in correctional institutions entertaining students who have been convicted as criminals.

Suteki said the phenomenon of law enforcement in Indonesia often reaches a dead end because it is chained by conventional ritual law enforcement, law enforcers rely on and rely on rules and logic to marginalize aspects of behavior.⁵ Currently only trying to offer a conflict prevention model which is of no use to address the multiple factors that arise from student fights. There is a source of the problem, but it is not solved, i.e. solve even the individuals involved, not the instigator of the fight. It is natural that brawls will appear with the name of the same group symbol every year. It has also been explained previously, that there are stages of solving social problems that have passed, are not optimal, are ineffective and tend to be discriminatory.

Process phase phase that includes identification, diagnosis and treatment. If the problem identification stage is weak, it could be that the diagnosis process is unclear or unclear, the diagnosis is unclear whether the source of the problem will never be solved in the next stage. The impact, will only give birth to wrong actions. That is why the problem of student fights is still struggling with classic factors, such as old grudges, ego groups, psychological pressure (internal-external) and so on.

An effective conflict mitigation model from a socio-legal perspective, sees the need for prevention efforts which include:⁶

1) Social Model of Directors

- a. The main character of the Fight Prevention Method, such as the one held by the roof (scale university) which emphasizes the theme "Counter-Student Fighting", is to renovate the academic and student affairs system, as well as create student peace problems.

⁵Suteki, Design Law in Social Spaces, London: Thafa Media, 2013. p. 217

⁶Sunardi Purwanda, Conflict Management Model in Socio-Legal Perspective (Case Study of Student Brawls in Makassar City) Conflict Management Model In Socio-Legal Perspective (Case Study of Student Brawl in Makassar).

- b. Methods of preventing brawls are secondary, such as the formation of Mediation and Institutional Mediation (ad hoc) and student brawl reconciliation.
- 2) Completion of the Repression Fighting Law Model method which provides a deterrent effect on violators, such as:
- a. Provide administrative punishment (coaching, suspension, DO) and in the form of compensation for any damage to facilities, given to students who commit acts of delinquency.
 - b. Handing it over to the police is carried out by a process for further action, namely in terms of imprisonment for students who commit criminal acts.

In the context of the student brawl itself, there are problematic academic and student systems, and need to be repaired to minimize any future impacts that could arise from a problematic system. The system as we know it - which will be problematic when there is a sub-system that is not functioning properly, thus affecting other sub-systems.

The student's behavioral actions will be measured to what extent the student's involvement in the student brawl occurs, if the student acts like that only relatively lightly and joins a group, holds a rock and throws it, or tries to play a role by calling his friends other people to participate in the brawl. , then it will only be carried out by carrying out administrative punishment in the form of fostering student discipline. The form of coaching discipline that might be carried out by these students is an activity that is rebuilding mentally and spiritually. Students can carry out activities such as riding lightning, training and character.

POLRI as the front guard in maintaining security and public order, its duties in the midst of society, its objects include the community in a certain area inhabited by the community, then the potential that exists in the community must be sought to be utilized so that it can be utilized in order to achieve the main tasks of the POLRI. For this reason, this potential must be sought to be able to participate in efforts to create conditions for the Unitary State of the Republic of Indonesia that are safe and orderly and can jointly realize people's lives.⁷

In relation to human rights, that Article 71 and Article 72 of Law Number 39 of 1999 concerning Human Rights states that every legal apparatus (police, prosecutors, judges, lawyers, lawyers, prisons and detention centers) should have the same perception and understanding of the law. and human rights in carrying out their duties, and of course the government is obligated and responsible for protecting, promoting, upholding, fulfilling and respecting human rights in accordance with laws and regulations.⁸

Conclusion

Preventive law enforcement efforts are prevention efforts by the police in the form of socialization, special coaching, counseling from one school to another every year by involving the Public Relations of the Regional Police, routine patrols and carrying out routine monitoring every night at vulnerable points in the Yogyakarta area. , Conducting patrols of students who are hanging out outside school hours, and efforts to enforce law on a defensive basis have actually been carried out and the functionalization of criminal law, an attempt to tackle crime through rational criminal law enforcement to fulfill a sense of justice and efficiency.

⁷Djunaidi Maskat H, 1993, Police Management Theory and Practice Volume I (Planning), Bandung, Publisher Sanyata Sumanasa Wira, Lembang, p.22

⁸Chairuddin Idrus, 2011, Head of the Regional Office of the Ministry of Law and Human Rights in Central Java, National Action Plan for Human Rights 2010 – 2014.

Penal legal efforts that focus on the implementation of the law, such as socialization of the law to students or the public and the application of the law itself has been running as it should. Non-penal efforts are also law enforcement which are actually carried out by law enforcement officials, especially the police. Because non-penal efforts are efforts to deal with criminal acts by using criminal law, that is only what can be done. So it feels suitable to be applied in criminal law enforcement for perpetrators of brawls between students.

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Handing it over to the police is carried out by a process for further action, namely in terms of imprisonment for students who commit criminal acts.

Suggestion

The author is of the opinion that the Central Government, such as the Ministry of Education and Culture, should play an active role in the regions to coordinate efforts to deal with conflicts in the form of student brawls, not only in big cities but in all cities in Indonesia. In addition, he appealed to the leadership of tertiary institutions or school principals to create a conducive and safe atmosphere on every campus and school.

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