

The Judicial Reasoning Behind Decision No. 262/Pid.B/2018/Pn.Skt on a Case of Mass Violence: The Perspective of Human Aggressiveness and the *Ashobiyah* Terminology

Purwadi Wahyu Anggoro
Universitas Muhammadiyah Surakarta
purwadi.tp94@gmail.com

Khudzaifah Dimiyati
Universitas Muhammadiyah Surakarta
kd255@ums.ac.id

Absori
Universitas Muhammadiyah Surakarta
abs154@ums.ac.id

Kelik Wardiono
Universitas Muhammadiyah Surakarta
kw268@ums.ac.id

Sri Waljinah
Universitas Muhammadiyah Surakarta
sw122@ums.ac.id

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Submission Track:	ABSTRACT
Received: December 3, 2022	Purpose of the study: This research aimed to analyze the judicial rationing behind Decision No. 262/Pid.B/2018/Pn.Skt. According to Article 170 of the Indonesian Criminal Code in the legal event of a mass violence crime that occurred in Surakarta City.
Final Revision: January 20, 2023	Methodology: This was normative legal research that used the case approach. It emphasized the legal consideration of judges in deciding and giving a verdict upon a case.
Available online:	Results: This research analyzed Decision No. 262/Pid.B/2018/Pn.Skt. Judges considered that the actions committed by the group of perpetrators originated from the aggressive nature of humans due to their animal power that can cause law-violating actions. This aggressive human nature in a group caused a sense of affection and

January 31, 2023 bond creates similarities in desires, goals, and ideas. It resulted in a sense of solidarity in the group according to the ashobiyah terminology.

Corresponding

Author:

Sri Waljinah

sw122@ums.ac.id

Applications of this study: to provide knowledge on: (1) the judicial analysis based on the factors that influence the occurrence of mass violence; and (2) the judicial consideration in deciding upon a case of mass violence in Surakarta City based on the judicial rationing in Decision No. 262/Pid.B/2018/PN.Skt.

Novelty/Originality of this study: This paper provided new information on the action of mass violence on Decision No. 262/Pid.B/2018/PN.Skt correlated with Ibnu Khaldun's ashobiyah terminology.

Keywords: judicial reasoning, mass violence, aggressivity, ashobiyah

ABSTRAK

Tujuan: Penelitian ini bertujuan untuk menganalisis pertimbangan yuridis di balik Putusan Nomor 262/Pid.B/2018/Pn.Skt. Menurut Pasal 170 KUHP dalam peristiwa hukum tersebut, tindak pidana kekerasan massal terjadi di Kota Surakarta.

Metodologi: Penelitian ini merupakan penelitian hukum normatif yang menggunakan pendekatan kasus. Ditekankan pada pertimbangan hukum hakim dalam memutus dan memberikan putusan atas suatu perkara.

Hasil: Penelitian ini menganalisis Keputusan No. 262/Pid.B/2018/Pn.Skt. Hakim menilai bahwa perbuatan yang dilakukan oleh kelompok pelaku tersebut berawal dari sifat agresif manusia karena animal power yang dapat menimbulkan perbuatan melanggar hukum. Sifat agresif manusia dalam suatu kelompok menimbulkan rasa kasih sayang dan ikatan yang menimbulkan kesamaan keinginan, tujuan, dan gagasan. Hal itu mengakibatkan rasa solidaritas dalam kelompok menurut terminologi ashobiyah.

Aplikasi penelitian ini: memberikan pengetahuan tentang (1) analisis yuridis berdasarkan faktor-faktor yang mempengaruhi terjadinya kekerasan massal, (2) pertimbangan yuridis dalam memutus perkara kekerasan massal di Kota Surakarta berdasarkan yuridis rationing dalam Putusan No. 262/Pid.B/2018/PN.Skt.

Kebaruan/Orisinalitas: Tulisan ini memberikan informasi baru tentang aksi kekerasan massal pada Putusan No. 262/Pid.B/2018/PN.Skt yang berkorelasi dengan terminologi

ashobiyah Ibnu Khaldun.

Kata kunci: *penalaran yudisial, kekerasan massal, agresivitas, ashobiyah*

INTRODUCTION

Violent behavior is human nature in an individual's interaction with a group or in an interaction between communities. Interpersonal relationships in these interactive processes may cause conflicts between the people involved, including intellectual actors that have conflict, initiators of conflict and provocateurs of violence that involve masses in society. This is possible because according to Hobbes, humans are creatures that are overpowered by irrational, anarchic, and mechanic impulses that lead them to have jealousy and hate between one another. This makes them have violent, evil, wild, and impulsive characteristics as a behavioral manifestation of the *homo homini lupus* figure (Suseno, 1987, pp. 200–207).

In line with Hobbes, Wolfgang and Ferracuti in Utari (2017, p. 94) stated that human behavior that is violent, evil, and wild is deviations from their normal condition. Violence is caused by two main factors: (1) inherent, i.e., a form of violence carried out by relatively autonomous individuals in undergoing violent actions and (2) structural, i.e., a form of violence that is understood as a result of social or structural relationship processes where the actors reside. Thus, individual actions are deemed as no more than artefacts or structural products.

The history in Indonesia shows that violence happened several centuries ago. Mass violence is not only analyzed from one aspect because, basically, it does not only happen in the current era, but it also happened in the past (Wibisono et al., 2019, pp. 43–45). The violence that happened among indigenous Indonesians during the colonial era was caused by structural factors, i.e., pressures from the colonial government. Raffles (1965, p. 254) stated that, "Vicinity and daily intercourse afford opportunities of conferring real assistance and acts of kindness: injustice and even violence may sometimes be committed against the inhabitants of other villages but very seldom by the inhabitants of the same village against each other". The violence that happened was caused by life pressures under the colonial government. Justice that does not discriminate against indigenous people was seldom truly upheld. This

shows that the occurrence of violence during the Dutch East Indies era was caused by inherent and structural factors.

In the development of the current era, violence is handled using components of the criminal justice system as one of the supporters or instruments in a criminal policy, including lawmakers. The components in the criminal justice system (both from the perspective of knowledge concerning criminal policies or in the practical aspect of law enforcement in criminal law) are the elements of the police force, attorney, courts, and correctional institutions. These four components are hoped to cooperate and form an 'integrated criminal justice system' (Atmasasmita, 1996, p. 24). Each of these institutions determines laws in their sectors and authorities. They also regard parts of activities to enforce the law. From the perspective of criminology, this is called crime control. It is a principle in preventing violence in the form of actions that must follow the values that live in society.

The criminal justice system is a systemic sequence that is directed to community members that violate criminal laws in the constitution. These laws act as a guideline that regulates how to treat people, including individuals or mass groups, that commit criminal actions. Law enforcement is a process that involves many parties, especially the police force. The position of police force sub-system has a central role as the guardians of the gate of the criminal justice system. Thus, the police force must undergo preventive and repressive measures to achieve legal certainty in society (Latukau, 2019, p. 3).

Law enforcement is a process of achieving ideas and the process for applying the efforts of law enforcement. It is also the true functioning of legal norms as guidelines to the behavior in a legal relationship in communal and stately life. The regulations on the crime of mass violence fulfilled the element of "with joint power" on people or goods as regulated in Article 170 of the Criminal Law. This law states that, "Anyone who openly and with joint power use violence against people or goods, is threatened with the punishment of imprisonment for at most five years and six months". This article described that the guilty is threatened with the following punishments (Sengkey, 2019, pp. 32–41): (1) the punishment of imprisonment for at most seven years, if the perpetrator deliberately destroyed goods or if the violence committed caused wounds; (2) the punishment of imprisonment for at most nine years if the violence caused severe wounds; and (3) the punishment of imprisonment for at most twelve years, if the violence caused death.

In the analysis of applied sociology, a group of people can be regarded as a crowd when referring to a form of human grouping that is not only limited to the physical gathering but there are also social ties that are naturally created due to the same interests. Individuals in the middle of a crowd also show drastically increasing courage due to encouragement from their peers in the group (Mehta, 2019, pp. 80–81).

Then, when seen from the psychological aspect, the term *crowd* is defined as a group of people who have new and different characteristics. They have the same direction. Thus, individual awareness disappeared. They form an individual creature, i.e., an organized crowd or a psychological crowd. In this case, individuals in that crowd experience a decrease in intellectual and capital competencies as well as the disappearance of rationality. Apart from that, these individuals also lost their belief in the legal system that applies (Aslami, 2021, pp. 58–69). People in crowds can easily follow the actions of others. This condition may make other individuals in the crowd lose control.

In the concept of social studies, violence is triggered by crowds whose roles become crucial after Le Bon published the book *The Crowd: A study of the Popular Mind* (original title: *La Foule*, 1985). Le Bon (2019) defined a crowd as a group of gathering individuals. According to the Crowd Theory of Le Bon, crowds of people can easily follow other people's actions and lose control. Thus, one may undergo aggressive, destructive, evil, and sadistic actions that cause crimes. The aggressive behavior of people in a group can create love and a sense of spiritual bond that connect each other, therefore forming similar desires, goals, and ideas towards their group as part of themselves.

Based on the background above, this research aimed to analyze the following issues: (1) How did the crime of violence initially happened thus becoming a material of analysis for judges in creating a verdict? and (2) What are the judicial considerations behind Decision No. 262/Pid.B/2018/PN.Skt?

RESEARCH METHOD

This was normative legal research. The research object was the crime of mass violence contained in Decision No. 262/Pid.B/2018/PN.Skt (*Putusan Pengadilan Negeri Surakarta Nomor 262/Pid.b/2018/Pn.Skt*, 2018). This research was conducted using the case approach that emphasized the analysis of the judicial consideration behind the decision. The procedures and methods of scientific research in normative legal research were carried out to find the

truth based on the logic of legal studies from the normative basis according to the applicable constitutional regulations (Ibrahim, 2006, p. 57).

The case approach in this research aimed to develop legal argumentation concerning a legal case according to the reality that happened in society. It aimed to find the value of truth and the best resolution to legal events according to the principle of justice. The case analyzed in this research was a case that obtained a courtly decision with permanent legal power, i.e., Decision No. 262/Pid.B/2018/PN.Skt. The core analysis was the judicial consideration to achieve a decision that can thus be used as argumentation in resolving legal issues that were faced in societal life.

This research was descriptively analyzed using primary and secondary legal materials in the form of laws, literature, scientific articles, etc. The research used the case approach. It was a type of legal research that tried to build a legal opinion on legal events that happened in the field. This research aimed to know the judges' reasoning behind the decision of a case on the crime of violence in mass groups. This research was conducted by analyzing the judicial considerations in deciding according to Article 170 of the Criminal Code.

RESULTS & DISCUSSION

A. Judges' Analysis on the Crime of Violence in the Decision No. 262/Pid.B/2018/PN.Skt.

From the perspective of the judges' analysis, the case of a crime of violence that involved a mass encompasses the position of the case, the action of mass violence, and the *ashobiyah* terminology in mass violence. The judges' analysis was described in Decision No. 262/Pid.B/2018/PN.Skt. that is described as follows:

1. The Position of the Case

The chronology of the crime of violence is based on the analysis of the judge in Decision No. 262/Pid.B/2018/PN.Skt. that on Wednesday, June 6th, 2018, at eight-thirty p.m. Defendant I named KS, Defendant II named AS, and Defendant III named DSP went to SKTV Karaoke entertainment center which was located at 436 Slamet Riyadi street, Purwosari, Laweyan District, Surakarta City. The Defendants wanted to find a security guard named IR in there. They wanted to find IR as IR was a coach in Persaudaraan Setia Hati Terate (PSHT/Lotus Loyal Heart Brotherhood, an Indonesian martial arts organization) as there was an issue within PSHT and other personal issues.

When the Defendants arrived at the SKTV Karaoke entertainment center, they did not meet IR, but they met Victim Witness named MP who also worked in that Karaoke. The Victim Witness shook hands with Defendant I but Defendant II already pushed Victim Witness to a sofa. Defendant I stopped the two from fighting but Defendant II said that his wife has an affair with the Victim Witness.

After hearing what Defendant II said, Defendant I became emotional and participated in empty-handedly hitting Victim Witness once to his face. Defendant I threw a dustbin that was in a room in SKTV Karaoke to Victim Witness but it hit the sofa. Defendant II hit Victim Witness using a stick several times, striking his body and legs. Defendant III hit Victim Witness empty handed once. The actions of these Defendants on Victim Witness caused him several physical wounds and damage to several goods on location.

2. The Crime of Mass Violence

Violence is a law-violating action (*onrechtmatigedaad*) that is carried out by more than one person, resulting in either physical or non-physical wounds to other people, causing the victim to experience harm or face varied forms of negative impacts. Hagopian (1978, p. 261) had an opinion on mass violence that is associated with “the nature of man”, which Durkheim (1990) called an ‘anomie’. This basic nature of humans causes a condition where there is a loss of societal orientation that influence the act of violence.

In essence, humans have the nature to destroy, where perpetrators commit violence without a sense of guilt. They forgot the norms of decency, religious norms, and a sense of humanity, thus blurring their initial motive and goal. Hobbes stated that humans potentially commit violence as a manifestation of every human’s aggressive and destructive nature (Wijanarko & Riyanto, 2021, pp. 275–278). Violence is basically an aggressive action that can be committed by every person in the form of violent actions (Rahman, 2022, p. 273).

Humans have an aggressive nature as a result of the presence of animal power in them that encourages them to commit violence or torture. The aggressiveness of humans that have intelligence and knowledge may make humans act more sadistically than animals. When humans live together in a group, a sense of affection for their group emerged as a manifestation of group identity. Ibn Khaldun calls this the terminology of *ashobiyah*, which means that humans can’t stand it when a member or some members of their group experience

hardship or have their dignity insulted. Thus, they carry out all efforts within their power to return the honor of their group (Affandi, 2004, p. 82).

In certain situations, this nature of violence can be prevented by various types of social control in society. A type of social control is legal norms. But when the law can no longer restrict the nature of violence and create social justice, members of society will have the courage to commit violence. This is sociologically called the action of persecution or *eigenrichting*.

The act of persecution in Indonesia is understood as the action of a group of people that coincidentally saw the occurrence of a criminal act. Then, society acted by chasing, capturing, and torturing (which may include hitting, kicking, slapping and even killing) the perpetrator (Suteki, 2017, p. 4). One of the causes of this situation is the people's loss of trust towards law-enforcing apparatus that society think picks and chooses several cases. Society believes that this apparatus failed to fulfill the sense of justice in society.

Masses have a strong sense of bond with their group due to similarities in desires, goals, ideas, etc. This is in line with what was expressed by Gustave Le Bon, where masses have the characteristics of mass psychology (Mahalleh et al., 2017, p. 764). Individuals that are incorporated in a mass will act according to the actions of the mass groups. This is because these groups will dissolve the individual spirit into a mass spirit. Masses have similar norms as they basically have their own regulations, habits, etc. (Ginneken, 1992, p. 131).

Violence is also a learned product of the development of situations. For instance, when some people gather, there is a tendency for the spirit of individuality to decrease. If someone initiates an act of violence, everyone will automatically do violence with increasing intensity as they motivate each other. The party that desired an act of violence can undergo instrumental aggression as a provocatory or ignite aggression of hostility due to uncontrolled anger. This can make individuals turn into crime perpetrators (Muhith, 2015, p. 17).

This violence is called vicarious learning as violent behavior is a learned product. The phenomenon of violence carried out by community members showed increasing patterns and intensities. This becomes the inspiration of practical action for community members in resolving their issues, i.e., through violence. The pattern of vicarious learning does not have to directly be experienced by the subject. This is because, in their learning process, humans learn through an observation towards a model (Uno, 2006, pp. 195–196). In this case, the process of

imitating violence does not only occur to adults and adolescents. But children can also commit violence.

3. The *Ashobiyah* Terminology in Mass Violence

Ibn Khaldun called the mutual understanding between members of a mass the terminology *ashobiyah*. It is a bond between group members. Ibn Khaldun divided the term *ashobiyah* into two: (1) positive *ashobiyah*, referring to the concept of brotherhood that forms the social solidarity of Muslims to work together. They put personal interests aside and fulfill their obligations towards one another and (2) negative *ashobiyah*, which caused blind loyalty and fanaticism that is not based on the aspect of truth desired from the Islamic governmental system, as it will blur the value of truth brought by religious principles.

The terminology expressed by Ibn Khaldun formed an attitude of solidarity that is carried out through all efforts and powers in the group to help its members. Ibn Khaldun's *ashobiyah* is one's feeling of affection or fanaticism towards his/her descendants, family, and group, which naturally occurred as a human nature that was gifted from Allah (God). It creates the behavior of helping one another (Widayani, 2017, p. 156). Humans are unwilling if their family members experience hardship or are insulted. Thus, they undergo all means to return the dignity of their group.

Ashobiyah with a negative meaning can happen to mass groups due to their mutual bonds as well as similarity in desires, goals, and ideas. Masses are influenced by external environmental conditions. Thus, they feel that they have similar norms as the rules and habits of that mass group. *Ashobiyah* is functionally a socio-cultural bond that is used to measure the strength of the social group and social solidarity in the form of group awareness, harmony, and unity (Esposito, 2001, p. 67). The act of violence by mass groups can be categorized as a form of negative *Ashobiyah* as humans couldn't take it if a member or some members of their group experience hardship or are insulted. Therefore, they commit actions that violate legal stipulations for the sake of solidarity with their group members.

B. The Judicial Consideration Behind Decision No. 262/Pid.B/2018/PN.Skt.

Next, this section analyzes and describes the consideration of judges in Decision No. 262/Pid.B/2018/PN.Skt. on the crime of violence.

1. The Element of the Article

Law No. 48 of 2009 Article 5 clause (1) stipulated that judges must discover, follow, and understand the values of law and the sense of justice that live in society. This stipulation aims so that the judicial decisions follow the law and the sense of justice in society. Judges are a formulator and a discoverer of legal values that live among the people. Because of that, judges must immerse themselves into society to understand, sense, and discover society's sense of law and justice (Malik et al., 2022, p. 162). This is because as law enforcers, judges must provide a basis for their consideration in giving a verdict towards perpetrators of crime.

In Decision No. 262/Pid.B/2018/PN.Skt., the Judge Assembly preferred the First Alternative Indictment, i.e., Article 170 clause (2) number 1 of the Criminal Code, with the threat of imprisonment of a maximum of seven years. The elements of the Article in the Criminal Code that became the background for the Judge's consideration for Decision No. 262/Pid.B/2018/PN.Skt. on the act of violence is described below:

a. The Element of 'Anyone'

The element of 'Anyone' refers to a legal subject submitted into the trial due to the indictment of a General Prosecutor. In this decision, legal subjects submitted by the General Prosecutor are according to the facts in the trial, which was based on their complete identities. Defendant I was KS, Defendant II was AS, and Defendant III was DSP.

b. The Element of 'Openly'

Based on Article 170 of the Criminal Code, the element 'openly' contained the meaning that the action was committed in the face of the public and in places that are open to the public, thus it can be viewed by other people. Prodjodikoro (in Maudoma, 2015, p. 70) stated the definition of 'openly' (*openlijk*) is 'not discretely'. This element is fulfilled if other people saw the act. Based on the facts in the trial, on Wednesday, June 6th, 2018 at around eight-thirty p.m., the three Defendants went to an entertainment center, SKTV Karaoke which was located at 436 Slamet Riyadi street, Purwosari, Laweyan District, Surakarta City. They wanted to meet IR in the SKTV Karaoke entertainment center located at 436 Slamet Riyadi street, Purwosari, Laweyan District, Surakarta City as they had personal issues with IR. But when they arrived on location, they met Victim Witness named MP who also worked in the SKTV Karaoke entertainment center. Karaoke is an entertainment facility provided and

opened to the public. Thus, anyone can visit it. When the Defendants committed the beatings, the element of ‘openly’ was fulfilled.

c. The Element of ‘with Joint Power’

The element of ‘with joint power’ is fulfilled if action is carried out by at least two people (Sengkey, 2019, p. 34). This was in line with the fact in the court, the Defendants were proven to carry out a criminal action, starting from when Defendants I, II, and III went to the place where IR worked as a security guard in the SKTV Karaoke entertainment center. The Defendants wanted to find IR as a PSHT coach as there were some issues in that organization. But when they arrived on location, they did not meet IR. Instead, they met Victim Witness named MP.

The Victim Witness shook Defendant I’s hand, but Defendant II suddenly pushed Victim Witness so that he fell to the sofa. Then, Defendant I made efforts to stop the two from fighting, but Defendant II said that Defendant II’s wife had an affair with the Victim Witness by saying in the Javanese language, “*Iki sing ngeloni bojoku lur!*” (“This is the guy that slept with my wife, Bro!”). After hearing Defendant II’s words, Defendant I became emotional and joined in hitting Victim Witness.

Defendant I empty-handedly hit Victim Witness once, striking his face. Defendant I also threw a dustbin that was in a room of SKTV Karaoke to the Victim Witness but it hit the sofa instead of the Victim Witness. Then, Defendant II hit Victim Witness using a stick several times, striking his body and legs. Defendant III hit Victim Witness empty handed once. Based on these facts, it can be concluded that the criminal action jointly carried out by three people by hitting Victim Witness has fulfilled the element of ‘with joint power’.

d. The Element of ‘Using Violence Against People or Goods’

Based on the facts in the court, the element of ‘using violence against people or goods’ has been fulfilled as described as follows: (1) Defendant I hit Victim Witness once, striking his face and body; (2) Defendant II hit Victim Witness using a stick several times, striking his body and legs; and (3) Defendant III hit Victim Witness empty-handed once.

e. The Element of ‘If the Perpetrator Deliberately Destroyed Goods of if the Violence Committed Caused Wounds’

The defendants' actions against Victim Witness caused several wounds, proven by the *Visum et Repertum* from the Brayat Minulya Hospital, Surakarta on June 11th, 2018 that was made and signed by a doctor. Based on this, it can be proven that the element of 'if the perpetrator deliberately destroyed goods or if the violence committed caused wounds' has been fulfilled. Victim Witness suffered from the following wounds: (1) a 5 cm bruise on the left forehead; (2) a bruise on the upper right arm, forming a line with a length of 20 cm; (3) a bruise on the lower right arm of approximately 10 cm; (4) a bruise on the left waist, with the diameter of 5 cm and stretching to approximately 15 cm; and (5) a bruise on the right foot sole with the diameter of 5 cm.

2. The Theory of Mass Violence

The judicial consideration was based on the rationing towards the theory of mass violence. The violence that involves masses does not happen all of the sudden, but it must go through several stages (premises) that must happen in order. This is because if a premise failed to happen, the violence that involves masses will dissolve and fail to occur. In this case, the stages of violence that involve masses according to the theory of mass violence from Smelser (1962, p. 128) are as follows:

First, structural conduciveness, i.e., a structural condition that caused violence to happen, which in this case was between Defendant I and IR from PSHT.

Second, structural strain which is a strain in the structure that gradually increased, starting from the effort of the three Defendants to find IR in the SKTV Karaoke where he worked.

Ketiga, generalized beliefs, which is a belief that publicly applies. In this case, the three Defendants had the understanding that there was a conflict between Defendant I and IR. Thus, as friends, they wanted to help each other.

Fourth, precipitating factors which was the factors that triggered the violence to happen. In this case, the main goal of the three Defendants in coming to the place where IR worked was to resolve an issue in the PSHT organization and other personal problems. When arriving at SKTV Karaoke, the three Defendants did not meet IR, but they met Victim Witness who also worked there. Victim Witness shook hands with Defendant I, but suddenly, Defendant II pushed Victim Witness until he fell on a sofa. Defendant I tried to stop them, but Defendant II said that his wife had an affair with Victim Witness. After hearing Defendant

II's words, Defendant I became emotional and also hit Victim Witness once empty-handedly, striking his face. Defendant I also threw a dustbin in a room of SKTV Karaoke to the Victim Witness but it hit the sofa instead of the Victim Witness. Then, Defendant II hit Victim Witness using a stick several times, striking his body and legs. Defendant III also hit Victim Witness empty-handed once. The Defendants' actions towards Victim Witness caused wounds.

Fifth, mobilization for actions which was proven by the arrival of Defendants I, II, and III to SKTV Karaoke to find IR. This was an effort of mass mobilization to undergo an action.

Sixth, failure of social control. This occurred because the law enforcing apparatus was late or failed to arrive at the place of the event at all. Thus, the violent actions committed by Defendants I, II, and III happened.

3. The Triggering Factor

The judge's consideration was based on the rationing that violence is commonly caused by a triggering incident. An individual conflict can trigger a larger conflict. These individual conflicts can cause the next conflicts as the attitude of the opposing party is viewed as a manifestation of resistance based on the movement of the party that is positioned as the enemy. The opposing party exists or is real as it has been identified in the previous process.

In the case above, the trigger was Defendant II's words, "*Iki sing ngeloni bojoku lur!*" ("This is the guy that slept with my wife, Bro!"). This sentence meant that Victim Witness was deemed to 'have an affair' with the wife of Defendant II. This triggering factor caused the objective of Defendants I, II, and III to shift from the initial goal. Initially, they came to SKTV Karaoke to find IR to resolve an issue concerning the PSHT organization. But this then shifted to a joint act of violence towards Victim Witness who was not the main target for the Defendants to come to SKTV Karaoke.

4. The *Ashobiyah* Perspective of Group Solidarity

Humans have an aggressive nature as a result of the animal power in them that pushes them to commit violence and torture. Violence is a human state of nature that is controlled by irrational and anarchic impulses as *homo homini lupus*. Crowds of people can easily copy other people's actions and lose control. Thus, they can carry out aggressive, destructive, evil, and sadistic actions that cause criminal actions. As a characteristic of mass psychology,

human aggressiveness that live together in a group can encourage the growth of love towards the group as a form of group identity.

The solidarity between individuals that are associated with a mass will carry out actions according to the wishes of the mass group, as the mass group will dissolve the individual spirit into a mass spirit. Masses have a bond due to their similar desires, goals, ideas, etc. Members of a mass have the same norms as they have their own regulations and habits.

The group solidarity in the perspective of *Ashobiyah* can be identified in the case of the crime of violence according to what was written in Decision No. 262/Pid.B/2018/PN.Skt. The Defendants had a sense of togetherness as they were all associated with the PSHT brotherhood and they had the same issue to resolve. Defendant II was the group member that obtained bad treatment from the Victim Witness as the latter carried out an act of indecency with Defendant II's wife. This led to a sense of mutual bond between the group members. Defendants I and II felt that they have a sense of solidarity to support their friend whose dignity was insulted by the Victim Witness.

5. The Judicial Rationing of Decision No. 262/Pid.B/2018/PN.Skt

The judicial rationing was based on the consideration that violence is a law-violating action (*onrechtmatigedaad*) committed by one or more people, either physically or non-physically to other people, causing the victim to experience losses or suffer from various kinds of negative impacts. According to Article 189 of the Criminal Code, in imposing a sanction on someone, the judicial decision must be based on two valid pieces of evidence. Then, based on these pieces of evidences, the judge can obtain the belief that the indicted crime truly happened and the Defendant has committed that action.

The judicial rationing in making this decision based on the judicial consideration was strengthened by some supporting theories on mass violence and facts in the trial. Thus, the order of the verdict was as follows:

1. It is stated that Defendant I named KS, Defendant II named AS, and Defendant III named DSP have been validly proven and convinced guilty of committing the crime of “openly and with joint power used violence against people that caused wounds”;
2. Imposed sanctions to each of the Defendants with imprisonment of five months and fifteen days;

3. Determining the period of arrest and imprisonment that have been served by the Defendants, totally subtracted from the imposed sanction;
4. Ordered the Defendants to stay in arrest;
5. Determining the pieces of evidence in the form of a copy of the CCTV recording and a black dustbin (a place to dispose of cigarette butts); and
6. Imposing Defendants to pay the case fee of Rp. 2.500,00 (two thousand five hundred rupiahs) each.

Based on the Decision No. 262/Pid.B/2018/Pn.Skt., the decision-making process carried out by the Judge Assembly was according to the applicable legal regulations, where there was a minimum of two pieces of evidence. In this case, the pieces of evidence used by the judges were a recording from the CCTV in SKTV Karaoke, information from witnesses, and information from Defendants that were summoned by the Public Prosecutor. These pieces of evidence showed that the Defendants committed a joint crime that caused wounds to another person (Wibowo & Wahyuningsih, 2019, pp. 301–322).

The judges' thought was also based on the understanding of the fact that imprisonment is not only a way to undergo revenge against the perpetrator's actions. But it also aimed to protect society and create justice and welfare. The sanctions imposed on the Defendants also aimed so that other people do not commit similar violent actions in the future. It also serves as a lesson for future generations.

CONCLUSION

The case of violent crime that involved masses in the perspective of the judicial analysis for Decision No. 262/Pid.B/2018/PN.Skt. encompassed the case position, the act of mass violence, and the *ashobiyah* terminology on mass violence. Violent actions happened as a manifestation of the aggressive and destructive nature of humans, where aggressive behavior encouraged people to commit violence or torture. In the terminology of Ibn Khaldun, this was called *ashobiyah*, which caused a sense of unwillingness in an individual if a member of one's group experience hardship or have his/her dignity insulted. Thus, they try to undergo actions of solidarity to recover the dignity of the group. Masses have a bond due to similar desires goals, ideas, and influences due to the external condition of the environment. Thus, they have norms or regulations and habits in their group.

The judicial consideration for Decision No. 262/Pid.B/2018/PN.Skt. on the crime of violence encompassed the element of the article, theory of mass violence, triggering factor, group solidarity in the perspective of *ashobiyah*, and the judicial reasoning in Decision No. 262/Pid.B/2018/PN.Skt. was according to the legal stipulations on the crime of violence and elements of the article in the Criminal Code, especially the element of ‘with joint power’ to people or goods as regulated in Article 170 of the Criminal Code. Judges understood that humans have the nature to damage or potentially commit violence as a manifestation of human nature. Thus, the legal event in Decision No. 262/Pid.B/2018/Pn.Skt. is a manifestation of the crime of violence committed together on a person, thus Defendants were imposed by sanctions according to the judges’ legal consideration.

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