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## LEGAL ASPECTS OF PROVING THE CRIME OF DEMOLITION BY AN UNKNOWN GROUP OF ADULTS

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### Abstract

**Background.** Persecution is all unlawful acts and actions of a person to a person that harm or cause pain to the human body or limbs, which are injuries suffered by the victim.

**Aims.** According to the doctrine, persecution has several elements, namely the existence of intentionality, deeds, and the consequences of the (intended) deed.

**Methods.** These elements will distinguish what type of persecution is committed. The types of criminal acts are ordinary, light, planned, severe, heavily planned, persecution of certain quality people, or in a certain way incriminating. In practice, it is pretty difficult to distinguish between ordinary persecution and persecution.

**Result.** The reason is that, in terms of evidence used, it only includes evidence in the form of Visum et Repertum from Victim Witnesses and statements from Witnesses.

**Conclusion.** The conclusion is that the article is based on the defendant's act of committing a criminal act of persecution that resulted in the victim being injured. This act was carried out illegally.

**Implementation.** Therefore, the defendant's article 351 paragraph (1) of the Criminal Code concerning persecution.

**Keywords:** persecution, groups, Cirebon

## Introduction

The crime of persecution is one of the most frequent forms of crime in society.<sup>1</sup> These crimes can occur in many forms, ranging from mild abuse to severe abuse resulting in death.<sup>2</sup> In the Indonesian criminal law system, persecution is categorized as a criminal act that attacks a person's physical integrity and is regulated in Articles 351 to 358 of the Criminal Code (KUHP). Although there are regulations governing persecution, in practice, many problems still arise in the implementation of the law against perpetrators. These problems include difficulties in proof, obstacles in disclosing the identity of the perpetrator, and challenges in applying sanctions that are below the threshold of error and consequences caused<sup>3</sup>.

One form of persecution that often occurs in society is demolition, which is a criminal act committed by more than one person jointly against a person or a group of people<sup>4</sup>. Demolition not only has a physical impact on the victim, but also has profound psychological and social effects. Victims often experience trauma, loss of security, and difficulty in obtaining justice, especially if the perpetrator is unknown or difficult to identify. One of the cases of demolition that is of concern is the incident in Cirebon City. Based on the victim's statement, this incident occurred at night at a café, where the victim and his friends gathered. For no apparent reason, a group of people came and immediately carried out a physical attack using bare hands and blunt objects, such as wood. As a result of the incident, several victims suffered serious injuries, including concussions and bruises on various parts of the body. CCTV footage at the scene showed the involvement of several individuals. Still, the perpetrators' identity was challenging due to the lack of lighting and the use of attributes that covered their faces.

This case is critical to study further because it shows a gap in law enforcement against the crime of demolition. When the perpetrator cannot be identified, the legal process often encounters obstacles, both in the investigation stage and judicial process. In many cases, proof of criminal acts of demolition depends on evidence such as *visum et repertum*, witness

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<sup>1</sup> Kurniawan, A. (2023). Juridical Review Of The Crime Of Demolition Resulting In Injury (Case Study Case Number 85/Pid. B/2022/PN. Bnr) (Doctoral Dissertation, Sultan Agung Islamic University Semarang).

<sup>2</sup> ULUAN, R. (2023). Criminological Review Of The Crime Of Demolition And Destruction By Residents Of Lorong Seit, Lebak Bandung Village In The Jurisdiction Of The Jelutung Sector Police (Doctoral dissertation, Batanghari University of Jambi).

<sup>3</sup> Adriani, E. N., & Azizah, N. (2024). A review of Islamic criminal law against children as perpetrators of the crime of demolition. *Legal Standing: Journal of Legal Science*, 8(1), 226-238.

<sup>4</sup> Mosargadhajo, Y., Huda, M., & Usmansyah, I. (2023). Juridical Review of Violent Crimes against Officers Who Are Performing Lawful Duties: A Case Study of Assault on Members of the Medan Police. *HUMANIORUM*, 1(02), 48-54.

statements, and CCTV footage. <sup>5</sup>However, the effectiveness of this evidence is not always optimal, especially when witnesses experience fear of giving testimony or CCTV footage is not clear enough to identify the perpetrator <sup>6</sup>individually. Another obstacle often occurs is the legal limitations in regulating more effective mechanisms for action against unknown perpetrators. In practice, law enforcement officials usually face a dilemma between the limitations of evidence and the public's demand to take action against the perpetrators immediately. This shows the need for a more in-depth study of how Indonesian criminal law regulates rape cases, especially in the aspect of proving and applying sanctions against perpetrators whose identity is not known for sure<sup>7</sup>.

Therefore, this study aims to examine the juridical aspects of the criminal act of demolition committed by an unknown person. In addition, this study will also analyze how the legal mechanisms available in the Criminal Code and other related regulations in handling this kind of case. This research is hoped to contribute to the development of criminal law in tackling criminal acts of demolition and provide recommendations for law enforcement officials to improve the effectiveness of handling similar cases in the future.

### **Problem Formulation**

Based on the introduction that has been described, this study will answer the following key questions:

1. What is the legal arrangement regarding the crime of demolition in the Indonesian criminal law system?
2. What is the evidentiary process in demolition, especially when the perpetrator is unknown?
3. What obstacles do law enforcement officials face in uncovering and taking action against the perpetrators of demolition, based on a case study that occurred in Cirebon City?

### **Research Methods**

The type of research used in this study is normative juridical, which focuses on assessing legal norms based on relevant laws and regulations, legal doctrines, and jurisprudence. This

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<sup>5</sup> tamimi, M. I. (2023). Juridical Review Of The Crime Of Demolition According To Article 170 Paragraph (1) Of The Criminal Code (Study of Decision No. 19/Pid. B/2021/Pn. Unr) (Doctoral dissertation, Sultan Agung Islamic University Semarang).

<sup>6</sup> Rahmi, A. (2018). The urgency of protection for victims of sexual violence in an integrated criminal justice system with gender justice. *Mercatory Journal*, 11(1), 37–60. <https://doi.org/10.31289/mercatoria.v11i1.1499>

<sup>7</sup> Rantau, J. R. (2024). Review Of The Crime Of Demolition That Causes The Death Of A Person (Doctoral dissertation, Islamic University of Kalimantan MAB).

approach aims to analyze how the law regulates the crime of demolition and how these provisions are applied in the Indonesian criminal law system.

### **This study uses several approaches:**

Statute Approach As normative legal research, the author used the statute approach to discuss this problem by examining all laws and regulations that are interrelated to the legal issues being handled.<sup>8</sup> This study examines various applicable legal regulations, such as the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), and other legal documents relevant to the crime of demolition.

The Conceptual Approach is used to understand legal concepts related to persecution and demolition, including elements of criminal acts, proof, and the application of sanctions based on legal doctrine.

### **Data Sources**

The data sources used are secondary data (data obtained from literature studies), such as the Constitution of the Republic of Indonesia in 1945, Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP)

#### **Article 183**

A judge may not impose a sentence on a person unless, based on at least two valid pieces of evidence, he is convinced that a criminal act actually occurred and that the defendant is guilty of committing it.

#### **Article 184**

(1) Valid evidence is: a) witness testimony; b) expert testimony; c) letters; d) instructions; e) Defendant's statement.

(2) Things generally known do not need to be proven.

#### **Article 185**

(1) The testimony of witnesses as evidence is what the witness stated at the court hearing.

(2) A witness's testimony alone is insufficient to prove that the defendant is guilty of the act charged against him.

(3) The provisions as intended in paragraph (2) shall not apply if accompanied by other valid evidence.

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<sup>8</sup> Johnny Ibrahim, Normative Law Research Theory & Methodology, Bayumedia Publishing, Malang, 2007. p. 302

(4) The testimony of several witnesses who stand alone about an event or circumstance may be used as valid evidence if the testimony of the witnesses is related to each other in such a way as to justify the existence of an event or circumstance.

(5) Neither opinions nor fabrications, obtained from the results of thought alone, are witness statements.

(6) In assessing the veracity of a witness's statement, the judge must seriously observe:

a) the correspondence between the testimony of witnesses and each other; b) the correspondence between the testimony of witnesses and other evidence; c) the reasons that may be used by the witness to give specific evidence; d) the way of life and the morality of the witness and everything that can generally affect whether or not the testimony can be believed;

(7) Testimony from witnesses who are not sworn, even though they are by one

### **Article 351**

(1) Persecution is threatened with imprisonment for a maximum of two years and eight months or a maximum fine of four thousand five hundred rupiah.

(2) If the act results in serious injury, the guilty person is threatened with imprisonment for a maximum of five years.

(3) If it results in death, it is punishable by imprisonment for a maximum of seven years.

(4) Persecution is equated with deliberately damaging health.

(5) Attempts to commit this crime are not punishable.

### **Article 352**

(1) Except as mentioned in Articles 353 and 356, any persecution that does not cause illness or an obstacle to carrying out the work of office or search shall be threatened, as minor persecution, with imprisonment for a maximum of three months or a fine of not more than four thousand five hundred rupiah. A penalty can be added to one-third for the person who commits the crime against the person who works for him, or becomes his subordinate.

(2) An attempt to commit this crime is not punishable.

### **Article 353**

(1) Persecution with prior planning, threatened with imprisonment for a maximum of four years,

(2) If the act results in serious injury, the guilty person shall be punished with imprisonment for a maximum of seven years.

(3) If the act results in death, the guilty person shall be punished with imprisonment for a maximum of nine years.

### **Article 354**

(1) Whoever deliberately injures another person shall be sentenced to imprisonment for a maximum of eight years.

(2) If the act results in death, the guilty person shall be punished with imprisonment for a maximum of ten years.

### **Article 355**

(1) Severe persecution carried out with prior planning is punishable by imprisonment for twelve years.

(2) If the act results in death, the guilty person shall be punished with imprisonment for a maximum of fifteen years.

This study's data collection technique involved literature and field studies. Literature studies examine various legal sources, including laws, books, journals, and other legal documents.

The results of this research method will be analyzed using a normative juridical approach to identify the suitability between criminal law theory about proof and its application in the case of demolition in Cirebon City. This analysis aims to provide a comprehensive overview of how evidence is interpreted in judicial practice and the application of criminal law related to the crime of demolition.

## **DISCUSSION**

### **Legal Regulations for the Crime of Demolition**

In every country's legal system, criminal acts that target the body are referred to as "persecution" in the Criminal Code. Provisions regarding persecution have been regulated in the Criminal Code.<sup>9</sup>

Demolition and persecution are two criminal acts regulated in the Indonesian Criminal Code (KUHP), in Article 170 and Article 351, respectively. Article 170 of the Criminal Code states that demolition is an act of violence committed jointly by more than one person against people or goods, which can result in various physical or material losses. Meanwhile, the definition of Persecution is based on Article 351 of the Criminal Code, which is a deliberate act that causes pain or injury to another person, without requiring the involvement of more than one perpetrator.

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<sup>9</sup> Prof. Dr. Mochtar Kusumaatmadja, SH. LL.M. Prof. Dr. B. Arief Sidharta, SH, 2000, *Introduction to Law: A First Introduction to the Scope of Legal Science*, Bandung: PT Alumni, pp. 1-2

Any action that deviates from the applicable rule of law must be accounted for. Acts of persecution that cause minor injuries are included in the criminal act of minor persecution as stated in Article 352 of the Criminal Code. Meanwhile, persecution resulting from injury is regulated in Article 351, paragraph (1) and Article 353, paragraph (1). If the victim is seriously injured, the criminal act is regulated in Article 354 paragraph (1) and Article 355 paragraph (1) of the Criminal Code. Unlawful acts of persecution are subject to sanctions, and the presence of law enforcement officials is essential in enforcing this rule.<sup>10</sup>

The law functions as a tool of social control, including limiting and directing people's behavior so they do not commit acts of persecution. The crime of persecution is a problem that continues to exist in society and cannot be eliminated. Therefore, efforts must be made to implement crime prevention measures. In the criminal justice process, witness testimony becomes valid evidence, where witnesses must hear, see, or experience firsthand the occurrence of a criminal act. The presence of witnesses and victims is significant for law enforcement officials. Still, often they experience threats both physically and psychologically from certain parties, which can hinder the legal process.

Persecution cases are criminal acts that have the potential to occur throughout Indonesia, including Cirebon City. One of the cases of persecution in Cirebon City was carried out by someone in the criminal act of persecution of the victim's witness. The defendant, who has the initials D, had persecuted the victim's witness in Cirebon City and was charged under Article 351 paragraph (1) of the Criminal Code concerning persecution.

The facts revealed from the victim's statement are as follows.

The night before last, the victim and three friends decided to relax at Lilith Cafe. The lively and vibrant atmosphere of the café provides an opportunity for them to socialize and enjoy togetherness. In a heated conversation, one of the victim's friends named Fazri arrived and joined the group, adding to the cheerfulness of the night's atmosphere.

However, the initially familiar and pleasant atmosphere soon turned tense. Shortly after the arrival of a friend named Fazri, a group of unknown individuals entered the café and immediately approached the table where the victim and his friend were sitting. Without giving any warning or apparent reason, the group launched a brutal physical attack on the victim and his friends. Three people from the attacking group reportedly carried wood as weapons.

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<sup>10</sup> Abdul Rahman, 2021, *The Effect of Training on Employee Performance at Bank Sumatra Babel Human Resources Division Palembang*, Jurnal Adminika, Vol 7 No 2, p. 110  
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The victim tried to protect himself by resisting the wooden attack, but he suffered serious injuries to his right arm due to the hard blow. The victim's friends were also seriously injured; Satrio sustained a concussion due to a blow from behind that caused him to fall, Bimo suffered a wound to his left eye, while Ajat sustained a wound to his left abdomen.

Chaos ensued in a short time, with the sound of screams and the sound of wood hitting the body filling the café. Other visitors appeared panicked and tried to move away from the scene. After a few minutes that felt very long, the perpetrators finally fled the scene.

After the situation began to calm down, the victim and his friends tried to calm down and understand what had just happened. In an attempt to identify the perpetrators, the victim asked the café manager for permission to view CCTV footage that might provide clues as to the attacker's identity.

When reviewing the CCTV footage at around 10 p.m., the perpetrators' faces were not clearly visible. However, after making more careful observations, the victim felt that he recognized a figure similar to his old friend from the village, Dodi. This discovery caused a sense of shock and confusion for the victim, considering that Dodi was an individual he knew well.

Furthermore, the victim also noted that one of the perpetrators used an automatic motorcycle when he arrived at the scene. However, the type of motorcycle cannot be recognized with certainty because, after the beating incident occurred, it was not clearly visible in the footage.

In this context, it is essential to note that the eyewitnesses in the incident consisted only of the victim and his friends who were attacked. Considering the serious injuries suffered by Satrio, Bimo, Ajat, and himself as a result of the act of violence, the victim felt very compelled to report this incident to the authorities. The victim hopes that strict action can be taken against the perpetrators to prevent the recurrence of similar violence in the future.

This fact is part of the plaintiff's statement that he felt aggrieved by the defendant's actions.

According to criminal law, the elements of persecution include the following: There is intentionality, there is an act, there is a consequence of the act (intended), namely: a) pain in the body, b) wound in the body. The first element is in the form of a subjective component (error), while the second and third elements are objective.

The crime of persecution is a crime against the body and all its parts, to cause injury or pain to the body and even cause death. Persecution in the Criminal Code is regulated in Book

II (two), CHAPTER XX (twenty), starting from Article 351 to Article 355 with the following description:

1. Ordinary persecution (Article 351 of the Criminal Code)

Article 351 of the Criminal Code reads, namely:

- I. Persecution is punishable by imprisonment for a maximum of two years and eight months or a maximum fine of Rp 4,500
- II. If the act causes serious injury, the person is guilty of imprisonment for five years.
- III. If the act causes the death of a person, he is sentenced to seven years in prison.
- IV. Persecution is equated with intentionally damaging people's health.
- V. Attempts to commit this crime are not punishable.

According to S. R. Sianturi, the element of error here must be deliberate. The perpetrator knew his actions and wanted pain or injury to the object.<sup>11</sup> The law against a person includes an attitude of wrong mind and an act that is punishable with a criminal offense. This is in accordance with the principle of no crime without error, which shows that a person can only be punished for his actions if he is wrong.<sup>12</sup>

- a. Article 351, Paragraph (2) of the Criminal Code mentions serious injuries that are not wanted. The serious injury in question was not a purposeful injury or arose beyond the perpetrator's will. The definition of serious injury can be seen in the formulation of Article 90 of the Criminal Code:  
*"What is said to be a serious wound on the body, namely: an illness or wound, which cannot be expected to heal perfectly or which can cause mortal danger; continuously no longer able to perform a position or job; no longer use any of the senses; scabbard, paralyzed, changed mind (intellect) for more than four weeks; aborting or killing the child from the mother's womb."*
- b. Article 351, Paragraph (3) of the Criminal Code is aggravated if the perpetrator's actions cause the death of the person. The death of a person in this criminal act is a result that is not the purpose or will of the perpetrator.
- c. Article 351, Paragraph (4) of the Criminal Code expands the definition of persecution. Intentionally damaging or harming a person's health is interpreted as doing an act to cause another person to suffer from a disease.

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<sup>11</sup> S.R Sianturi, S. R, 1983, *Criminal Acts in the Criminal Code and Its Description*, Jakarta: AHM Alumni, p. 44

<sup>12</sup> Anwar, Moch, 1986, *Special Section Criminal Law (Criminal Code Book II)*, Bandung: Alumni, p. 56

- d. Article 351, Paragraph (5) of the Criminal Code states that attempts to commit a crime cannot be punished.
2. Petty mistreatment (Article 352 of the Criminal Code) According to M. Sudradjat Bassar, minor mistreatment is (Basar, 1984):
  - a. It does not cause illness or prevent people from carrying out their positions or livelihoods.
  - b. Not planned.
  - c. Do not use objects that endanger people's lives or health.
  - d. It is not done against parents, wives, husbands, children or employees who are performing their obligations.
3. Premeditated persecution (Article 353 of the Criminal Code) The article reads, namely (Soesilo):<sup>13</sup>
  - a. Persecution carried out in advance is sentenced to imprisonment for a maximum of 4 (four) years.
  - b. If the act causes serious injury, the sinner is wrongly imprisoned for 7 (seven) years.
  - c. If the act causes the person's death, he is imprisoned for 9 (nine) years.

The article includes elements planned in advance, including aggravating punishments. *Voorbedachte rade*, or planned in advance, means that between the intention for the persecution and its implementation, there is still time for the perpetrator to calmly think about how the persecution will be carried out.
4. Severe persecution (Article 354 of the Criminal Code) The formulation of the article reads:
  - a. Whoever deliberately injures severely. Others were punished for severe persecution, with a maximum prison sentence of 8 (eight) years.
  - b. If the act causes the person's death, the offender is sentenced to imprisonment for a maximum of 10 (ten) years.

The above article is called severe persecution because the perpetrator's actions are intended to cause serious harm. Comparing the provisions of Article 351 Paragraph (2) with Article 354 Paragraph (1) of the Criminal Code, the criminal threat is proportional to 5 (five) years to 8 (eight) years, although both victims were seriously injured. This is because the elements contained in Article 351 Paragraph (2) of the

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<sup>13</sup> R. Soesilo, 1995, *Criminal Code*, Bogor: Politea, p. 249  
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Criminal Code, serious injuries are not intended and are only a consequence, while in Article 354 Paragraph (1) of the Criminal Code serious injuries are desired.

5. Aggravated premeditated persecution (Article 355 of the Criminal Code)

Persecution according to this article is persecution in Article 354 of the Criminal Code which is carried out with prior planning. The perpetrator has thought, considered and determined the time, place, method and tools used to carry out the persecution.

6. Persecution of certain persons by means of objects (Article 356 of the Criminal Code)

The objects listed in this article have been specifically and limitingly, namely: his mother, his father according to the law, his husband or wife, his child or a civil servant when or because of carrying out his lawful duties. The mother in this article is the one who gives birth and the father is the legal father. The husband or wife in this article is his own husband as an object if his wife is the subject or the perpetrator.

7. Assault or fight (Article 358 of the Criminal Code)

The application of the above article can be carried out in the event of a fight between several people, namely more than two people, resulting in serious injury or death. Still, it is not known which of the people has seriously injured or killed the other person. Suppose it can be proven which of the people has caused serious injury or death. In that case, the person is not only prosecuted under Article 358 of the Criminal Code, but also subject to provisions regarding persecution or murder committed.

### **Proof of Criminal Acts in Demolition Cases**

Proof of the crime of demolition is based on Article 183 of the Criminal Procedure Code, which requires at least two valid pieces of evidence to convince the judge that the criminal act occurred and that the defendant is the perpetrator. This article is an essential basis in the Indonesian criminal law system because it emphasizes that the judge's conviction must be based on valid and sufficient evidence to prove the defendant's guilt.

Article 184 of the Criminal Code then details the types of valid evidence, namely: 1) Witness statement, 2) Expert testimony, 3) Letter, 4) Instructions, 5) Defendant's statement.

The evidence in the criminal act of demolition that occurred in Cirebon City is supported by several main evidence, namely CCTV recordings, visum et repertum results, and witness statements. CCTV footage plays a role in recording events directly, so it can be used to identify the chronology of events and the involvement of certain parties. While combing the area around the crime scene, one of the officers also found a wood about one meter long lying in a ditch

not far from the demolition site. The wood appeared to have brownish-red stains that were suspected to be blood stains. The police immediately secured the wood as additional evidence. If the forensic examination results prove that the wood was used in an act of violence, then this wood can be corroborating evidence.

The existence of this evidence is in line with the provisions in Article 185 of the Criminal Code paragraphs (2)–(5), which stipulates that:

*(2) A witness's testimony alone is insufficient to prove that the defendant is guilty of the act charged against him.*

*(3) The provisions as intended in paragraph (2) shall not apply if accompanied by other valid evidence.*

*(4) The testimony of several witnesses who stand alone about an event or situation can be used as valid evidence if the testimony of the witnesses is related to each other in such a way that it can justify the existence of a certain event or circumstance.*

*(5) Neither opinions nor fabrications, obtained from the results of thought alone, are witness statements.*

In addition to CCTV footage and physical evidence, the results of the *visum et repertum* include medical evidence showing physical injuries due to violence. This evidence strengthens the suspicion that the demolition occurred. Meanwhile, witness statements provide an overview of the events and can support other evidence in the legal process. With this evidence, the evidentiary process in the criminal act of demolition can be carried out more systematically to ensure the clarity of the events and the involvement of the perpetrator.

This theory of proof, based on 'valid evidence', also refers to the principle of beyond a *reasonable doubt*, which means that the judge must have full conviction based on the available evidence that a criminal act occurred and that the defendant is the perpetrator. This principle has become an international standard in criminal law to ensure justice for defendants and victims.

However, in practice, proving the crime of demolition often faces obstacles. For example, witnesses may feel afraid to state because of threats from the perpetrator, or CCTV footage is not clear enough to identify a specific individual. Therefore, law enforcement officials need to optimize the use of evidence and ensure protection for witnesses so that the legal process runs smoothly.

## **Obstacles in Law Enforcement**

Evidence in demolition cases faces various obstacles that complicate the legal process, especially in identifying the perpetrators, limited evidence, and dilemmas law enforcement officials face in handling cases with minimal evidence. One of the main obstacles is the difficulty in determining the perpetrators, especially if the victim or witness does not know the perpetrators. The perpetrators often use specific attributes such as masks, hoodies, or dark clothing that make their faces challenging to recognize. In addition, poor lighting conditions at the scene, mainly if the incident occurred at night or in a poorly lit place, further complicate the identification process. In addition, the limitation of evidence is also a big challenge in proving the demolition case. The available CCTV footage is often unclear or insufficient to identify specific individuals. Many factors affect the clarity of the footage, such as the shot's angle, the camera's quality, or the distance between the camera and the scene of the incident. On the other hand, witness testimony that should be supporting evidence is often utterly unreliable due to social pressure or fear of threats from perpetrators. Even if witnesses are willing to testify, differences in viewpoints and limited memory can lead to inconsistencies in their statements. Meanwhile, *visum et repertum* can prove the existence of physical injuries to the victim. However, it does not directly link the injuries to the perpetrator's identity, so it still requires other, more substantial evidence.

Another obstacle is also an obstacle to proving the existence of false testimony. In some cases, witnesses may give testimony not based on the facts due to pressure from certain parties, intimidation, or personal interests. False testimony can hinder the legal process and potentially mislead the investigation's course, ultimately leading to errors in legal decision-making. Therefore, the law has regulated criminal threats for witnesses who give false information at trial through Article 174 of the Criminal Code, which allows judges to detain witnesses suspected of lying to be prosecuted for perjury. In addition, Article 242 of the Criminal Code also threatens witnesses who give false testimony with a prison sentence of up to 7 years. If the false testimony is presented in a criminal case that harms the defendant or suspect, the punishment can reach 9 years.

In addition to technical obstacles in proof, law enforcement officials face a dilemma in following up on demolition cases, especially when the existing evidence is not strong enough to legally ensnare the perpetrators. In many cases, pressure from the public to immediately arrest and punish the perpetrators contradicts legal principles prioritizing certainty and justice. Authorities are often in a difficult position when balancing the demands of the public, who want a quick settlement, with legal procedures that require an in-depth investigation process.

Loopholes in the legal system that a more effective evidentiary mechanism has not yet regulated are also factors that complicate the law enforcement process in demolition cases.

## CONCLUSION

### 1. Legal Regulation of the Crime of Demolition

The crime of demolition is regulated in Article 170 of the Criminal Code and Article 351 of the Criminal Code. Article 170 of the Criminal Code defines demolition as a joint act of violence by more than one person against a person or property, which can cause physical or material damage. Meanwhile, Article 351 of the Criminal Code regulates persecution as a deliberate act that causes pain or injury to another person without requiring the involvement of many perpetrators. These two articles are the legal basis for enforcing demolition cases in Indonesia.

### 2. Proof of Criminal Acts in Demolition Cases

The proof of the demolition case refers to Articles 183 and 184 of the Criminal Code, which require a minimum of two valid pieces of evidence to convince the judge that a criminal act occurred and that the defendant is the perpetrator. Valid evidence includes witness statements, experts, letters, instructions, and the defendant's statements. In the case of demolition, evidence such as visum et repertum, witness statements, and CCTV footage is often used. However, proof is frequently hampered by the fear of witnesses giving information or the inadequate quality of CCTV footage.

### 3. Obstacles in Law Enforcement

Law enforcement officials face various challenges in uncovering perpetrators of demolition, especially when the perpetrators are unknown or use attributes that disguise their identities. The main obstacles are the limitation of evidence and the fear of witnesses providing information. In addition, the lack of a more effective legal mechanism to crack down on unknown perpetrators complicates the law enforcement process, as happened in several cases in Cirebon City.

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