



LAW ENFORCEMENT AGAINST CHILDREN AS CRIMINAL PERPETRATORS THE BRAWL IN PERCUT SEI TUAN FROM THE PERSPECTIVE OF CRIMINAL LAW AND ISLAMIC CRIMINAL LAW

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ABSTRACT

Juvenile delinquency, as an act that violates laws and social norms during the transitional period of adolescence, has shown an alarming increase each year in Indonesia, including frequent occurrences in the Percut Sei Tuan area of North Sumatra. One of the most severe and recurring forms of juvenile misconduct is group brawls among students or gangs, which are mass fights often involving sharp weapons and have resulted in numerous casualties. In this research, the researcher is interested in examining Law Enforcement Against Children as Perpetrators of Brawls in Percut Sei Tuan in the Perspective of Criminal Law and Islamic Criminal Law. This study applies an empirical research method using primary data obtained from the Percut Sei Tuan Police Station. The findings from the field (Case Study at Polsek Percut Sei Tuan) indicate that handling brawl cases involving minors by merely giving verbal warnings and returning the children to their parents does not create a deterrent effect. As a result, brawls continue to occur repeatedly. This condition highlights that the efforts made by parents, schools, and law enforcement specifically the Percut Sei Tuan Police are not yet effective in providing a meaningful deterrent for the perpetrators. In Islamic criminal law, children who participate in brawls are not subjected to criminal punishments such as hudud or qishash. However, if the brawling is repeated, the child may be subjected to ta'zir sanctions in the form of detention or structured guidance by the competent law-enforcement authorities as a firmer disciplinary measure intended to create a deterrent effect and provide a meaningful lesson for the offender.

Keywords: Law enforcement, Brawl, Islamic criminal law

1. INTRODUCTION

Juvenile delinquency is an act that violates the laws or norms prevailing in a country. This behavior occurs during the transition from childhood to adulthood. The rate of juvenile delinquency increases annually, with various accompanying problems. This is an

important topic widely discussed by various groups due to its alarming impact. According to WHO data, the global adolescent population reaches approximately 1.8 billion, while in Indonesia there are approximately 4.6 million adolescents aged 10–19. This large number of adolescents is inextricably linked to deviant behavior, both internationally and nationally. Examples of juvenile delinquency in Indonesia include promiscuity, drug abuse, theft, and brawls. Causal factors include internal factors such as identity and self-control, as well as external factors such as the environment, family, and education.

One form of juvenile delinquency that is the focus of this research is brawls between teenagers, known as *tawuran* (brawls). The culture of brawls in Indonesia is nothing new. Student brawls occur not only in large cities but also in areas previously considered unlikely. Brawls involve not only minor violence but also fatal acts using various weapons, from sharp weapons to acid. These brawls have claimed hundreds of lives.

Brawls in Indonesia, like an unbroken chain, have become a major problem among teenagers since the 1990s, particularly in large cities. Brawls are considered a form of juvenile delinquency. The term "*tawuran*" refers to a mass fight between two groups accompanied by demeaning language and behavior, with the aim of injuring the other party. Brawls in Indonesia often occur between groups with similar backgrounds, whether from school, region, or social class. In Jakarta, brawls occur almost weekly.

Brawls are a criminal offense because they violate Articles 170, 351, 355, and 358 of the Criminal Code, as well as Article 489, which is a misdemeanor. Article 358 of the Criminal Code states that anyone who participates in an attack or fight is subject to criminal penalties as stipulated in that article. Perpetrators of brawls can be sentenced to a maximum of 2 years and 8 months in prison if they cause serious injury, and 4 years if they result in death. Based on Article 81 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), the maximum prison sentence that can be imposed on children is half the sentence for adults.

Conditions in the field show that the causes of brawls are often non-specific. One common reason for brawls is the issue of insulting self-esteem or group pride due to an excessive sense of solidarity. Gang members feel obligated to defend their friends or group when they feel insulted, demeaned, belittled, or attacked by another group. This can inflame emotions among teenagers, which can lead to offense. This leads to violence in brawls.

Brawls are acts of violence prohibited in Islamic teachings, as stated in Surah Al-Ahzab: 58. Brawls, when viewed from their behavior/actions, can be categorized as *ta'zir* crimes. These acts against one another or against another group are strictly prohibited, because all humans are equal before Allah SWT; the only difference is their righteous deeds. Violence, from an Islamic perspective, is an act of coercion that causes suffering to another party.

The rights and obligations of every human being according to Islamic law can be divided into four categories: the rights of Allah SWT that must be fulfilled by humans, the rights of oneself, the rights of fellow humans, and the rights of other creatures and potential objects given for the benefit of human life. Evidence confirms the importance of always maintaining peace, as stated in Surah Al-Ahzab, verse 58:

وَالَّذِينَ يُؤْذُونَ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ بَغَيْرِ مَا اكْتَسَبُوا فَقَدْ احْتَمَلُوا بُهْتَانًا وَإِثْمًا مُّبِينًا

Meaning: "And those who hurt male and female believers without any fault they have committed, then indeed they have carried lies and real sins." (QS. Al-Ahzab: 58)

Law Number 11 of 2012 concerning Child Protection and Child Protection (SPPA) assigns the Ministry of Social Affairs to implement social rehabilitation policies for Children in Conflict with the Law (ABH). As an implementing regulation, Minister of Social Affairs Regulation Number 9 of 2015 concerning Social Rehabilitation for ABH was issued. This regulation is expected to serve as a framework of reference that serves as a guideline for local governments, law enforcement officers, child welfare institutions, and the community. In law enforcement, law enforcement officers have imposed sanctions on children involved in brawls. However, after being given sanctions, whether returned to their parents or continued through legal proceedings, children still repeat their actions.

2. RESEARCH METHOD

In this study, the type of research conducted is Empirical research. Empirical research is. Empirical legal research or sociological research is legal research that uses primary data. According to the Empirical approach, knowledge is based on facts obtained from research and observation. This research approach uses primary data obtained directly from the field, so it is appropriate to examine the practice of law enforcement and the application of sanctions against child brawlers in Percut Sei Tuan, as well as reviewing its application from the perspective of Islamic criminal law. Data sources in this study include two types of data required. The first type of data is called primary data, which is data obtained from the results of empirical research conducted directly in the field, namely law enforcement officers at the Percut Sei Tuan Police. Primary data sources are data taken from their sources or from the field, secondly, secondary data, which functions as a complement or support for primary data including official documents, books, and even research results in the form of reports. The data collection technique used in this study is by interviewing respondents to answer several questions determined by the author and literature studies obtained through written materials such as books, journals, documents or literature related to this research. Data analysis is a research activity that involves reviewing the results of data management. The data analysis used by the author in this study is descriptive, providing an explanation of the research subjects and objects, as well as the results of the research conducted by the author.

3. RESULT AND ANALYSIS

Field findings indicate that the brawls occurring in Percut Sei Tuan District, dominated by juveniles, are not simply the result of spontaneous mischief, but rather a form of structured social conflict rooted in collective identity. This is illustrated by the statement

of First Inspector of Police (Ipda) Adek Rusli Sinaga, who stated that brawl incidents often begin with "promises to attack" or "unexpected arguments when meeting on the street." Furthermore, Ipda Adek Rusli Sinaga, S.H., M.H., stated that there were 65 brawl cases in 2025 at the Percut Sei Tuan Police Station. He also stated that many brawls go unreported due to fear of sanctions for involvement. Law enforcement is an effort to translate legal norms into reality, adhered to by society, in accordance with basic democratic principles, such as legitimacy, accountability, protection of human rights, freedom, transparency, the division of power, and community oversight, while adhering to the principle of equality before the law (Husin, 2020). When group identity (school or gang) becomes stronger than family or school control, brawls are no longer viewed as criminal acts, but rather as rituals demonstrating group honor. This aligns with Matsueda's (2024) opinion that juvenile delinquency is often driven by the motivation to maintain collective honor.

Preventive efforts undertaken by the Percut Sei Tuan police, such as patrols during critical hours, mapping vulnerable school areas, and direct outreach to schools, reflect the application of a problem-oriented policing model, an approach that is not merely reactive but seeks to understand the root causes of conflict, particularly those based on spatial and temporal factors. Furthermore, police in the Percut Sei Tuan sub-district also implemented "Police Go to School," which led to an interesting dynamic: some schools responded positively, viewing the police as moral partners, while others rejected police visits for fear of damaging the school's image. This phenomenon explains Becker's critique of labeling theory, which asserts that educational institutions are highly sensitive to reputational stigma; they fear being perceived as problematic by their schools rather than by their students. There has been a shift in focus from protecting students' risk to prioritizing the school's self-image.

Furthermore, First Inspector R. Dalimunthe's statement that officers even found sharp weapons in the gutters and hangout spots around the school confirms that the space for brawls has shifted from the school area to liminal spaces—areas that are neither fully public nor school property. This finding reinforces Clarke's Situational Crime Prevention theory, which explains that juvenile offenders tend to choose conflict zones with unclear legal authority to delay police intervention. This means that the boundaries of state authority regarding juvenile violence are often negotiated informally.

Regarding legal handling, an interview with Dr. Dedi Mahruzani pointed out that the Percut Sei Tuan Police applied the principles of restorative justice, in accordance with the 2012 Child Protection and Child Protection Law, by summoning parents, providing counseling, and returning the children home. However, the fact that children who had been counseled often returned to brawls a few weeks later indicates that the practice of restorative justice in the field has not yet reached the stage of restorative transformation, but rather merely restorative resolution. There is no post-program reintegration process, so deviant behavior is not truly cured, only delayed. This aligns with Zehr's (2015) critique of "pseudo-restorative justice," where the process is resolved through mediation but fails to address the structural roots of the deviance.

Conversely, in cases resulting in death, the police conduct detention and conduct a full legal process, although the sentence is reduced by half, in accordance with the principle of diminished responsibility in the 2021 CRC, which states that children remain responsible but must be treated differently from adults. This demonstrates that law enforcement is

within the proper corridor of modern law. However, enforcing sanctions without a deterrent ecosystem does not automatically reduce the number of cases. According to Braithwaite (2023) and Harianto et al. (2023) and Ritonga et al. (2024), deterrence is only effective when accompanied by active community social control. Field findings in Percut Sei Tuan District indicate a multi-level police response:

In cases without a formal report, without serious injuries, or without material losses, police prefer to disperse, verbally warn, and summon parents, using discretion. However, when escalations involve sharp weapons or identified victims, handling immediately shifts to formal legal proceedings. This practice is in accordance with Article 18 of Law No. 2 of 2002 and is supported by a wealth of literature that positions discretion as a rational instrument to balance public interest, efficiency, and proportionality of sanctions (Pakpahan, 2021; Prasetyo, 2021). In Case A (Sei Rotan Village), the initial verbal provocation did not exceed the criminal threshold, but that threshold was exceeded when police found sharp weapons, legally reclassifying the incident as serious assault (Articles 351–355 of the Indonesian Criminal Code) and potential collective violence. The literature confirms that the discovery of dangerous devices is a critical factual trigger that shifts the handling from non-custodial to full law enforcement (Chumairo'Al Ma'shumiyyah, 2025; Dalimunthe et al., 2025).

Case B (Jalan Medan–Batang Kuis) demonstrates organized mobilization via Instagram, involving the convergence of motorcycle gangs, the use of sharp weapons, and resulting in fatalities. This reflects the digital communication literature, which asserts that social media amplifies provocation, expands the reach of calls for violence, and lowers coordination costs, thereby increasing the risk of escalation (Tenriliweng, 2025; Irwanto et al., 2025). From a Criminal Code perspective, this act falls under “public and collective violence” (Article 170 of the Criminal Code), with increased penalties for causing serious injury or death, fully consistent with the empirical classification of Case B. Typologically, the findings of this study confirm two main legal corridors:

1. Individual abuse (Articles 351–355 of the Criminal Code), and
2. Group violence (Articles 170 and 358 of the Criminal Code).

When a death occurs (Case B), Article 170 paragraph (2) letter c becomes relevant. In practice, the police detain perpetrators and differentiate their roles based on the doctrine of participation, namely as the main perpetrator, assistant, instigator, or facilitator, so that prosecutors can establish individual responsibility in collective action (Maswandi, 2023; Dalimunthe et al., 2024). Within the framework of juvenile criminal justice, this study confirms that the application of diversion is quite consistent for first-time offenses with a sentence under seven years, facilitated through deliberations between the family, the victim, social workers, and community counselors. If formal criteria are met, diversion helps prevent stigmatization and the negative impact of the judicial process on children (Yulia, 2024; Priyana, 2025). However, its success is highly dependent on local mediation capacity, trained facilitators, and cross-agency support (IJSSRR, 2022; Synchronization..., 2023).

The effectiveness of restorative justice in the research area shows mixed results: Agreements involving apologies, restitution, and structured educational placement result in lower recidivism rates. Minimal agreements without post-completion supervision are associated with higher rates of reoffending. The quality of implementation is strongly

influenced by officer training and the availability of appropriate youth rehabilitation modules (The Effectiveness of Restorative Justice..., 2025; Maswandi, 2023), emphasizing the need for outcome-based diversion, not merely procedural (IJSSRR, 2022).

From a criminological perspective, field observations of patterns of teasing, group status signals, and rationalization of behavior align with the literature on neutralization techniques among youth gangs: perpetrators normalize violence as a legitimate form of loyalty or self-defense, which is further reinforced by the online ecosystem (Kadir, 2025). Network analysis suggests that messages within local groups can trigger escalation when symbolically influential accounts initiate mobilization (Irwanto et al., 2025; Tenriliweng, 2025).

From the perspective of Islamic criminal law (jurisprudence), the status of children as perpetrators of criminal acts has its own unique characteristics. Scholars agree that children who have not reached the age of taklīf (not yet puberty and unable to understand legal consequences) cannot be subject to hudūd or qisās punishments as adults. This is because the primary requirement for a person to be held criminally accountable in Islam is the fulfillment of the elements of al-‘aql (common sense) and al-bulūgh (maturity). In other words, a child is not yet considered a mukallaf, a legal subject who bears full obligations to sharia regulations.

Nevertheless, Islam does not allow unlawful behavior by children to go unanswered. Brawls that frequently result in injury, damage, and even death are still considered dangerous acts (jarimah) that must be addressed. However, the type of punishment varies. Children can only be subject to ta'zir sanctions, a type of punishment not specifically stipulated by texts (the Qur'an and Hadith) but left to the discretion of the judge (ulil amri). Ta'zir is a flexible instrument in Islamic criminal law that allows for sanctions to be imposed based on social conditions, the perpetrator's character, educational goals, and the level of danger of the act.

Due to the non-standard nature of ta'zir, judges have extensive scope for ijtihad. Judges are required to actively assess the child's behavioral background, social environment, family factors, and the extent of harm caused by the brawl. In the context of brawls that result in injury or even death, these acts are categorized as jarimah qisās wa diyāt. However, because the perpetrator is a child, criminal liability rests on the basic principles of taklīf, namely the perpetrator's intention (qasd) and legal capacity. Therefore, qisās is not applied to children, but they can still be subject to compensation (diyah) by their guardians or family as a form of civil liability under Islamic law.

Ta'zīr sanctions for children can include advice, stern reprimands, summoning parents, moral guidance, special supervision, and even religious education aimed at improving behavior. Essentially, punishment in the context of children is more educational (tadbīrī) than punitive ('uqūbah). This aligns with the general objectives of Islamic criminal law, which emphasizes the protection of society and the rehabilitation of perpetrators.

In Islamic criminal law studies, there is the concept of al-‘Aud, which refers to the repetition of a crime by someone after they have previously committed another crime and been punished. Repeated crime indicates that the previous punishment has not had a deterrent effect and the perpetrator shows a tendency to reoffend. Islamic scholars view repeat offenders as potentially dangerous to society, and therefore, it is reasonable to increase or aggravate their sentences.

In cases of repeat offenses, the basic principle is that if someone re-commits a crime after being sentenced, the sentence can be increased according to the level of repetition and the severity of their actions. Several Islamic jurisprudence (fiqh jināyah) literature explains that if someone repeatedly commits the same crime and shows no signs of improvement, the judge is permitted to impose a severe sentence, even life imprisonment, that is, "imprisonment until they repent or until they die." This provision is not intended for revenge, but for the public good (maslahah 'āmmah) and the prevention of harm (dar'ul mafsadah) in society.

In Islam, child recidivists or children who commit repeat crimes are treated differently from adults. Islam emphasizes the importance of giving second chances and correcting children who commit mistakes. Punishments for child recidivists in Islamic law:

- 1) Ta'zir: Children who commit crimes can be subject to ta'zir, which is a form of punishment that is educational and corrective (Al-Mawardi, 1994).
- 2) Education and Guidance: Children who commit crimes must be given education and guidance to improve their behavior (Ibn Taymiyyah, 1995).
- 3) Supervision: Children can be placed under the supervision of parents or guardians (Ibn Taymiyyah, 1995).
- 4) Protection: Children who commit crimes must be protected from excessively harsh punishment and given the opportunity to improve themselves (Al-Shafii, 1996).

Criteria for child recidivism in Islamic law:

- 1) Age: The child committing the crime must be under 18 years of age (Al-Mawardi, 1994).
- 2) Capacity: The child must have the capacity to understand the law and the consequences of their actions (Ibn Taymiyyah, 1995).
- 3) Repetition: The child must have committed the same or similar crime more than once (Al-Shafii, 1996).

Therefore, the restorative approach in the Juvenile Justice System (SPPA) aligns with the concepts of diyat (reparation) and forgiveness in Islamic jurisprudence (fiqh), especially if the victim's family agrees to reconciliation-based recovery (Siregar, 2025; Efendi, 2025). The synthesis of the Criminal Code (KUHP), Juvenile Justice System (SPPA), and Islamic jurisprudence (fiqh) produces a complementary tripartite legal architecture:

- 1) Discretion for early prevention
- 2) Firm law enforcement when the objective threshold of danger is exceeded (weapons, injuries, death),
- 3) Diversion/restorative justice for eligible children.

To be effective, three key supporting conditions are required: digital monitoring as an early warning system for the mobilization of violence; a rapid tactical response to separate perpetrators, confiscate weapons, and de-escalate the situation; and a substantive (not ceremonial) restorative conference with a measurable follow-up plan.

Based on these findings, local policy recommendations include an integrated protocol: a police cyber unit for early detection of provocative narratives, clear SOPs distinguishing the boundaries between verbal warnings, confiscation, and detention, and a post-case

development program for child perpetrators, encompassing digital literacy, emotional regulation, peer mentoring, and parent training. This approach aligns with positive law and Islamic jurisprudence (*fiqh jināyah*), while addressing the socio-technological reality of youth brawls, which are now largely mediated by digital platforms (Pakpahan, 2021; Prasetyo, 2021; Maswandi, 2023; Tenriliweng, 2025). Researchers' observations at the Percut Sei Tuan Police Station showed that children involved in brawls and damaging public facilities without fatalities were simply given guidance and sent home to their parents. However, several weeks later they returned to the brawls because their parents and schools were unable to handle them, resulting in the recurrence of deviant behavior.

4. CONCLUSION

Therefore, the restorative approach in the Juvenile Justice System (SPPA) aligns with the concepts of *diyat* (reparation) and forgiveness in Islamic jurisprudence (*fiqh*), especially if the victim's family agrees to reconciliation-based recovery (Siregar, 2025; Efendi, 2025). The synthesis of the Criminal Code (KUHP), Juvenile Justice System (SPPA), and Islamic jurisprudence (*fiqh*) produces a complementary tripartite legal architecture:

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