

CRIMINAL RESPONSIBILITY OF PERPETRATORS OF ASSAULT DUE TO SOCIAL CONFLICT IN KAMPAR REGENCY

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Abstract

The purpose of this study is to analyze the criminal liability of perpetrators of assault due to social conflict in Kampar Regency, to analyze the obstacles to criminal liability of perpetrators of assault due to social conflict in Kampar Regency, and to analyze efforts to overcome these obstacles. The method used is sociological legal research. Based on the research results, it is known that Criminal Liability of Perpetrators of Assault Due to Social Conflict in Kampar Regency can be imposed as long as it can be proven that there was an unlawful act and the perpetrator was at fault. However, in practice, proving the element of fault becomes more complex because the incident occurred on a mass scale and was influenced by the conflict situation. Criminal accountability fundamentally adheres to the basic principles of criminal law, namely the existence of fault, the capacity to take responsibility, and the absence of justification or excuse. In the context of Law Number 1 of 2023 concerning the National Criminal Code, assault remains a criminal act for which individual responsibility must be met, even when occurring in situations of social conflict involving many people. Various obstacles exist in the criminal accountability process, including the difficulty of obtaining evidence and the lack of witnesses, the strong culture of family resolution in society, the limited number of law enforcement personnel, and the influence of mass emotions and group solidarity. These obstacles prevent the law enforcement process from always being effective and optimal. Efforts to overcome these obstacles require various measures, such as strengthening the evidentiary system and witness protection, optimizing the selective application of restorative justice, increasing the capacity of law enforcement officers, and increasing public education and legal awareness. These efforts are expected to strengthen the effectiveness of law enforcement and create a balance between justice, legal certainty, and expediency.

Keywords: Criminal Accountability, Assault, Social Conflict

INTRODUCTION

The existence of criminal law is essentially aimed at protecting the legal interests of society (*rechtsbelangen*) through the establishment of prohibitive norms and threats of sanctions for certain actions. Abuse as a criminal act is a form of violation of legal interests in the form of bodily safety, physical integrity, and human dignity. In modern criminal law, abuse is not only understood as a physical act that injures the victim, but is also seen as an unlawful act that indicates the perpetrator's fault (*schuld*) and thus gives rise to consequences of criminal liability. According to Moeljatno (2015), a person cannot be punished solely for committing an act that meets the formulation of a crime, but must first be able to prove the existence of an element of fault as a basis for criminal accountability for his actions. Therefore, when acts of abuse occur in the context of social conflict, legal issues arise regarding the form of criminal liability for the perpetrator, especially if the act of violence is carried out together, triggered by horizontal conflict, or influenced by certain social conditions that underlie the criminal act.

This issue becomes even more important when linked to the characteristics of social conflict developing in various regions in Indonesia, including Kampar Regency. As one of the regions in Riau Province that is characterized by social, ethnic, and economic heterogeneity, as well as agrarian and natural resource issues, Kampar Regency has quite complex social dynamics. Social conflict in this region is not only related to relationships between individuals, but is also often triggered by land disputes, struggles for economic access, conflicts between companies and communities, and social tensions between groups that ultimately escalate into acts of physical violence. In many cases, these social conflicts do not stop at arguments or verbal disputes, but develop into beatings, mob attacks, intimidation, and assault that result in injuries and even loss of life. This situation indicates that social conflict has the potential to escalate into criminal acts that require effective criminal law intervention.

The state has actually established legal instruments to address social conflict through regulations in Law Number 7 of 2012 concerning the Handling of Social Conflict, which affirms that social conflict is a feud and/or violent physical clash between two or more community groups that lasts for a certain period of time and has a broad impact on security and social integration. Article 1, number 1 of the law emphasizes that social conflict includes clashes arising from differences in political, economic, social, cultural, religious interests, or disputes over natural resources. The presence of this regulation demonstrates that the state is aware of the destructive potential of social conflict and places its resolution as the responsibility of the government together with law enforcement officials. However, this regulation places more emphasis on the aspects of conflict prevention, termination, and recovery, while the issue of criminal responsibility for perpetrators of violence in social conflict remains to be analyzed through substantive criminal law.

In the perspective of positive Indonesian criminal law, acts of abuse are regulated specifically through Law Number 1 of 2023 concerning the Criminal Code as the basis for national criminal law. Law Number 1 of 2023 concerning the Criminal Code Article 466 paragraph (1) Any person who commits abuse shall be punished with imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum fine of category III. Paragraph (2) If the act as referred to in paragraph (1) results in Serious Injury, shall be punished with imprisonment for a maximum of 5 (five) years. Paragraph (3) If the act as referred to in paragraph (1) results in death, shall be punished with imprisonment for a maximum of 7 (seven) years. Paragraph (4) Included in abuse as referred to in paragraph (1) are acts that damage health. Paragraph (5) Attempts to commit a Criminal Act as referred to in paragraph (1) are not punishable.

Abuse is essentially understood as an act that unlawfully causes pain, injury, or harm to a person's health. This definition of the crime places the elements of intent, physical action,

and the resulting consequences as essential components in proving a crime. However, when abuse occurs in the context of social conflict, the issue of proof becomes more complex because it often involves multiple perpetrators, collective motives, heightened emotional situations, and spontaneous and mass actions. This situation raises academic questions about whether each perpetrator can be held criminally responsible individually, how the form of each perpetrator's culpability is assessed, and the extent to which social conflict factors can influence the construction of criminal responsibility.

In practice, these issues often present challenges for law enforcement. Many cases of social conflict that escalate into assault face difficulties in establishing evidence because many perpetrators protect each other, witnesses are reluctant to testify due to close social ties, or pressure from certain groups within the community. Furthermore, there is a tendency to resolve conflicts informally through traditional mediation or local peacemaking, which results in suboptimal legal processes. While social peace mechanisms are crucial for maintaining social harmony, the state cannot ignore the role of criminal law as a means of protecting victims and upholding justice.

This phenomenon is relevant to the social dynamics in Kampar Regency, which in recent years has faced various horizontal conflicts, land disputes, and clashes between community groups and certain parties that have the potential to escalate into violent crimes. In a number of cases that have emerged in public spaces, conflicts that initially focused on disputes over interests have escalated into beatings and mob attacks, resulting in injuries to the victims. This situation demonstrates a tendency that social conflict is no longer confined to ordinary social tensions but has shifted toward the criminalization of acts resulting from the direct use of violence by individuals or groups.

From a criminological perspective, acts of violence resulting from social conflict can be understood as a form of crime arising from the interaction between individual factors and social environmental factors. Modern criminological perspectives explain that criminal behavior does not always arise from individual malice (*mens rea*) alone, but is also influenced by social pressure, collective frustration, conflicts of interest, a culture of violence, and weak social control in society. Edwin H. Sutherland (1947), through his differential association theory, explained that deviant behavior is learned through social interaction, where a person can accept the values of justification for violent acts if they are in an environment that supports such behavior. Thus, when social conflict develops into mass abuse or mob violence, the perpetrators' actions cannot be separated from the process of social interaction that influences their mindset and decisions in using violence as a means of conflict resolution.

However, a criminological approach does not necessarily eliminate the perpetrator's legal responsibility. In Indonesian criminal law, a person is still considered responsible for their actions as long as they meet the elements of guilt and no justification or excuse is found. This shows that even when an action is committed in a situation of social conflict, criminal law still assesses the act individually based on the level of culpability of each perpetrator. This concept is important because in the practice of social conflict, acts of violence are often carried out jointly, raising questions about who is the main perpetrator, who participated, who initiated the action, and who was merely present at the scene without taking active action.

This issue is closely related to the theory of participation (*deelneming*) in criminal law, which regulates the accountability of several individuals for a single crime. In cases of abuse resulting from social conflict, forms of participation are often found in the form of direct perpetrators, co-conspirators, advocates, and even aids in the commission of the crime. According to Simons (2012), criminal responsibility through participation aims to ensure that all individuals who have a real contribution to the occurrence of the crime can be subject to sanctions according to the level of their involvement. Thus, the analysis of abuse resulting from social conflict in Kampar Regency is not sufficient to stop at identifying the physical

perpetrators alone, but must also examine the relationship between the actions of the perpetrators, collective motives, and the structure of involvement in the conflict.

This research problem becomes increasingly complex when linked to the existence of customary and social conflict resolution mechanisms that still exist in the Kampar Regency community. As a region with strong Malay cultural roots, dispute resolution through deliberation, mediation by traditional leaders, or family reconciliation is often seen as more effective in maintaining social stability than formal criminal litigation. In practice, many cases of abuse resulting from social conflict end in community-level reconciliation, resulting in victims withdrawing their reports or being reluctant to pursue the case. From a social perspective, these mechanisms can be understood as efforts to maintain community cohesion. However, from a criminal law perspective, such conditions create problems because criminal acts are essentially violations of public order, which falls within the jurisdiction of the state.

In this regard, the existence of Law Number 20 of 2025 concerning the Criminal Procedure Code is important because it provides a legal framework for the process of evidence, examination, victims' rights, protection of suspects, and the due process of law mechanism in criminal cases. Proving criminal acts of abuse due to social conflict is not always simple because it often involves conflicting witnesses, the existence of social pressure, limited medical evidence, and the complexity of identifying perpetrators in situations of riots or mass clashes. In such a context, law enforcement officials are required not only to be able to prove the elements of the crime formally, but also to understand the roots of the social conflict that underlies the violence.

According to the progressive legal perspective developed by Satjipto Rahardjo (2009), law should not be understood merely mechanically, but rather must be present for humans and resolve the social problems underlying a case. This means that enforcing criminal law against perpetrators of abuse resulting from social conflict cannot be done simply through a narrow normative approach, but must also consider the social context, the roots of the conflict, the victim's condition, community relations, and the goal of restoring substantive justice. Such an approach is crucial to prevent the law from prolonging the conflict or creating a sense of injustice in society.

However, a progressive approach does not eliminate legal certainty. From the perspective of legal certainty theory, criminal norms must be applied consistently to ensure that society has clarity regarding the legal consequences of every act of violence. Gustav Radbruch (1950) explained that the law must maintain a balance between justice, utility, and legal certainty as three fundamental values of the legal system. If perpetrators of violence resulting from social conflict are not held firmly accountable, there is a risk of developing a culture of impunity and the normalization of violence as a means of conflict resolution in society.

In the context of Kampar Regency, this issue is relevant because the dynamics of social conflict involving agrarian disputes, conflicting economic interests, and strong social relations in the community have the potential to create a dilemma between formal law enforcement and locally-based social solutions. This situation shows a gap between *das sollen*, a legal ideal that requires protection for victims and criminal accountability for perpetrators, and *das sein*, a social reality that conflicts are often resolved through informal mechanisms without adequate legal certainty. This gap is an important basis for examining how the construction of criminal accountability for perpetrators of abuse due to social conflict is applied in law enforcement practices in Kampar Regency, including factors that influence the effectiveness of criminal law enforcement against perpetrators.

In addition to the definition of conflict, Article 5 of Law Number 7 of 2012 concerning the Handling of Social Conflicts emphasizes that conflict can stem from political, economic, socio-cultural issues, inter-ethnic disputes, natural resource conflicts, or unequal

distribution of resources. This norm is important because empirically, Kampar Regency has a character of conflict that is often related to land ownership, community relations with plantation companies, and horizontal conflicts between community groups. Article 6 paragraph (1) of Law Number 7 of 2012 concerning the Handling of Social Conflicts emphasizes that conflict prevention is carried out through maintaining peaceful conditions, developing a peaceful dispute resolution system, reducing potential conflicts, and developing an early warning system. Meanwhile, Article 8 paragraph (2) of Law Number 7 of 2012 concerning the Handling of Social Conflicts states that the resolution of social conflicts prioritizes deliberation and consensus. However, legal problems arise when this deliberation mechanism fails to prevent acts of physical violence. At this stage, the state, through criminal law, can no longer leave the resolution solely to social or customary mechanisms because a violation of a person's bodily integrity has occurred.

When acts of violence are committed in situations of social conflict, legal issues arise regarding the form of criminal responsibility of each perpetrator, especially if the violence is carried out collectively or in a mass manner. In the practice of social conflict, it is not uncommon for individuals to engage in violence due to group influence, provocation, solidarity, or spontaneous emotional impulses. However, modern criminal law principles still require individual accountability. The principle of "geen straf zonder schuld" emphasizes that there is no punishment without fault, so each perpetrator must be judged based on the degree of culpability and the contribution of their actions to the resulting consequences.

Abuse is a form of crime that often arises as a consequence of social conflict and causes physical, psychological, and social harm to victims. Therefore, research needs to explain the consequences of abuse, whether minor injuries, serious injuries, or death, as these consequences will influence the form of criminal liability imposed on the perpetrator.

Criminal accountability must focus on the perpetrators of abuse as legal subjects. This study not only discusses the elements of the crime but also examines the extent to which criminal accountability is applied in law enforcement practices, from the inquiry, investigation, prosecution, to the examination and verdict process in court. The study also needs to explain that in law enforcement practices, it is often difficult to identify the intellectual actors or parties behind social conflicts. Often, perpetrators in the field are successfully prosecuted, while those suspected of inciting, provoking, organizing, or profiting from the conflict are difficult to prove due to limited evidence and the complexity of the relationships between the perpetrators. This condition is a significant obstacle to achieving comprehensive criminal accountability. Furthermore, the study needs to provide an overview of the forms of social conflict that have occurred in Kampar Regency, so that it can be understood that abuse is only one legal consequence of such social conflict.

From a positive legal perspective, research should utilize Law Number 1 of 2023 concerning the Criminal Code (New Criminal Code) as the primary legal basis. Provisions regarding the crime of assault should refer to Article 466 of the Criminal Code, along with other articles on the crime of assault. Research should also consider the protection of victims of assault. While attention has often focused on the perpetrator's accountability, victims also have the right to legal protection, recovery, restitution if they meet the requirements, and a sense of security during the criminal justice process. Therefore, a discussion of victim protection can be used as a supporting element in the analysis of the effectiveness of the perpetrator's criminal accountability.

This is where the main legal problem of this research arises. There is a problem regarding the construction of criminal responsibility for perpetrators of assaults arising from social conflict. Social conflict often involves multiple perpetrators acting collectively, thus raising legal questions about how to determine who is the primary perpetrator, who participated, who instigated, and who was merely present at the scene without committing a

crime. This issue is important because errors in the construction of responsibility can lead to injustice, both in the form of criminalization of individuals who were not actively involved in the violence and impunity for those who were actually the instigators of the conflict. Problems arise regarding the relationship between deliberation-based social resolution and criminal law enforcement. In Kampar Regency, conflict resolution through traditional leaders or community peace mechanisms is often viewed as a solution to maintain social harmony. However, from a legal perspective, the question arises as to whether peace can eliminate the criminal responsibility of perpetrators of assault. From a criminal law perspective, criminal acts are not only a private matter between the victim and the perpetrator, but also a violation of the public interest and the state's legal order. Therefore, the existence of social peace does not necessarily eliminate the state's authority to carry out criminal prosecutions.

The criminal case in Decision Number 41/Pid.B/2026/PN Bkn began with a social conflict that occurred between the Nenek Eno Senama Nenek Cooperative (KNES) and the Pusako Senama Nenek Producer Cooperative (KOPOSAN) regarding the control and management of oil palm plantation land in Senama Nenek Village.(Decision Number 41/Pid.B/2026/PN Bkn), Tapung Hulu District, Kampar Regency. The long-standing conflict culminated on November 2, 2025, when KOPOSAN members were harvesting oil palm on land also claimed as KNES management rights. The presence of KNES members to stop the activity sparked an argument that then escalated into a physical clash. In the increasingly heated situation, the defendant Rio Andista and several others arrived at the location and were directly involved in acts of violence against Jamhor alias Jamhur, a member of KNES. The victim, who initially tried to escape by getting into a car, was eventually pulled out and then subjected to collective violence. The victim was hit on the face and head, had his neck pinched, kicked, stepped on, and pushed until he fell to the ground. After that, the victim was forced into the perpetrators' vehicle while still being repeatedly beaten and kicked. These acts were carried out in an open area and witnessed by many people, thus fulfilling the element of violence committed together in public. As a result of this action, the victim suffered injuries as evidenced by Visum et Repertum Number 89/IMR-VER/RSUD AA/XI/2025. The results of the post-mortem showed bruises on the face and bruises at the corner of the right eye due to blunt force trauma, which caused the victim to experience difficulties in carrying out his activities. In addition, based on the victim's testimony at the trial, the victim also experienced nosebleeds, vomiting blood, impaired vision, impaired hearing, and had to undergo treatment for six days in the hospital. The testimony of witnesses confirmed that the crime was a direct result of social conflict triggered by a land ownership dispute between KNES and KOPOSAN. Several witnesses also described shouts of provocation such as "beat him up," "kill him," and "kill him," which further exacerbated the situation, causing the perpetrators to commit indiscriminate violence against the victim. On the other hand, the defendant admitted that he was at the location with several of his colleagues after being invited by Lubis to secure the community action. The defendant also admitted to pulling the victim's bag, holding the victim's hand, pushing the victim until he fell, and helping carry the victim to the vehicle, even though the defendant argued that these actions were carried out because he suspected the victim was carrying a weapon in his bag. Based on evidence in the form of witness statements, the defendant's confession, evidence, video recordings, and Visum et Repertum, the Public Prosecutor charged the defendant with an alternative charge, namely Article 262 paragraph (2) of Law Number 1 of 2023 concerning the Criminal Code concerning joint violence in public resulting in injury, or Article 466 paragraph (1) of the Criminal Code concerning the crime of assault. This case shows that social conflicts that are not resolved through legal mechanisms and deliberation can develop into violent crimes that result in physical suffering for the victim. Therefore, anyone proven to have participated in violence in

a social conflict can still be held criminally responsible in accordance with the provisions of Law Number 1 of 2023 concerning the Criminal Code.

Conflicts triggered by disputes between individuals, community groups, land disputes, or differing interests often escalate into violent acts that violate criminal law. This phenomenon has caused public unrest because cases of abuse continue to occur within the context of social conflict, while law enforcement and criminal accountability for perpetrators have not always provided a sense of justice for victims and the community.

Criminal law is fundamentally intended to protect the public from all forms of violence, including assault. However, in practice, various social conflicts in Kampar Regency still result in assault. This situation creates unrest because conflicts that should be resolved through deliberation or legal mechanisms instead escalate into vigilante action, resulting in physical injuries and other losses to victims.

Another concern is the persistent perception in society that abuse occurring during social conflicts is a common occurrence or part of conflict resolution, and therefore, it is not always optimally processed through criminal law mechanisms. Consequently, questions arise about the extent to which perpetrators can be held criminally accountable and whether law enforcement has provided legal certainty, justice, and a deterrent effect for perpetrators.

Furthermore, abuse occurring during social conflicts often involves multiple parties and is influenced by various social, economic, and cultural factors, making the process of determining criminal responsibility more complex. This situation raises concerns about the recurrence of violent acts that could disrupt public order and security in Kampar Regency. Therefore, research is needed that specifically examines the criminal responsibility of perpetrators of abuse resulting from social conflicts to understand how criminal law is applied and the factors influencing its enforcement.

One form of crime that still frequently occurs is assault triggered by social conflict. Social conflicts that occur within the community, whether due to land disputes, intergroup disputes, or other conflicts of interest, often escalate into violent acts that result in victims suffering minor injuries, serious injuries, or even death. In Kampar Regency, social conflict remains a factor triggering criminal acts of assault. In several cases handled by law enforcement officers, assault was committed as a result of pre-existing conflicts. Although perpetrators have been processed according to the provisions of the Criminal Code, in practice, problems remain regarding the form of criminal liability for perpetrators, the basis for judges' considerations in sentencing, and the factors influencing the application of criminal liability to perpetrators of assault resulting from social conflict.

These issues demonstrate that the application of criminal liability depends not only on the fulfillment of the elements of the crime, but also on consideration of the perpetrator's culpability, evidence, the circumstances underlying the social conflict, and the judge's legal and non-legal considerations in handing down a verdict. Therefore, research is needed to determine how criminal liability applies to perpetrators of assault resulting from social conflict in Kampar Regency and the factors that hinder its implementation.

Research on the criminal liability of perpetrators of abuse resulting from social conflict in Kampar Regency finds relevance both academically and practically because it aims to analyze the relationship between social conflict, the use of violence, law enforcement mechanisms, and the application of criminal liability to perpetrators. This research is important to address the gap between legal norms (*das sollen*) that require protection for victims and law enforcement without discrimination, with the empirical reality (*das sein*) that social conflicts are often resolved informally, resulting in legal uncertainty and weak protection for victims of abuse.

RESEARCH METHODS

This research is a socio-legal study that examines the application of criminal law in practice, specifically regarding the criminal liability of perpetrators of assault resulting from social conflict in Kampar Regency. The approaches used include a statutory regulatory approach, a conceptual approach, and an analytical approach to assess the conformity between legal norms and their implementation in the field.

The research location is in Kampar Regency, Riau Province. The research population includes law enforcement officers, traditional leaders, victims, and perpetrators of abuse due to social conflict. The sample was determined using a purposive sampling technique. The data used consists of primary data obtained through interviews with respondents, as well as secondary and tertiary data obtained through literature studies of laws and regulations, books, journals, and other supporting documents. Data collection techniques were carried out through observation, unstructured interviews, and literature studies. Data were analyzed qualitatively using a descriptive-analytical method through interpretation of empirical facts based on provisions of laws and regulations, legal theory, and field research results. Furthermore, conclusions were drawn deductively, namely from general provisions to specific conclusions in accordance with the formulation of the research problem.

RESULT AND DISCUSSION

A. Criminal Responsibility for Perpetrators of Abuse Due to Social Conflict in Kampar Regency

Criminal liability is a fundamental concept in criminal law that determines whether or not a person can be punished for an act they have committed. In the Indonesian criminal law system, criminal liability is not only based on proof of an act that meets the definition of a crime as stipulated in statutory regulations, but also requires the presence of fault (*schuld*) inherent in the perpetrator. Thus, a person cannot be punished simply for committing an act prohibited by law, but must first be proven that the perpetrator has the capacity to take responsibility, committed the act intentionally or due to negligence, and there is no justification or excuse that eliminates the unlawful nature or fault. This principle is the embodiment of the principle of *geen straf zonder schuld* or no punishment without fault, which is a universal principle in modern criminal law.(Moeljatno, 2015).

In the context of criminal acts of abuse resulting from social conflict in Kampar Regency, the concept of criminal responsibility is crucially relevant, given that the violence that occurs is generally influenced by various social, economic, cultural, and psychological factors within the community. Social conflict often develops from simple issues, such as personal disputes, land disputes, conflicts between community groups, or misunderstandings, which then escalate into acts of physical violence. Although social conflict is the background to the abuse, this condition does not automatically eliminate the perpetrator's criminal responsibility. The state, through criminal law, still views every individual as a legal subject who is obliged to be accountable for all consequences of their actions as long as they fulfill the elements of criminal responsibility stipulated by statutory regulations. Therefore, social conflict can only be viewed as a causal factor or background to the crime, not as a reason that automatically eliminates criminal liability for the perpetrator.(Prasetyo, 2022).

Abuse itself is a form of crime against the human body (*misdrijven tegen het leven en lichamelijke integriteit*) that has long been regulated in the Criminal Code (KUHP). Following the enactment of Law Number 1 of 2023 concerning the Criminal Code, regulations regarding crimes against the body maintain the substance that anyone who intentionally causes pain, injury, or disturbance to the health of another person can be punished according to the level of the resulting consequences. This regulation shows that protection of the physical integrity of every citizen is part of the protection of human rights

that must be guaranteed by the state through criminal law instruments.

Theoretically, criminal liability is a logical consequence of the relationship between a criminal act (*actus reus*) and the perpetrator's fault (*mens rea*). This relationship serves as the basis for judges to determine whether or not a person deserves to be punished. According to Moeljatno (2015), a criminal act is simply an act prohibited by a legal rule accompanied by a penalty for anyone who violates it, while to impose a penalty, there still needs to be fault on the part of the perpetrator. Thus, criminal acts and criminal liability are two distinct but interrelated concepts. The existence of a criminal act does not necessarily result in a person being punished if it turns out there is no fault for which it can be legally accounted.

This opinion is reinforced by Roeslan Saleh, who stated that criminal responsibility is essentially the transfer of objective blame for a criminal act to the perpetrator subjectively. This means that the state, through a court decision, condemns the perpetrator not only because their actions violate the law, but also because the perpetrator could have consciously chosen not to commit the act. Therefore, the primary measure of criminal responsibility is a person's ability to determine their will in accordance with applicable legal norms.

In the practice of law enforcement in cases of abuse resulting from social conflict in Kampar Regency, law enforcement officers must not only prove the existence of physical injuries or consequences experienced by the victim, but must also prove the element of intent or at least negligence by the perpetrator. Intention is the dominant element in criminal acts of abuse because in general the act of hitting, kicking, stabbing, or using certain objects is done with the awareness that these actions can cause pain or injury to others. The form of this intent can be intentional as a goal (*opzet als oogmerk*), intentional with certainty (*opzet bij zekerheidsbewustzijn*), or intentional with possibility (*dolus eventualis*). Each of these forms of intent has consequences for proving subjective elements in criminal trials. (Chazawi, 2019).

In addition to the element of intent, the capacity to take responsibility is also an absolute requirement for criminal liability. According to Simons, a person can be held criminally responsible if they have the intellectual capacity to understand the meaning of their actions and the willpower to control their behavior in accordance with legal norms. Therefore, a person who suffers from a severe mental disorder or loss of the ability to reason at the time of committing a crime cannot, in principle, be held criminally responsible as regulated by Indonesian criminal law. This provision demonstrates that criminal law not only considers the objective aspect of the act, but also the subjective condition of the perpetrator when committing the crime. (Kanter & Sianturi, 2018).

The social conflicts occurring in Kampar Regency are generally influenced by the characteristics of a diverse society, close social relations, and the existence of economic and customary interests that sometimes give rise to disputes. In certain situations, conflicts that initially are verbal can escalate into physical violence in the form of beatings, mob attacks, or assaults using sharp weapons. From a criminological perspective, this condition indicates that criminal acts do not arise suddenly, but rather are the result of the interaction of various internal and external factors that influence an individual's behavior. However, these social factors do not eliminate the element of culpability of the perpetrator as long as they still have the ability to choose other actions in accordance with the law. Therefore, the application of criminal liability remains necessary as a form of protection for victims and as a means of maintaining public order.

According to Barda Nawawi Arief (2016), criminal accountability is an instrument that not only aims to provide retribution to perpetrators, but also has preventive, educational, and restorative functions. Through criminal accountability, the state sends a message that every form of unlawful violence will receive commensurate legal consequences, thus hopefully preventing society from committing similar acts in the future. In the context of social conflict in Kampar Regency, enforcing criminal accountability against perpetrators of

abuse is an important part of efforts to maintain security stability and create legal certainty for the community. Consistent law enforcement also reflects the presence of the state in protecting citizens' rights to a sense of security and protection of the physical integrity of each individual.

Proving the element of guilt is a crucial aspect in assault cases. The judge not only assesses the evidence in the form of a post-mortem examination showing the presence of injuries on the victim's body, but also considers witness testimony, the defendant's testimony, physical evidence, and the sequence of events before and after the assault. From all of this evidence, it will be clear whether the perpetrator's actions were spontaneous reactions within the limits of legally justifiable defenses or whether they were intentional and unlawful. Therefore, the evidentiary process is not solely oriented towards the consequences, but also the perpetrator's mental state when committing the crime.(Hamzah, 2019).

The criminal case in Decision Number 41/Pid.B/2026/PN Bkn originated from a long-standing social conflict between the Nenek Eno Senama Nenek Cooperative (KNES) and the Pusako Senama Nenek Producer Cooperative (KOPOSAN) regarding the control and management of oil palm plantation land in Senama Nenek Village, Tapung Hulu District, Kampar Regency. The conflict involved the interests of community groups, causing tension in the field. The dispute over land ownership rights then escalated into a physical clash that resulted in the criminal act of assault against one of the KNES members, namely Jamhor alias Jamhur.

The criminal incident occurred on Sunday, November 2, 2025, at approximately 9:00 a.m. Western Indonesian Time (WIB), when members of the National People's Security (KNES) arrived at the plantation and found members of KOPOSAN harvesting oil palms. The KNES members' arrival aimed to halt the harvesting activity, believing the land was still under KNES' control. This refusal sparked an argument between the two groups. The situation escalated when several people who had arrived with the defendant Rio Andista joined the scene and attempted to control the situation. The dispute, which initially consisted of a mere argument, eventually escalated into a collective act of violence against the Jamhor victims.

During the trial, defendant Rio Andista admitted that he was at the scene with Lubis and several of his colleagues after being invited to come from Dumai City to Kampar Regency to secure the community action in the palm oil plantation. The defendant admitted to holding the victim, pulling the victim's bag, holding the victim's hand, pushing the victim until he fell, and helping carry the victim to the vehicle. The defendant also admitted that during the process the victim was beaten and kicked by several people. Although the defendant argued that he took the bag because he suspected it contained a weapon, this confession actually showed the defendant's active involvement in the series of violence experienced by the victim.

Based on evidence in the form of witness statements, the defendant's confession, video recordings of the incident, evidence, and the Visum et Repertum, the Public Prosecutor charged the defendant with alternative charges. The first charge uses Article 262 paragraph (2) of Law Number 1 of 2023 concerning the Criminal Code regarding collective violence in public resulting in injury. As an alternative charge, the Public Prosecutor also charged the defendant based on Article 466 paragraph (1) of Law Number 1 of 2023 concerning the Criminal Code regarding the crime of assault. In his demands, the Public Prosecutor requested that the defendant be sentenced to one year in prison taking into account the period of detention already served.

This case demonstrates that social conflicts that are not resolved through legal mechanisms and deliberation can escalate into violent crimes that result in loss of life and injury. A dispute over land ownership, initially a civil and social conflict, escalated into a criminal matter due to the joint use of violence against an individual. Therefore, this case

serves as a clear example that any perpetrator who participates in committing abuse in a social conflict can still be held criminally accountable in accordance with the provisions of Law Number 1 of 2023 concerning the Criminal Code, without eliminating the possibility of law enforcement against other parties suspected of acting as instigators, instigators, or those who gave orders if their involvement can be legally proven in court.

In the author's opinion, in cases rooted in social conflict, the evidence often becomes more complex because the incidents generally involve many people. It is not uncommon for each party to claim to be either the victim or the defender. Therefore, investigators must carefully reconstruct the incident by gathering all valid evidence as stipulated in criminal procedure law. Objective witness testimony, the results of the post-mortem examination, documentation of the incident, and evidence used in the assault play a crucial role in determining who the primary perpetrator is and the extent of the involvement of other parties.

According to criminal procedure law, a judge can only impose a sentence if he or she is convinced based on at least two valid pieces of evidence. This provision protects the defendant's rights, preventing them from being convicted solely on suspicion or assumption. In cases of persecution resulting from social conflict, the application of this principle is crucial, given the frequent occurrence of conflicting statements between the parties. Therefore, the evidentiary process must be conducted objectively and professionally, and based on evidence that has the force of law.

In addition to the capacity for responsibility and culpability, criminal liability also requires the absence of justification or excuse. Justification removes the unlawful nature of an act, while forgiveness removes the perpetrator's guilt, even though the act remains considered unlawful. In the context of persecution resulting from social conflict, the most frequently cited justification is the defense of necessity (*noodweer*). However, the defense of necessity is only acceptable if it meets the requirements of an unlawful attack, is immediate, and the defensive action is carried out proportionally. If the perpetrator retaliates excessively after the threat has ceased, then this justification cannot be applied.

Likewise, the excuse for forgiveness. Being angry, offended, or provoked by another party generally does not automatically absolve criminal liability. Criminal law still requires everyone to exercise self-control and resolve disputes through legal means. Therefore, social conflict cannot be used as a general excuse to justify acts of violence. This view aligns with the objectives of criminal law, which seek to create order, legal certainty, and protect society from all forms of violence.

From the perspective of criminal theory, criminal accountability for perpetrators of violence resulting from social conflict serves a broader purpose than simply inflicting suffering on the perpetrator. Criminal punishment is also aimed at restoring the social balance disturbed by the crime, providing protection to victims, and preventing the recurrence of similar conflicts in the future. In a society with close social ties like Kampar Regency, the application of criminal law must be able to provide a deterrent effect while also adhering to the values of justice that exist within the community. Thus, law enforcement not only produces legal certainty but also supports the creation of sustainable social peace.

From a modern criminal law perspective, not everyone who commits an act that meets the definition of a crime is automatically subject to criminal punishment. Criminal punishment can only be imposed if the perpetrator can be proven to have grounds for criminal responsibility, including the existence of an unlawful act, the capacity to be responsible, the existence of fault, and the absence of grounds to eliminate criminal responsibility. Therefore, criminal responsibility is the meeting point between the criminal act and the perpetrator as a legal subject who is morally and legally worthy of being held accountable for his actions.

The reform of national criminal law through Law Number 1 of 2023 concerning the Criminal Code indicates a paradigm shift from merely punishing perpetrators to a criminal

system that is more oriented towards justice, balance, community protection, victim protection, and respect for human rights. The National Criminal Code not only regulates the types of crimes, but also provides a basis for the principles of criminal responsibility that serve as the basis for judges in determining whether or not a person can be sentenced to prison. Thus, the application of criminal responsibility to perpetrators of abuse due to social conflict in Kampar Regency is not sufficient to simply prove that the perpetrator has committed abuse as formulated in the provisions of criminal acts against the body, but must also be proven that there is an element of fault and the ability to take responsibility in accordance with the provisions of Book One of the National Criminal Code.

In criminal law theory, there is a well-known adage "*actus non facit reum nisi mens sit rea*," which states that an act does not render a person guilty unless accompanied by a blameworthy mental attitude. This doctrine evolved into the principle of "*geen straf zonder schuld*," or "no punishment without fault," which remains a fundamental principle in the Indonesian criminal law system. This principle implies that punishment is not only based on proof of a criminal act, but must also be proven that the perpetrator committed the act intentionally or through negligence that can be legally accounted for. Thus, fault is an essential element in determining a person's criminal responsibility.

According to Jan Remmelink (2014), criminal responsibility is a normative relationship between the perpetrator and the criminal act they committed, thus giving the state the legitimacy to impose punishment. Fault is understood not only as the psychological state of the perpetrator, but also as a legal assessment of the blameworthiness of an act based on applicable norms. Thus, fault is a legal concept constructed through proving the elements of the crime, the perpetrator's mental state, and the absence of justification or excuse.

This view aligns with George P. Fletcher's opinion that criminal responsibility is a legal mechanism that links norm violations with the imposition of criminal sanctions through an assessment of the perpetrator's level of culpability. According to Fletcher (2000), culpability is the basis for the state's moral legitimacy in imposing punishment, so without culpability, punishment loses its justification.

In the context of Indonesian criminal law, Chairul Huda (2018) explains that criminal responsibility cannot be separated from the concept of fault as the basis for punishment. Fault is an element inherent in the perpetrator, not in the act. Therefore, a person can only be punished if it can be proven that they have the capacity to take responsibility, a spiritual connection to the act, and the absence of circumstances that eliminate their fault. Therefore, even if an act meets the definition of a crime, the perpetrator cannot necessarily be punished if one of the elements of criminal responsibility is not met.

This concept is legitimized in the National Criminal Code, which places fault as the primary requirement for criminal responsibility. This demonstrates that Indonesian criminal law adheres to the concept of fault-based liability, rather than strict liability, as a general principle. This means that punishment can only be imposed if there is a connection between the perpetrator and the resulting consequences through a form of fault that can be accounted for under the law.

In cases of assault arising from social conflict in Kampar Regency, proving guilt is crucial. Social conflict is essentially a situation involving conflict between individuals or groups influenced by various factors such as land disputes, customary disputes, economic conflicts, and deteriorating social relations. Conflict situations often give rise to violent acts as a form of emotional outburst, resulting in victims suffering minor injuries, serious injuries, or even death. However, the existence of social conflict does not automatically eliminate the perpetrator's criminal liability. The conflict merely serves as the background to the crime, while determining accountability remains based on the fulfillment of the elements of guilt as stipulated in the National Criminal Code.

From a criminological perspective, social conflict can indeed increase the likelihood of violent crime due to the escalation of hostility, which reduces an individual's ability to control their emotions. However, criminal law does not view conflict as a justification for violence against others. The state remains obligated to protect the bodily integrity of every citizen, so any form of abuse must be criminally accounted for if it meets the elements of a crime.

Eddy OS Hiariej (2023) explains that criminal liability is a logical consequence of the principle of the rule of law, which positions law as an instrument of societal protection. According to him, fault is the bridge between a criminal act and a criminal offense. Without fault, the state has no legitimate basis for imposing a penalty on an individual, as punishment is not merely retribution but rather a form of enforcing legal norms to maintain public order.

This opinion demonstrates that the application of criminal liability to perpetrators of assault resulting from social conflict must consider the balance between protecting the victim and protecting the rights of the suspect. Judges must not only consider the consequences of the injuries suffered by the victim but also assess whether the perpetrator has the capacity to take responsibility, whether the act was committed intentionally or through negligence, and whether there are justifications, such as a defense of necessity or excuses, that eliminate their guilt.

Furthermore, Mahrus Ali (2022) stated that criminal responsibility is a form of individual criminal responsibility. In modern criminal law, each person is responsible for their own actions, so that one person's fault cannot be shifted to another. This principle is particularly important in cases of persecution resulting from social conflict, as in practice, acts of violence are often carried out collectively. Even in situations of mass conflict, judges must still identify the role of each perpetrator so that criminal responsibility is imposed individually based on the level of involvement.

The principle of individualized criminal responsibility is highly relevant in resolving assault cases in Kampar Regency, which are often triggered by social conflict between community groups. In such circumstances, the evidentiary process must be able to distinguish between the primary perpetrator, co-conspirators, those who ordered the act, and those who were merely present at the scene without committing the act of violence. This ensures that criminal penalties truly reflect the principles of justice and prevent the criminalization of those who did not contribute to the crime.

Based on the above description, it can be understood that criminal responsibility for perpetrators of persecution due to social conflict is essentially a process of legal assessment of whether or not the perpetrator can be blamed for his actions. Proof does not stop at fulfilling the elements of a criminal act as regulated in Articles 466 to 472 of Law Number 1 of 2023 concerning the Criminal Code, but must also pay attention to the principle of fault, the ability to be responsible, the spiritual relationship between the perpetrator and the consequences caused, and the absence of reasons that eliminate criminal responsibility. Thus, the application of criminal responsibility to perpetrators of persecution due to social conflict in Kampar Regency not only reflects legal certainty, but also realizes substantive justice in accordance with the objectives of national criminal law reform.

Furthermore, criminal law also recognizes justification and excusing reasons, which can eliminate criminal liability. Justification removes the unlawful nature of an act, while excusing reasons remove the perpetrator's guilt, even though the act remains considered unlawful. In situations of social conflict, the reasons often examined are self-defense (*noodweer*) and excessive self-defense (*noodweer excess*). However, the application of these reasons must be strictly enforced, as not all actions in social conflict can be justified as self-defense.

According to Muladi and Barda Nawawi Arief (2020), the rationale for expunging

criminal penalties must be interpreted restrictively because it directly relates to protecting the public interest and victims of crime. Therefore, in the assault case in Kampar Regency, judges must be careful in assessing whether the perpetrator's actions were truly self-defense or aggressive behavior triggered by group emotions during a social conflict.

In the perspective of EY Kanter and SR Sianturi (2018), assault is a criminal act that generally has an element of intent to cause pain or injury to another person's body. In the National Criminal Code, provisions regarding criminal acts against the body are regulated in Articles 466 to 472 which classify assault based on the level of consequences caused, ranging from minor assault to serious assault resulting in death. In the context of social conflict, assault is often not carried out by one person alone, but together, so that the provisions regarding criminal inclusion in Article 56 of the National Criminal Code are very relevant to determine the role of each perpetrator.

In practice, social conflict often gives rise to situations of collective violence, where individuals act based on group impulses. However, criminal law still adheres to the principle that criminal responsibility is individual. Therefore, a person's involvement in a group does not eliminate the obligation to prove their individual guilt. This aligns with Bambang Poernomo's (2017) view that in modern criminal law, collective responsibility is not recognized, so each perpetrator must be clearly proven for their role in the crime.

Based on the above description, it can be concluded that the theory of fault, the capacity to be responsible, and the grounds for expungement of criminal liability play a very important role in determining the criminal responsibility of perpetrators of abuse due to social conflict in Kampar Regency. Although social conflict can be the background to criminal acts, criminal law still places fault as the primary basis for punishment. Therefore, the implementation of Law No. 1 of 2023 concerning the National Criminal Code must be carried out carefully, proportionally, and oriented towards substantive justice, so that there is no excessive criminalization of perpetrators, but also does not neglect the protection of victims.

Social conflicts in Kampar Regency often exhibit patterns of communal violence involving a limited number of community groups. In such situations, acts of violence often occur spontaneously in response to provocation or escalation of the conflict. However, criminal law does not condone collective violence without a valid legal basis.

Law Number 7 of 2012 concerning Social Conflict Management emphasizes the state's obligation to prevent, stop, and resolve social conflict. However, this law does not legitimize the use of violence as a form of collective self-defense. Therefore, any acts of violence occurring in the context of social conflict must still be held accountable individually.

In practice, one of the main challenges in law enforcement against abuse resulting from social conflict is the difficulty of identifying the primary perpetrators because the actions are carried out collectively. In chaotic situations, there are often active perpetrators, passive perpetrators, or parties who merely participate without taking direct action. Therefore, the application of Articles 55 and 56 of the National Criminal Code concerning criminal involvement is crucial in determining the form of involvement of each individual.

According to Andi Hamzah (2020), criminal inclusion is a concept that allows someone to be punished even if they didn't commit the primary act, as long as they contributed to the crime. Therefore, in cases of social conflict, someone who incites a mob to violence can be punished as severely as the perpetrator who directly carried out the assault.

Criminal liability in the National Criminal Code remains based on the principle of fault (*schuld* principle). This means that even if a person has committed an act of assault, they cannot be punished unless there is evidence of fault for which they are responsible. This fault must be proven through a spiritual connection between the perpetrator and the act.

In social conflicts, the excuse often arises that the perpetrator acted because he was "provoked by the situation" or "followed the crowd." However, legally, this reasoning does

not automatically eliminate guilt. Sudarto (2019) emphasized that environmental influences cannot eliminate criminal liability if the perpetrator still has the ability to restrain himself. Therefore, situational claims in social conflicts must be rigorously tested by law enforcement officials and judges. Furthermore, excuses such as force majeure or the defense of excessive force must be rigorously proven. Not all actions in social conflicts can be categorized as self-defense, especially if there is an element of revenge or active aggression on the part of the perpetrator.

The implementation of the National Criminal Code provides a more systematic basis for handling cases of assault resulting from social conflict. With a more detailed classification of crimes against the body, law enforcement officers have a clearer basis for determining the type of offense and the severity of the punishment. Furthermore, the National Criminal Code also strengthens the principle of individualization of punishment, which is crucial in cases of social conflict. Judges can no longer impose collective sentences without differentiating the roles of each perpetrator. This aligns with the principle of the rule of law, which upholds individual justice.

According to Barda Nawawi Arief (2022), criminal law reform must be directed toward creating a penal system that is not only repressive but also considers humanistic and restorative aspects. In the context of social conflict, this approach is crucial for preventing further escalation and fostering social reconciliation without neglecting criminal accountability.

From a criminal justice theory perspective, several approaches can be used to understand the purpose of punishing perpetrators of assault. First, there is the retributive theory, which emphasizes that punishment is retribution for the perpetrator's wrongdoing. Second, there is the utilitarian theory, which emphasizes that punishment aims to provide social benefits, such as crime prevention. Third, there is the rehabilitative theory, which emphasizes reforming the perpetrator so that they do not repeat their actions.

Muladi (2021) stated that a modern criminal justice system must integrate these three theories into a harmonious whole, so that punishment serves not only to punish but also to reform and protect society. In the National Criminal Code, this approach is evident in the recognition of conditional sentences, supervision sentences, and restorative approaches for several types of crimes.

In cases of abuse resulting from social conflict, a restorative justice approach becomes particularly relevant. This is because social conflict often involves ongoing social relationships between perpetrators and victims. A restorative approach allows for the restoration of social relationships through peace mechanisms, without completely eliminating criminal responsibility.

In the context of the social conflict in Kampar Regency, criminal responsibility must be constructed individually and proportionally. This means that each perpetrator must be proven to have a specific role, whether as the primary perpetrator, a co-perpetrator, or an instigator. This aligns with the principle of individual criminal responsibility adopted in modern criminal law.

According to Jan Remmelink (2020), criminal responsibility should not be collective, as this would obscure the link between wrongdoing and punishment. Therefore, in situations of social conflict, law enforcement officers must carefully reconstruct the events to determine each individual's contribution to the assault. Furthermore, provocation and mass pressure do not necessarily eliminate wrongdoing but can be mitigating factors in sentencing. Judges must be able to distinguish between perpetrators who actively commit violence and those who simply succumb to the current of the situation. This way, the principle of proportionality in sentencing can be realized.

The National Criminal Code update provides a more progressive basis for criminal

law enforcement, including in cases of assault resulting from social conflict. Law enforcement aims not only to punish perpetrators but also to restore social order disrupted by conflict.

From the perspective of Barda Nawawi Arief (2022), criminal law enforcement must be directed toward humanistic policies, namely policies that emphasize not only punishment but also prevention and rehabilitation. In the context of Kampar Regency, this approach is crucial because social conflicts often recur if not resolved comprehensively. Therefore, criminal accountability for perpetrators of abuse is not merely a repressive instrument but also a means of social reconciliation. The state must be present not only as a punisher but also as a mediator, ensuring that conflicts do not escalate into broader violence.

B. Obstacles to Criminal Accountability of Perpetrators of Abuse Due to Social Conflict in Kampar Regency

The provisions on crimes against the body in Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code) demonstrate a new systematization in formulating the offense of assault that is more comprehensive than the old Criminal Code. In the National Criminal Code, assault is no longer understood narrowly as an act that causes pain or injury alone, but also includes various forms of attacks on human physical integrity classified according to the level of seriousness of the resulting consequences. These provisions are regulated in Articles 466 to 472 of the National Criminal Code, which cover minor assault, assault, serious assault, and assault resulting in death, including forms carried out together or with planning.

In the context of social conflict in Kampar Regency, criminal acts of assault generally do not occur in a vacuum, but rather are an escalation of horizontal conflict between individuals and community groups. These conflicts can be triggered by various factors, such as land disputes, economic disputes, differences in social interests, and even conflicts based on local identity. However, legally, the background of the conflict does not erase the unlawful nature of the assault. Criminal law continues to assess actions based on the objective and subjective elements contained in the crime formulation, not solely on sociological background.

In practice, law enforcement against perpetrators of abuse occurring in situations of social conflict is not always straightforward. Several obstacles frequently arise, making the criminal accountability process more difficult to implement quickly and accurately. Here are the four main obstacles:

1. Strong Customs in Kampar Regency and Community Heterogeneity Due to the Large Number of Immigrants

One of the obstacles to criminal accountability for perpetrators of assault resulting from social conflict in Kampar Regency is the strong influence of customary law within the community and the increasing heterogeneity of the population due to the large number of immigrants. Kampar Regency is an area that still adheres to Malay customary values based on the philosophy of *adat bersusih syarak, syarak bersusih Kitabullah*. In social life, the resolution of various disputes is often prioritized through customary deliberations involving *ninik mamak*, community leaders, religious leaders, and village officials. This resolution mechanism is considered more capable of maintaining family relations and community harmony than resolution through the criminal justice process.

On the other hand, the development of the palm oil plantation, mining, and economic sectors has attracted significant urbanization to Kampar Regency. The arrival of immigrants from various regions brings with them cultural backgrounds, customs, characteristics, and perspectives that differ from those of the local population. These differences often give rise to misunderstandings, competing interests, and even social conflict, particularly in matters of land ownership, employment opportunities, and natural resource management.

In such situations, when abuse occurs as a result of social conflict, law enforcement officials face a dilemma between respecting customary resolution and the obligation to enforce criminal law. Many communities prefer to resolve the issue through customary reconciliation, thus considering reporting to the police as a last resort. In some cases, victims and their families choose to withdraw their reports or refuse to cooperate because reconciliation has been achieved through customary institutions. However, for certain crimes, particularly abuse resulting in injury, the public interest must still be protected through law enforcement.

Furthermore, immigrant communities often lack understanding of the customary structures and dispute resolution mechanisms in Kampar Regency. Conversely, local communities sometimes view immigrants as outsiders who lack a grasp of local social values. These differing perceptions complicate mediation and law enforcement processes. Conflicts that could have been resolved early often escalate into physical clashes due to poor communication between community groups.

Another obstacle is the emergence of group solidarity based on kinship, ethnicity, or region of origin. In practice, witnesses and those with knowledge of the incident are sometimes reluctant to provide objective testimony due to emotional ties to the perpetrator or victim. This culture of mutual protection among group members makes establishing evidence in criminal cases more difficult. Law enforcement ultimately requires other, more robust evidence such as video recordings, post-mortem examinations, or independent witness testimony.

Therefore, the strong traditional customs and high social heterogeneity in Kampar Regency represent real obstacles to criminal accountability for perpetrators of assaults resulting from social conflict. This obstacle does not mean that customary law conflicts with state law, but rather demonstrates the need for synergy between customary resolution mechanisms and the criminal justice system so that law enforcement continues to provide legal certainty, justice, and benefits for all parties.

2. The High Level of Agrarian Conflict in Kampar Regency as a Trigger for Abuse

Another obstacle is the high incidence of agrarian conflicts in Riau Province, including in Kampar Regency. As one of the regions with the largest oil palm plantations in Indonesia, Riau has a long history of land disputes involving communities, cooperatives, plantation companies, the government, and other community groups. Issues of overlapping land rights, territorial boundaries, land ownership, and permit legality are often the main sources of social conflict.

Agrarian conflicts generally involve more than just land law issues, but also economic, social, cultural, and even political aspects. For communities, land is not merely an economic asset, but also a source of livelihood, identity, and a symbol of family continuity. Therefore, when land disputes arise, each party tends to defend its rights through various means, including the use of mass violence. In such situations, acts of violence often arise as a consequence of escalating conflicts.

The numerous agrarian conflicts require law enforcement officials to handle interconnected cases involving civil disputes, land administration, and criminal acts. Consequently, criminal cases often face challenges because the parties place more emphasis on proving land ownership than on proving the elements of the crime of assault. Perpetrators often believe that their acts of violence are a form of defending their land rights, even though they are still criminal acts and subject to criminal liability.

Agrarian conflicts also involve multiple parties with varying interests. A single conflict may involve indigenous communities, cooperatives, farmer groups, plantation companies, community organizations, security forces, and local governments. This

complexity of actors requires investigators to question numerous witnesses, gather various land documents, and determine the link between the land dispute and the crime. This requires considerable time and resources.

Furthermore, the high incidence of agrarian conflicts often triggers large-scale mass mobilization. When clashes occur, it is difficult for authorities to identify the perpetrators who directly carry out beatings or assaults. Many perpetrators take advantage of crowded situations, making their identities difficult to identify. As a result, the evidentiary process in court relies heavily on video recordings, electronic documentation, post-mortem examinations, and the testimony of witnesses who actually witnessed the incident.

Thus, the high incidence of agrarian conflict in Riau Province is a major obstacle to criminal accountability for perpetrators of assault. The complexity of land disputes, the numerous parties involved, and the significant economic interests mean that law enforcement requires careful attention to address not only the criminal aspects but also to maintain social stability within the community.

3. The Difficulty of Handling Social Conflicts Due to Their Sensitive and Complex Nature

Another equally important obstacle is the highly sensitive and complex nature of social conflict. Social conflict generally does not emerge suddenly, but rather is the accumulation of various issues that have persisted over a long period, such as land disputes, economic inequality, struggles over natural resources, differing group interests, and weak communication between communities. Therefore, when a conflict escalates into criminal assault, law enforcement officials must not only face criminal law issues but also consider the broader social impact.

The sensitivity of social conflict means that every action by law enforcement officers has the potential to provoke public reaction. The arrest of a perpetrator could be perceived as biased toward a particular group, triggering retaliatory actions or demonstrations. Therefore, authorities often must prioritize a persuasive approach, communicate with community leaders, and coordinate with local governments before taking legal action. This situation causes the law enforcement process to take longer than in ordinary criminal cases.

The complexity of the conflict is also evident in the difficulty of obtaining objective evidence. Many witnesses are reluctant to testify due to fear of threats, social pressure, or ostracism from their groups. Some witnesses even choose to change their statements to maintain family ties or group solidarity. This situation forces investigators to seek additional evidence in the form of video recordings, electronic evidence, autopsy results, and other clues to ensure the elements of the crime can be legally proven in court.

Furthermore, in social conflicts, there are often intellectual actors, provocateurs, or parties who mobilize the masses behind the scenes. They are rarely directly involved in acts of violence, making their evidence much more difficult than those of perpetrators on the ground. Consequently, those most often prosecuted are those who directly commit violence, while those suspected of organizing or provoking the conflict may not necessarily be held criminally accountable if there is insufficient evidence.

Another obstacle is the potential for further conflict if cases are not handled carefully. Law enforcement deemed unfair can lead to revenge, renewed clashes, and even the spread of conflict to other areas. Therefore, law enforcement officials must be able to balance firm law enforcement with efforts to maintain public order and security. Coordination with local governments, traditional leaders, religious leaders, and elements of the Indonesian National Armed Forces (TNI) and the Indonesian National Police (Polri) is crucial to ensure that the legal process does not exacerbate the conflict.

Thus, the sensitive nature of social conflict, involving multiple interests, and the

potential for further conflict, poses a significant obstacle to criminal accountability for perpetrators of assault in Kampar Regency. Addressing it requires a multidisciplinary approach that simultaneously combines law enforcement, conflict resolution, victim protection, and maintaining public security.

C. Efforts to Overcome Obstacles to Criminal Accountability of Perpetrators of Abuse Due to Social Conflict in Kampar Regency

Efforts in the context of law enforcement can be understood as any form of steps or strategies undertaken to overcome obstacles that arise in the criminal accountability process, so that legal objectives can be achieved effectively. Efforts to overcome obstacles in the criminal accountability of perpetrators of abuse due to social conflict in Kampar Regency require an approach that is not only oriented towards repressive law enforcement, but also prioritizes preventive and restorative measures. The characteristics of social conflict in Kampar Regency, which is generally influenced by agrarian issues, strong customary ties, and community heterogeneity, mean that its handling cannot be equated with conventional criminal acts. Therefore, synergy is needed between law enforcement officials, local governments, customary institutions, community leaders, and the community itself so that the criminal accountability process can run effectively without causing further conflict.

1. Strengthening Synergy between Law Enforcement Officers, Traditional Institutions and Community Leaders

The primary effort to overcome the obstacles to criminal accountability for perpetrators of assault resulting from social conflict in Kampar Regency is to strengthen synergy between law enforcement officials, traditional institutions, community leaders, religious leaders, and village governments. Kampar Regency is an area that still upholds Malay customary values, making the role of *ninik mamak* (leaders) highly influential in maintaining social stability. In many conflicts, communities seek resolution through customary mechanisms rather than taking cases to court. This situation often hinders the law enforcement process because victims or their families choose to reconcile through customary means and no longer cooperate with the investigation.

To address this situation, the police must view customary institutions not as obstacles to law enforcement, but rather as strategic partners. Law enforcement officers need to establish intensive communication with tribal elders and community leaders before and after a conflict occurs. Through this coordination, customary leaders can educate the community that customary resolution aims to restore social relations, while criminal accountability remains necessary if an act meets the elements of a crime as stipulated in Law Number 1 of 2023 concerning the Criminal Code.

This synergy can also be realized through the establishment of a communication forum between the police, local governments, traditional institutions, the prosecutor's office, and religious leaders to periodically discuss potential conflicts in the community. This forum serves as a medium for exchanging information, early problem-solving, and providing legal education to the community. With effective communication, various issues that have the potential to escalate into social conflict can be promptly identified and resolved before they lead to criminal acts of assault.

Furthermore, traditional leaders have an emotional connection with the community, making it easier for them to influence public behavior than law enforcement officers. Therefore, involving traditional leaders in legal outreach, mediation, and conflict resolution will increase public trust in the law enforcement process. Thus, harmonious coordination between state law and customary law will create legal certainty while maintaining order and harmony in the Kampar Regency community.

2. Strengthening Integrated Agrarian Conflict Prevention and Resolution

The second effort is to strengthen the prevention and resolution of agrarian conflicts in an integrated manner. Most social conflicts in Kampar Regency originate from disputes over plantation land ownership, territorial boundaries, and land management rights. These disputes often escalate into physical clashes as each party believes they have legitimate rights to the disputed object. Therefore, resolving agrarian conflicts is a crucial step to prevent violence.

Regional governments need to improve coordination with the National Land Agency, the police, the prosecutor's office, plantation companies, cooperatives, and communities to resolve land disputes quickly and transparently. Any reports of overlapping land ownership must be promptly followed up through administrative verification, re-measurement if necessary, and mediation involving all stakeholders. Protracted resolutions will only increase social tensions and open the door to violence.

In addition to dispute resolution, local governments also need to develop a conflict mapping system. Through this mapping, authorities can identify areas with high levels of vulnerability, allowing for early implementation of security measures and persuasive approaches. Police can also increase dialogue patrols, optimize the function of Bhabinkamtibmas (community police officers), and provide guidance to community groups potentially involved in conflict.

Preventing agrarian conflict also requires transparent information regarding land status, business permits, and management rights. Unclear information often gives rise to speculation and triggers unilateral claims from the public. Therefore, public information transparency is crucial in preventing social conflict. If the root causes can be addressed early, the potential for persecution resulting from social conflict will be reduced, and criminal liability will no longer be the dominant measure, but rather the ultimum remedium after preventative measures have failed.

3. Improving the Professionalism of Law Enforcement and Disclosure of Intellectual Actors

The third effort is to improve the professionalism of law enforcement officers in the investigation, evidence-gathering, and disclosure of the intellectual actors behind social conflicts. In practice, perpetrators of violence resulting from social conflicts often act together, making it difficult to determine who is the primary perpetrator, co-perpetrator, ordering agent, or instigator. Often, only the perpetrators on the ground are prosecuted, while those who plan or organize the violence remain untouched by the law.

To overcome these obstacles, investigators must maximize the use of valid evidence as stipulated in the Criminal Procedure Code and other laws and regulations. In addition to witness testimony and post-mortem examinations (*visum et repertum*), investigators need to utilize CCTV footage, community video documentation, digital photographs, electronic evidence, social media conversations, and digital forensic analysis to identify all parties involved. The use of information technology will strengthen the evidentiary process and reduce reliance on witnesses, who are often reluctant to testify due to pressure from certain groups.

Investigators must also conduct comprehensive case development. The investigation should not stop at the perpetrators who directly carried out the beatings, but should also be directed at uncovering who organized the crowd, gave orders, provided the means, and carried out the provocation before the conflict occurred. This step is crucial to ensure that criminal responsibility is not only imposed on the perpetrators on the ground, but also on the intellectual actors who played a crucial role in the crime.

In addition, continuous capacity building of officers through education and training on social conflict resolution, modern investigative techniques, negotiation, and conflict

management is also necessary. Officers with professional skills will be better able to handle conflicts objectively, avoid excessive repressive actions, and ensure fair and transparent law enforcement that provides legal certainty for all parties.

CONCLUSIONS

Criminal liability for perpetrators of abuse resulting from social conflict in Kampar Regency can be imposed as long as it can be proven that there was an unlawful act and the perpetrator's fault, this is of course through the mechanism of the criminal justice system starting from the stages of inquiry, investigation, prosecution, to examination and court decision. Perpetrators who are proven to have committed abuse can be held criminally accountable based on the provisions of Law Number 1 of 2023 concerning the Criminal Code, specifically the provisions regarding the crime of abuse in Article 466 and the provisions regarding violence committed together if the elements are met. In practice, the court not only assesses the existence of an unlawful act, but also pays attention to fault, ability to be responsible, valid evidence, and the consequences for the victim. However, in social conflicts involving many perpetrators, criminal liability is still more often imposed on perpetrators who directly commit violence, while parties suspected of being instigators or intellectual actors are often difficult to hold accountable due to limited evidence.

Obstacles to criminal accountability for perpetrators of abuse resulting from social conflict in Kampar Regency include the strong influence of customs and the heterogeneity of society due to the large number of immigrants, the high incidence of agrarian conflicts that trigger social clashes, and the sensitive, complex, and multi-stakeholder nature of social conflict. These conditions impact the effectiveness of criminal accountability and have the potential to hinder the realization of legal certainty, justice, and protection for victims.

Efforts to overcome obstacles to criminal accountability for perpetrators of abuse due to social conflict in Kampar Regency are carried out through strengthening synergy between law enforcement officers and traditional institutions, community leaders, and local governments; improving the prevention and resolution of agrarian conflicts in an integrated manner through cross-sector coordination; and increasing the professionalism of law enforcement officers in investigations and evidence by utilizing information technology and electronic evidence. In addition, it is necessary to reveal the intellectual actors who organize or provoke conflicts, increase protection for victims and witnesses, and increase public legal awareness through ongoing legal counseling.

REFERENCES

- Ali, M. (2022). *Fundamentals of criminal law*. Sinar Grafika.
- Arief, B. N. (2016). *Anthology of criminal law policy*. Kencana.
- Arief, B. N. (2022a). *Anthology of criminal law policy*. Kencana.
- Arief, B. N. (2022b). *Problems of law enforcement and criminal law policy*. Kencana.
- Chazawi, A. (2019). *Criminal law lessons part I*. Rajawali Pers.
- Decision Number 41/Pid.B/2026/PN Bkn.
- Fletcher, G. P. (2000). *Rethinking criminal law*. Oxford University Press.
- Hiariej, E. O. S. (2023). *Principles of criminal law* (Rev. ed.). Cahaya Atma Pustaka.
- Huda, C. (2018). *From no crime without fault to no criminal responsibility without fault*. Kencana.
- Hamzah, A. (2012). *Principles of criminal law in Indonesia and their development*. Sofmedia.
- Hamzah, A. (2019). *Indonesian criminal law*. Sinar Grafika.
- Hamzah, A. (2020). *Certain offenses (Speciale Delicten)*. Sinar Grafika.
- Kanter, E. Y., & Sianturi, S. R. (2018a). *Principles of criminal law in Indonesia*. Stora Grafika.

- Kanter, E. Y., & Sianturi, S. R. (2018b). *Principles of criminal law in Indonesia and their implementation*. Stora Grafika.
- Moeljatno. (2015a). *Principles of criminal law* (9th ed.). Rineka Cipta.
- Moeljatno. (2015b). *Principles of criminal law* (Rev. ed.). Rineka Cipta.
- Muladi. (2021). *Selected chapters on the criminal justice system*. Undip Press.
- Muladi, & Arief, B. N. (2020). *Criminal theories and policies*. Alumni.
- Poernomo, B. (2017). *Principles of criminal law*. Ghalia Indonesia.
- Prasetyo, T. (2022). *Criminal law* (13th ed.). Rajawali Pers.
- Radbruch, G. (1950). *Legal philosophy*. Harvard University Press.
- Rahardjo, S. (2009). *Progressive law: A synthesis of Indonesian law*. Genta Publishing.
- Remmelink, J. (2014). *Criminal law: Commentary on the most important articles of the Dutch criminal code and their equivalents in the Indonesian criminal code* (T. P. Moeliono, Trans.). Gramedia Pustaka Utama.
- Remmelink, J. (2020). *Comparative criminal law*. Gramedia.
- Saleh, R. (1983). *Criminal acts and criminal responsibility*. Aksara Baru.
- Simons. (2012). In A. Hamzah, *Principles of criminal law in Indonesia and their development*. Sofmedia.
- Sudarto. (2019). *Criminal law I*. Sudarto Foundation.
- Sutherland, E. H. (1947). *Principles of criminology*. J.B. Lippincott Company.