

## ANALYSIS OF THE PHENOMENA OF THE MASS JUDGMENT FROM A LEGAL SOCIOLOGICAL POINT OF VIEW

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**Abstract:** Action mjudge himself (eigenrichting) is a disgraceful act and also violates the law in force in Indonesia. Vigilante is referred to from the Dutch language, namely "Eigenrechting" which means how to take the law by yourself, take rights without regard to the law, without being known by the government and without using the tools of government power. Facts on the ground show the presence of tvigilante acts which almost always occur simultaneously with violations of a number of other individual rights. For this reason, the state prohibits vigilante action because it is contrary to applicable law. Taking the law into your own hands is also an indicator indicating a low level of legal awareness in society. This paper aims to provide an overview of vigilantism (Eigenrechting) and to explain the phenomenon of mass judgment from the perspective of the sociology of law. This study applies normative legal research using approaches that include the Case Approach, Legislation Approach and Legal Concept Analysis Approach. Based on the analysis carried out, it can be seen that vigilante acts are triggered by emotional factors towards law enforcers and suspected criminals. On the other hand, perpetrators of taking the law into their own hands can be subject to criminal penalties in accordance with Article 351 of the Criminal Code and Article 261 of Law no. 1 of 2023. The act of taking judges themselves according to the national legal order violates the principle of presumption of innocence so that a determination regarding whether an individual is guilty or not must go through a legal process first, this is because there is a chance that he is innocent but becomes a victim of vigilante action.

**Keywords:** Mass Judgment, Sociology Law, Eigenrichting

## I. INTRODUCTION

The State of Indonesia was formed based on the 1945 Constitution of the Republic of Indonesia, the basis of this state expressly states that if the State of Indonesia adheres to the law (Rechtstaat) it is not limited to mere power (Machtstaat). This is also clarified in Article 27 paragraph (1) of the 1945 Constitution which describes if all citizens have an equal position before the law and government and are obliged to uphold the law and government without exception.<sup>1</sup>

A government and a state that upholds law and human rights has been the ideal of the nation since before independence. Apart from that, all Indonesian citizens also want conditions for the nation's life that is orderly, safe, peaceful and peaceful as Pancasila and the Constitution of the Republic of Indonesia. 1945. In order to realize these goals and ideals, all citizens are obliged to implement and enforce the law without exception.<sup>2</sup>

The implementation of criminal law in society is not as easy as the theory described because there are various complicated problems that exist in society, especially the problem of criminal acts which are increasingly diverse and developing in line with changes in society towards the modern era. The growth and increase in the crime problem has elicited a response from the public who think that if law enforcement officials are incompetent in handling crime problems and are considered slow in carrying out their duties, this also contributes to a sense of dissatisfaction in society towards law enforcement that is not working properly. These various responses are the result of the long length of the justice system which lacks education where it is not uncommon for law enforcement officials to release criminals on the pretext of a lack of evidence and even if they go to court, the law imposed is not in accordance with the expectations of society. This assumption causes the majority of people to feel disturbed by their security and peace so that they carry out their own judgment on the perpetrators of crimes by not complying with the applicable legal process.<sup>3</sup>

Self-judgment of perpetrators of criminal acts is an inappropriate step and violates human rights which will contribute negatively to the law enforcement process.<sup>4</sup> Society forgets or does not understand that it is not only themselves who have human rights but also the perpetrators of criminal acts in the form of rights to obtain legal protection in court. The suffering felt by the perpetrators of criminal acts must still be considered because after all they are also part of humanity.

The act of vigilantism that has arisen in society recently has been widely reported on television and in the print media, because it cannot be denied that this action has become a mega trend in many areas. Various similar cases, not a few were processed legally according to the applicable provisions, but many were simply released because the evidence was not strong enough. The condition of the majority of society is very emotional in dealing directly with perpetrators of criminal cases, especially among people with middle to lower economic backgrounds, as well as the lack of knowledge about law also contributes to the spark of anger within the community which causes it to prefer to carry out self-punishment of perpetrators of crimes because it is considered more effective.<sup>5</sup>

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<sup>1</sup>Law of the Republic of Indonesia of 1945

<sup>2</sup>Ibid

<sup>3</sup>Saiin, A., and Iffan, A. 2018. Phenomenon of vigilante acts in state law and Islamic law. *Perada Journal* 1(2), p. 144.

<sup>4</sup> Adhi Wibowo, *Legal Protection for Victims of Mob Rampage: A Review of Victimology*. (Padang: Thafa Media, 2013), page 14.

<sup>5</sup>Fuadi. 2018. Sociological Juridical Views of the Phenomenon of Street Justice in Community Life. *Novelty Law Journal* 9(1), p. 20

Law enforcement in this vigilante case must be handled seriously in order to prevent it from becoming a culture in society that can tarnish the life of the nation and state. If people in a country tend to apply the law of the jungle compared to normative law which is formally legal, it will have an impact on citizens who tend to obey various groups or individuals who have physical strength, for example certain groups with strong masses or a number of thuggery groups which proves that a number of groups within many people are gathering physical strength for preventive efforts in solving various problems instead of choosing the legal route which is considered less effective.

## II. METHODS

This research is in the form of normative legal research using a number of approaches which include the Case Approach, Legislation Approach and Legal Concept Analysis Approach which relates to vigilante acts as court decisions in Indonesia. Normative legal research is also called doctrinal legal research, namely research according to an internal perspective with the research object in the form of legal norms. Normative legal research places law as the basis for establishing legal norms. This type of research is empirical legal research or legal research sociology (juridical sociology) with the data obtained from secondary sources through literature study to various literature or library materials related to the problem or research material. The data in this paper are analyzed using qualitative methods, namely describing the results of the analysis obtained and providing an overview or description of the research object as the study was conducted. The purpose of this paper is to review the perspective of the sociology of law and analyze the triggers for the occurrence of vigilante acts.

## III. RESULTS AND DISCUSSION

### Overview of Vigilante (Eigenrechting)

Vigilante or commonly known as mass judgment, street court, people's court, mass justice, mass rage, mass anarchism or mass brutality.<sup>6</sup> This term is referred to from the Dutch language, namely "Eigenrechting" which means how to take the law into your own hands, take rights without regard to the law, without the knowledge of the government and without using the tools of government power. Vigilance almost always takes place simultaneously with the violation of a number of other individual rights, and therefore this action is not permitted because it indicates a low level of legal awareness.<sup>7</sup>

Eigenrechting or taking the law into their own hands is one of the manifestations of the community's reaction because the norms in society are violated. Community reactions, according to a sociological perspective, can be categorized into two types, namely positive aspects and negative aspects.<sup>8</sup> It is said to be a positive aspect when it fulfills the following conditions:

1. The community's reaction to crime with a number of societal approaches is like the beginning of a crime.
2. The community's reaction is based on cooperation with security forces and official law enforcement.
3. Punishment is intended as a means of coaching and awareness of the perpetrators of crimes.
4. Calculating and considering the various causes of a crime.

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<sup>6</sup>Sumardi Effendi. 2020. The crime of taking the law into your own hands (Eigenrichting) according to positive law and fiqh jinayah. *Journal of Islamic Legislation and Criminal Law* 5(10, p. 55

<sup>7</sup>Andi Hamzah, *Legal Dictionary*, (Jakarta: Ghalia Indonesia, 1986), page 167

<sup>8</sup>Abdul Syahni, *Sociology of Criminality*, (Bandung: Karya Youth, 1987), pp. 100-101

Declared as a negative aspect if:

1. The community's reaction was instantaneous, that is, it was carried out based on overflowing emotions.
2. Community reactions are based on local provisions that apply to a related (unofficial) community.
3. The purpose of punishment is generally revenge, coercion, revenge and flogging.
4. Considerations and calculations regarding the reasons for the occurrence of a crime are relatively few.

An individual's attempt to carry out vigilante actions is permissible as long as in said attempt he does not commit any other criminal act. For example, an individual who has had his wallet stolen and he requests the return of the wallet from the pickpocket and the request is granted, so this act of "self-judgment" is permissible. Meanwhile, the vigilante action referred to here is in the form of an act of violating the law, exceeding reasonable limits, for example torturing and in the form of a criminal act.<sup>9</sup>

The scientific repertoire of criminal law does not contain the term mass in it and merely becomes a term that appears and lives in society as a social reality. The term mass refers to the popular scientific dictionary defined as a way of including many parties; together; massive (crowd). Generally this mass action is indicated/accompanied by the following characteristics:

1. Anonymity is transferring individual identity and responsibility to group identity and responsibility.
2. Impersonality, namely the relationship between individuals within the mass or outside the mass becomes very emotional.
3. Suggestibility is suggestive and contagious.

Referring to a number of characteristics of the mass crowd, a comparison is then made to the real conditions and not all of these characteristics are absolutely present in the entire mass movement/crowd consisting of more than one person and these characteristics are cumulative, indicating the characteristics of anonymity and suggestibility is possible only in a mass group but not impersonality and vice versa. Criminal acts carried out by the masses do not have significant differences from criminal acts that are generally carried out by a person, the difference is that the subject of the action is more than one individual. Criminal acts carried out by the masses are categorized into 2 (two) types, namely:<sup>10</sup>

1. Criminal acts committed en masse with organized masses.

Organized masses, that is, when carrying out mass criminal acts, the masses involved are formed in an organized manner. In general, the appearance of the masses is controlled by a number of field operators who provide directions regarding how and to what extent the masses must take their actions. This action was intended to gain (material) benefits as a group and was carried out illegally (against the rule of law).

In this first category, the masses cooperate physically and non-physically in carrying out criminal acts. This mass movement is carried out in a systematic and coordinated manner with one another and is guided by a single command, which generally has a chairman or leader as the driving force. The leader has great responsibility and full responsibility for all members as long as they are still in their authority. The formation of an organized mass can be done in 2 ways, namely:<sup>11</sup>

- a. The masses are formed in an organized manner with the existence of an organization, which is characterized by: having an identity/name of an association,

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<sup>9</sup>Fuadi. 2018. Sociological Juridical Views of the Phenomenon of Street Justice in Community Life. *Novelty Law Journal* 9(1), p. 27

<sup>10</sup>Ibid

<sup>11</sup>Ibid

having an organizational structure, having association rules, having an organizational structure, having rules or regulations binding members, having its own finances, taking place continuously and being oriented towards social.

- b. Masses that are formed in an organized manner without any organization, namely masses that are organized with a short-term duration or are spontaneous and only temporarily formed to carry out criminal acts, and immediately disband themselves when they have completed their work.

2. Criminal acts committed en masse with the masses formed not in an organized manner.

Formation of masses in an unorganized manner, namely masses that give a response spontaneously without making previous plans. Density tends to be more easily transformed into mass rage (acting mob). The actions carried out are an attempt to get the attention of the public or law enforcement officials regarding the unsatisfactory social situation through illegal means.

In the second form, the masses carry out criminal acts together which indicates the existence of cooperation without including a plan and only physical cooperation without being accompanied by non-physical cooperation.

Therefore, the masses that are formed not in an organized manner in carrying out criminal acts will be motivated to react because there are similarities in the issues and problems faced even in carrying out their actions there is no leader or chairman as the party coordinating the mass movement, in this regard the leader is himself. individual members of the existing masses.

The act of taking the law into their own hands is a response from society that creates an atmosphere of disorder. People who are supposed to comply with applicable law according to the provisions of the authorities actually act in the opposite way, they carry out a response to crime through taking justice into their own hands against the perpetrators of criminal acts. However, when viewed according to the definition of a crime that has been previously described, it will be clear that what society does to the perpetrators of criminal acts who are caught, namely in the form of beating them to a pulp and even burning them alive becomes another form of crime.<sup>12</sup>

These vigilante actions generally take place in mass in order to avoid personal responsibility and to prevent retaliation from the families and colleagues of the victims. Acts of violence in the form of vigilante actions became a reaction from the community which actually led to disorderly conditions. People who are supposed to comply with applicable laws as determined by the authorities actually act in the opposite way, namely responding to crimes through self-judgment of perpetrators of crimes.<sup>13</sup> However, when viewed through the definition of a crime that has been explained previously, it will be seen clearly that the community's treatment of caught criminals, namely beatings until they are black and blue and there are even cases where criminals are burned alive is another form of crime.

These vigilante actions are generally carried out en masse in order to avoid personal responsibility or avoid reprisals from the families or colleagues of the victims. Acts of violence committed, namely "(1) Whoever in public jointly commits violence against people or property, shall be punished with imprisonment for a maximum of five years and six months. (2) Guilty punished:

1. with imprisonment for a maximum of seven years, if he deliberately destroys objects or the violence he does causes injury.

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<sup>12</sup>Adhi Wibowo, Legal Protection for Victims of Mob Rampage: A Review of Victimology. (Padang: Thafa Media, 2013), page 22.

<sup>13</sup>Yuseini, M., and Astuti, P. 2020. Analysis of the positive actions of vigilante (Eigenrichting) in murder cases. Novum Law Journal 7(2) p. 129

2. with a maximum imprisonment of nine years, if the violence causes serious bodily injury
3. with imprisonment for a maximum of twelve years, if the violence results in the death of a person.”

The following describes the elements listed in the article above:

1. Whoever. This refers to the individual or party who is the perpetrator.
2. In public. The action takes place in a location that can be seen by the public.
3. Together, this indicates the act was executed by a minimum of two individuals. The word indicates if this action is carried out intentionally (*delic dolus*) or has a definite purpose, so it is not an accident (*delic culpa*).
4. Violence, namely using relatively large and illegal physical force or force. The violence is generally in the form of "torture" or "damage to goods".
5. Against people or things. Such violence must be directed against an individual or property that is the victim.

This article is generally widely applied by public prosecutors to ensnare the perpetrators of criminal acts carried out by masses that are formed in an unorganized manner. Meanwhile, Article 170 of the Criminal Code has obstacles and attracts controversy because the subject "whoever" refers to one person as the perpetrator, and the term "with collective power" refers to a group of individuals.<sup>14</sup> This offense in its elaboration does not lead to groups or masses who do not regularly carry out criminal acts, the threat is limited to a number of individuals within the group who are proven to be involved in joint forces carrying out violence. In mass groups that are unique, of course this kind of offense is difficult to implement.

Therefore, the application of article 170 is considered less relevant so that there is a revision of article 262 Number 1 of 2023 of the Criminal Code against masses who are reactionary or spontaneous in carrying out criminal acts. It is different from the organized masses, then they can apply the article to the inclusion offense, because in the articles it clearly explains the position of the perpetrators, in contrast to the reactionary masses (not included in the inclusion offense namely advocacy) where the masses have a position that is not between with others and automatically in this regard it is stated that they are equally responsible actors as other actors.<sup>15</sup>

There is a Revision to the Criminal Code which was formalized and legalized as Law Number 1 of 2023 which is now a benchmark for *eigenrechting* or vigilante crimes as explained in article 262 which reads<sup>16</sup>:

(1) Any person who openly or in public and jointly commits violence against people or goods, shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of category V.

(2) If the violence referred to in paragraph (1) results in the destruction of goods or causes injury, the penalty shall be imprisonment for a maximum of 7 (seven) years or a maximum fine of category IV.

(3) If the Violence referred to in paragraph (1) results in Serious Injury, the penalty shall be imprisonment for a maximum of 9 (nine) years.

(4) If the violence referred to in paragraph (1) results in the death of a person, the penalty is imprisonment for a maximum of 12 (twelve) years.

(5) Everyone as referred to in paragraph (1) and paragraph (2) may be subject to additional punishment in the form of payment of compensation as referred to in Article 66 paragraph (1) letter d.”

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<sup>14</sup>The Criminal Code

<sup>15</sup>Maulidya Yuseini., and Pudji Astuti. 2020. Analysis of the Actions of the Vigilante (*Eigenrichting*) in Murder Cases. *Novum Law Journal* 7(2), p. 126.

<sup>16</sup>Article 262 of the Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code

The following is an explanation as stated in the article above:

1. In this article there is an element of blatant in which the word refers to intentional violence against people or property in public.
2. In this article, which refers to paragraph (1), it explains the impact or consequences of violence so that objects are destroyed and the perpetrators of violence result in injury. There was no statement of serious or minor injuries.
3. In this article, which is referred to in paragraph (1), it explains the impact of violence on victims which results in serious injuries, they are subject to imprisonment for a maximum of 9 years.
4. In this article, which is referred to in paragraph 1, it explains that the impact of violence resulting in the death of a person will be sentenced to a maximum of 12 years in prison.
5. In this article, which refers to paragraphs (1) and paragraphs (2), it is explained that the perpetrators of violence who commit it in public and result in the destruction of goods and serious or minor injuries will receive additional punishment in the form of compensation according to the provisions in article 66 letter d

Regarding "eigenrichting" contained in the Criminal Code no. 1 of 2023 there are pros and cons regarding vigilante. In general, the occurrence of a crime in the author's view, namely vigilante is something that often occurs in society due to the lack of relations between society and apparatus the state and its law enforcers officially but that has a positive impact because the perpetrators of crimes will be more vigilant to the public because it can cause serious or minor injuries and death and from the negative side the community is more arbitrary in judging the perpetrators of these crimes because people often have negative emotions very high and the function of the state apparatus and law enforcement does not function

As for the current problem, namely around legal action and the imposition of sanctions fairly and effectively on groups and a number of actors and groups of individuals who have difficulties in implementing them in the field. In criminal acts carried out by mobs it is difficult to set a maximum limit on the number of mobs, according to the definition of the word "mob" which is a minimum of two individuals and there is no maximum limit. So the mass in this case is categorized into 2 types according to the amount, namely, the mass that is clear in number and the mass that is not clear in amount.<sup>17</sup>

For a mass whose number is clear, namely the mass participating in a criminal act, the quantity can be calculated and the extent of their involvement in carrying out the crime can be known, because this has been stipulated in criminal law, namely in the offense of inclusion. Meanwhile, for an unknown mass, it is a large mass quantity and it is difficult to calculate in nominal terms, which makes it difficult to determine whether all the masses are involved or only a part of it.<sup>18</sup> So that in this paper the discussion focuses on the masses whose numbers and nominal numbers of the masses who participated in carrying out the criminal act were not clear.

### **The Phenomenon of Mass Judgment in the Perspective of Legal Sociology**

Article 1 paragraph 3 of the Constitution of the Republic of Indonesia expressly states that "Indonesia is a country based on law".<sup>19</sup> According to grammar, the existence of a rule of law has consequences in the form of all forms of decisions, various state equipment, overall attitudes, behavior and actions including those carried out by citizens, must be based on law or

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<sup>17</sup>Adami Chazawi, *Trial And Participation*, (Jakarta: PT. Raja Grafindo Perkasa, 2002), page 123

<sup>18</sup>Sumardi Effendi. 2020. The crime of taking the law into your own hands (Eigenrichting) according to positive law and fiqh jinayah. *Journal of Islamic Legislation and Criminal Law* 5(10), p. 57

<sup>19</sup>Article 1 paragraph 3 of the Constitution of the Republic of Indonesia

can be stated if all aspects relating to it are required to have legal legitimacy. Although this perspective is recognized as representing a relatively positivistic legal understanding, a more dogmatic juridical understanding.

Hans Kelsen is a prominent postivist who initiated an understanding that values law as an autonomous thing, law must stand alone, free from various social, political and economic elements. One of the positivistic exponents that has been described is Hans Kelsen through his pure legal theory "The pure theory of law". Whereas at the beginning of the 19th century there was a revolutionary change in perspective which had an impact on various aspects including law. One that is also affected is the positivistic view or paradigm that reviews law as a written norm "Law In text".

The impact on the scientific field of law refers to a legal perspective which was initially abstract and formal in nature to become a legal perspective with sociological, sociological and empirical juridical characteristics. From the school of history initiated by Von Savigny, which began to attract the attention of various groups for an analysis of law with an abstract and ideological nature, it became a legal analysis that focuses on the social environment that forms it. Savigni's main idea is that law becomes the realization of people's awareness (Volksgeist). He argued that law does not originate from legislators but originates from customs and beliefs. This historical school then paved the way for the emergence of various schools of sociological jurisprudence,

According to the sociological perspective, law is limited to an impact on social phenomena. Characteristics in the flow of sociology, the ideal law should adapt the laws that exist in society. This school clearly distinguishes the living law and the positive law. While positive law tends to have a dogmatic juridical view, while legal sociology has an empirical view. They want to carry out a sociological understanding of legal phenomena. So that sociology tends to refer to the Interpretative understanding of social conduct (an attempt to understand its object in terms of social behavior) which includes: causes, its course, and it's effects.

Legal phenomena according to a sociological perspective are in the form of various indications containing stereotypes, both written and unwritten.<sup>20</sup>George Ritzer stated that all intellectual fields were formed and regulated by social conditions, especially regarding sociology. George Ritzer in one of his works, namely a comprehensive discussion of sociology which is the object of knowledge in books on modern sociological theory. He made his own judgment or *Eigenrichting* as one of the many phenomena he discussed in a book related to problems in law.

According to the sociological perspective, this phenomenon is merely a social phenomenon, in which an individual or a group of individuals tends to solve problems outside of various normative legal rules. One of the forms of *Eigenrichting* is beating, which often happens to criminals. Many acts of beatings or beatings arose because of the emotions of the masses that could not be controlled. The masses tend to get emotional when they find criminals caught red-handed. Which action is clearly wrong in terms of legal norms because there is no single reason that allows society to decide on an action independently unless there are conditions that compel the action, for example self-defense because the perpetrator of the crime poses a physical threat.

R. Soesilo argues that if an individual can judge himself to be in a "state of emergency" and be free from punishment if he has three conditions. First, the act must be done in order to defend or defend himself. Defense or defense must be indispensable or the only way There has to be a balance between the defense and the attack.<sup>21</sup>In order to defend interests that are

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<sup>20</sup>Achmad Ali, *Legal Theory and Court Theory*, (Jakarta: Prenada Media Group, 2009), page 21

<sup>21</sup>George Ritzer, *Modern Sociological Theory*, (Jakarta: Prenada Media Group, 2010), page 87



meaningless, such as individuals, it is prohibited to injure or kill other individuals. If the attacker is able to be rendered helpless, for example, it indicates that the defense through violence cannot be assessed as forced defense. Second, the defense is carried out against a number of interests stated in Article 49, namely body, honor (in the sexual sense) and personal or other individual goods. Third, there must be attacks that violate rights and make threats suddenly or at that moment. If, for example, a thief and his goods have been arrested, then the victim of theft is prohibited from defending himself by beating the thief, because in this condition the thief will no longer carry out any attacks.

Rules related to the basis for criminal abolition are also contained in the criminal laws of various other countries. Through a number of these rules, criminal law actually provides a normative means that allows an individual to defend himself against an unlawful attack or a criminal act.<sup>22</sup> However, the defense that is carried out cannot be arbitrary and must comply with the law and the human rights of each individual, the criminal law also provides normative limitations through a number of conditions that are imposed. If, we only review according to positive law, so that many acts of self-judgment occur and often cause an individual to lose his life (who is likely not the actual perpetrator), it has violated the existing provisions. However, the problem is certainly not that simple, because we also have to look deeper into the triggers of problems in people's social life.

Various external factors also have an influence on it. For example officers who are powerless in dealing with various criminal acts, the criminal justice system is incapable of suppressing or reducing crime rates, judicial institutions that are less effective in proving the wrongdoing of perpetrators or correctional institutions that are less successful in carrying out resocialization. Evaluation is needed in terms of handling various social phenomena like this as a whole. Starting with the implementation of the system to how legal actors formulate policies appropriately in order to get solutions to similar problems. It should be realized that anarchist actions such as self-judgment/*Eigenrichting* are a realization of what Smelser termed a hostile outburst or a hostile frustration. The level of public trust in formal institutions including law enforcement has been very poor and has become a universal adage. The low level of public trust in law enforcement has resulted in people tending to solve problems through their own ways, thus triggering an increase in *Eigenrichting*.

On this basis, it is very reasonable when we say that Indonesia in general needs a new strategy, in the context of tackling vigilante acts. This new strategy is an effort to restore public trust in law enforcement officials and the government. However, on the other hand, the tendency of the community to beat perpetrators when they catch them is also commonplace. Beatings, beatings, and various actions that threaten the lives of criminals are also commonplace. According to the perspective of legal sociology, of course this condition becomes a phenomenon that requires a certain discourse. Because these actions have been embedded as a culture which will certainly be an interesting study related to how the sociology of law views similar phenomena.

This vigilante action is often found in society. It is not uncommon to find cases of criminals being beaten up by the community together. This has the opportunity to become a characteristic, namely that society tends to be destructive in efforts to resolve certain issues that should be brought into the realm of law, with regard to this, namely being handed over to the authorities. Self-judgment (*Eigenrichting*) according to the national legal system violates the provisions in the presumption of innocence. Therefore, an individual may not be punished regarding guilt or innocence without going through a legal process first, because there is a possibility that the individual is innocent but becomes a victim of self-judgment by society.

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<sup>22</sup>Fitriati. 2012. Acts of vigilantism in criminological and sociological studies. *Journal of Legal Matters* 41(2), p. 163

Society should not be provoked in certain conditions where the presence of law is needed. Law is a means of social control, which becomes a problem when self-judgment of perpetrators of crimes is considered to be a common occurrence. Of course, this requires a solution, namely by shifting the paradigm in assessing similar events as a deviant act.

#### IV. CONCLUSION

This vigilante action has been frequently encountered in everyday life; the community generally carries out joint beatings against the perpetrators of crimes. This is feared to be a characteristic, namely that society tends to be destructive in efforts to resolve a particular problem which should be brought into the realm of law, namely handing over the perpetrators to the authorities. The act of taking the law into their own hands according to the national legal order violates the principle of the presumption of innocence so that an individual is not allowed to determine whether he is guilty or not without carrying out a legal process first, this is because there is a chance that he is innocent but becomes a victim of taking the law into his own hands.

Legal phenomena according to a sociological perspective are a number of symptoms that contain certain stereotypes, both written and unwritten. George Ritzer argues that all intellectual fields are formed and regulated by social conditions, which is especially true for sociology. George Ritzer in one of his works is a comprehensive discussion of sociology which is the object of science in the book *Modern Sociological Theory* examines phenomena that are a problem in law, namely vigilante (*Eigenrichting*).

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