

## JUDICIAL CONSIDERATIONS IN THE CRIME OF ASSAULT (A STUDY OF DECISION NUMBER 327/PID.B/2024/PN SRH)

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### *Abstract*

*Based on the research results, it shows that the legal provisions for criminal acts of assault based on the Criminal Code have been regulated in general for anyone who commits criminal acts of assault, namely Article 351 of the Criminal Code, Article 352, Article 351, Article 354, and Article 355. The punishment for the motorcycle gang who committed the crime of assault in the Sei Rampah District Court decision Number 327 / Pid.B / 2024 / PN Srh is appropriate if it refers to the article charged by the public prosecutor, namely Article 351 paragraph (1) of the Criminal Code. The judge's legal considerations in sentencing the motorcycle gang who committed assault based on decision number 327 are appropriate, namely proving the element of "whoever" using evidence of witness and defendant testimony that corresponds to the defendant's identity, proving the element of "intentionally committing assault" using evidence of witness testimony, victim, defendant, Visum et Repertum letter No. 287 / IV / RSUM / 2024.*

**Keywords:** *Judge's Considerations, Criminal Acts, Assault*

## 1. INTRODUCTION

Motorcycle gangs are a popular form of juvenile delinquency among teenagers. Motorcycle gangs need attention from both the police and society because they often lead to disruptive communities. Among the many motives behind criminal acts, one of the most concerning is criminal behavior carried out by motorcycle gangs, including murder, assault, theft, looting, robbery, drug parties, and alcohol abuse. For example, in Fortuna Village, Perbaungan District, Serdang Bedagai Regency, in April 2024, a motorcycle gang assaulted two young men, Bambang Purnomo and Rizki BMT Simbolon. As a result of the perpetrators' actions, the Sei Rampah District Court sentenced them to 10 months imprisonment for assault, as recorded in Sei Rampah District Court Decision Number 327/Pid.B/2024/PN Srh. Based on this case, the researcher is interested in analyzing the considerations of the panel of judges in sentencing perpetrators as members of a motorcycle gang who committed assault. The analysis will examine the judges' legal considerations based on valid evidence, trial facts, and applicable laws and regulations. Additionally, the

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study will explore the personal conditions of the perpetrators, including age, educational background, and psychological state.

## 2. METHODOLOGY

This research employs a normative legal research method with a descriptive-analytical approach, aiming to describe and analyze applicable legal provisions and their implementation in law enforcement practice. The statutory approach involves reviewing laws related to assault by motorcycle gangs, including the Indonesian Criminal Code (KUHP) and its implementing regulations. The case approach involves in-depth analysis of Sei Rampah District Court Decision Number 327/Pid.B/2024/PN Srh, which serves as the primary object of study. The data sources consist of secondary data, including primary legal materials (laws and relevant court decisions), secondary legal materials (books, scientific journals, and research related to motorcycle gang assault and law enforcement), and tertiary legal materials (legal dictionaries and encyclopedias). Data collection was conducted through library research. Data analysis was performed qualitatively by interpreting legal norms and factual evidence presented in the court decision. The results are systematically presented to provide a comprehensive understanding of assault crimes committed by motorcycle gangs.

## 3. RESEARCH RESULTS AND DISCUSSION

Based on the findings, the regulation of assault under the Indonesian Criminal Code (KUHP) provides general provisions for anyone committing assault, including: Basic assault (Article 351 paragraphs 1–5), Minor assault (Article 352 paragraphs 1–2), Premeditated assault (Article 351 paragraphs 1–3), Severe assault (Article 354 paragraphs 1–2), Premeditated severe assault (Article 355 paragraphs 1–2) Article 351 paragraphs 1–5 covers acts of violence causing injury or pain. Article 352 paragraphs 1–2 regulates minor assault, establishing sanctions for assaults that do not cause serious injury. Article 351 paragraphs 1–3 addresses premeditated assault, emphasizing that preplanning can increase penalties. Articles 354 and 355 regulate severe and premeditated severe assault, providing heavier sentences due to the severity and intentional planning. The sentencing of the motorcycle gang members in Sei Rampah District Court Decision Number 327/Pid.B/2024/PN Srh is appropriate. The panel applied Article 351 paragraph 1 KUHP, which carries a maximum penalty of 2 years

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and 8 months. The court sentenced the defendant to 10 months imprisonment, considering mitigating and aggravating factors.

If the prosecution had charged under Article 353 paragraph 1 KUHP (premeditated assault), the maximum penalty would have been four years, reflecting the planning element. Trial facts indicated that the defendant prepared a red wine bottle in advance and threw it at the victim, causing lacerations and bleeding to the back and elbow. This demonstrates premeditation, making Article 353(1) highly relevant and justifying a more severe sentence. The judges' legal considerations were based on evidence, including witness statements, victim testimony, defendant's testimony, and Visum et Repertum No. 287/IV/RSUM/2024, proving the intentional nature of the assault. The court objectively evaluated all evidence, ensuring that the decision was grounded in strong factual and legal proof. The judgment reflects the proper application of the law, considering both the defendant's identity and intent.

## 4. CONCLUSION

From the analysis of Sei Rampah District Court Decision Number 327/Pid.B/2024/PN Srh, it can be concluded that the judges' legal considerations were appropriate, based on valid evidence and factual findings. The court objectively assessed the elements of assault, including the defendant's identity and the intentional nature of the assault, using witness statements, victim testimony, defendant testimony, and medical reports indicating injuries and bleeding caused by the defendant. The judges' considerations demonstrate that the trial followed proper procedures, ensuring a fair and accountable enforcement of the law. The decision represents a just and transparent application of criminal law in handling assault cases committed by motorcycle gang members.

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