

RESEARCH ARTICLE

MONEY RANSOM AS A CRIMINAL SANCTION IN THE PERSECUTION CASE

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ABSTRACT

The criminal acts of persecution committed by the people of Sitimulyo Village, Pucakwangi District, Pati Regency must be sanctioned with monetary fines, with the low economic community the head of the local police station applies monetary sanctions which are considered deterrent against other punishments. This study aims to, 1) describe the criminal sanction of maltreatment with a money ransom, 2) develop knowledge within the framework of Indonesian criminal law, 3) provide an understanding to the villagers in the village of Sitimulyo about the punishment of ransom money for the criminal act of persecution. This research is an empirical study or it can also be called a field research that examines it money ransom sanction in Sitimulyo Village, Pucakwangi District, Pati Regency. This research includes empirical research. Data collection method through observation, interviews, and documentation. The author uses a qualitative deductive thinking method in analyzing this problem, namely the process of approaching from the general truth about an event or event resulting in the truth on the same event continuously with a money ransom penalty is very effective compared to national law and Islamic law.

Keywords: *Money Ransom; Persecution; Crime; Criminal Sanction*

INTRODUCTION

Crime is an inseparable part of human life in this world. All human activities, be it political, social and economic, can be the cause of crime. So that the existence of crime does not need to be regretted, but efforts must always be sought how to handle it, such as trying to reduce the quality and quantity as low as possible according to the existing situation and conditions. Therefore, crime is the result of interaction caused by the interrelation between existing phenomena and influencing each other, interaction as a phenomenon that participates in the occurrence of crime, and has a functional relationship with one another (Gosita, 1983, p. 3).

This maltreatment is a criminal act against members of the human body, either in the form of beatings or injuries. There are only two types of criminal offenses, namely: deliberately injuring (in the Indonesian Criminal Code it is regulated in article 351 with a maximum sentence of 2 years and 8 months, if it results in serious injury the maximum threat is 5 years imprisonment), and injury due to wrongdoing (in the KUHP it is regulated in Article 360 of the Criminal Code). with a maximum sentence of 5 years imprisonment) (Santoso, 2016, p. 170). Crime prevention policies or efforts are essentially an integral part of efforts to protect society (social welfare). Therefore, it can be said that the ultimate goal or main goal of criminal politics is the protection of society to achieve social welfare (Arief, 2016; Azhar, 2019; Prayoga, 2021; Setiawan, 2017, Nordyanty, 2020; Gultom, 2019).

The case begin on Wednesday, June 27, 2018, around 22.30 WIB. There has been a criminal act of pengroyokan at the stage of Orgen Tunggal Dk. Prengapus Ds. Sitimulyo Kec. Pucakwangi Kab. Pati which was carried out by Br. ADI SANTOSO together with his colleagues to the reporter. The chronology of the incident began at 22.30 WIB. The reporter and his friends were watching the art performance of Dk. Prengapus Ds. Sitimulyo Kec. Pucakwangi Kab. Pati then the reporter and his colleagues were on the right side of the stage to watch the entertainment, suddenly beaten by Mr. ADI SANTOSO by using a stone tool that hit the reporter on the head, so that the reporter suffered a torn wound in the upper part of the head and bled, then the friend of Br. ADI SANTOSO, amounting to approximately 15 (fifteen) people took part in conducting the processing of the informant which resulted in a swollen wound on the upper left forehead. Due to this incident, the victim suffered injuries and then went to the Pucakwangi II Community Health Center, after which the victim reported the incident to the Pucakwangi Police for further legal proceedings (Suyoko, 2019).

Agus (2019) as the head of Sitimulyo Village revealed that the *mediation was carried out at the Pucakwangi Police, I also attended there, the mediation was like a deliberation system and the goal of peace, because together with my*

residents, I prioritize peace between my people. The result is a fine of Rp. 45,000,000.00 (Forty-five million Rupiah), because of that, my collective agreement can only be that with the fine the perpetrator does not repeat his actions and gives a deterrent effect on other people from committing crimes. Based on the phenomenon and the reality of the tradition of prohibiting marriage in Kenteng, the authors are interested in conducting research on the belief in prohibiting marriage with the title Ransom for Money as a Penalty for Persecution.

METHOD

This research is an empirical study or it can also be called a field research which examines the ransom of money as a criminal sanction for maltreatment in Sitimulyo Village, Pucakwangi District, Pati Regency. In this study, the main data source used was information from the source (primary data), complemented by secondary and tertiary data. Data collection was carried out in three ways, namely observation, interviews and documentation. The author uses qualitative methods by thinking deductively in analyzing this problem, namely the process of approaching from the general truth about a phenomenon or theory and generalizing that truth to a particular event or data characterized by the same phenomenon in question (Nasir, 2016, p. 19).

THE DRIVING FACTOR FOR THE RANSOM OF MONEY AS A SANCTION FOR THE CRIME OF PERSECUTION IN SITIMULYO VILLAGE, PUCAKWANGI, PATI

In the criminal act of persecution committed by Adi Santoso (the perpetrator), the authors obtained various facts from the village of Sitimulyo and the Pucakwangi Police. By using deliberation / mediation assisted by a mediator from the police. This is as said by Mr. Agus Sulistiyo as the Head of Sitimulyo Village.

"The incident started when I (the village head) heard the report from the RT, the RT saw the incident firsthand because he was also a resident of the Prengapus hamlet as well as watching dangdut entertainment too, that there was a fight between the Prengapus dukuh and the Pohijo hamlet, I went straight to the location. finished but according to all the residents who watched it confirmed the quarrel, then I tried to reconcile it but the victim asked for accountability in the form of a fine for treatment and the perpetrator did not want to give the money that the victim asked for and as a result this case was handled by the Polsek Pucakwangi police and

thanks to the case police. This is done by means of kinship / deliberation at the Polsek Pucakwangi. " (Agus, 2019)

After the policeman from the Pucakwangi Police reconciled him through deliberation / mediation using a kinship approach system with penal mediation in the following stages:

1. *The first stage: Forming a forum*

Before the meeting starts between the mediator and the parties, the mediator creates or forms a forum. After the forum was formed, a joint meeting was held. At that time, the mediator will issue a preliminary statement and take initial action, namely:

- a. Carry out self-introductions and continue with self-introductions by the parties. In this case the mediator tries to foster confidence in himself and for the process.
- b. Explain his position as a mediator.
- c. Describe their roles and authorities.
- d. Explain the ground rules regarding the process, the rules of confidentiality, and the terms of the meeting.
- e. Answering the questions of the parties.
- f. If the parties agree to continue negotiations, order their commitment to follow all applicable rules (Emirzon, 2001, p. 81).

This is like the presentation of Mr. Suyoko, SH, as the head of the Pucakwangi Police as well as the mediator, as follows: *"First, I invited the parties including the head of Sitimulyo Village, I introduced myself and then the parties introduced themselves, after that I explained the rules in this mediation that I am in charge here so I have to obey what I am talking about and both parties agree. the rules of the game."* (Suyoko, 2019).

2. *Second stage: Mutually collect and share information*

After the forum is formed and all initial preparations have been completed and all the rules of the game have been agreed upon, the mediator continues by holding a joint meeting, asking for a statement or preliminary explanation from the respective parties to the dispute. The mediator provides an opportunity for each party to speak, in this case:

- a. Each party submits the facts and positions according to their respective versions;
- b. The mediator acts as an active listener, and can pose questions;
- c. The mediator applies the rules of appropriateness and otherwise controls the interactions of the parties.

In this second stage the mediator must pay attention to all information conveyed by each party. Because the information submitted is the version of each party, the mediator qualifies the facts that have been submitted, because all facts submitted by the parties are interests that are always defended by each party so that the other party agrees. In presenting facts,

each party has different styles and versions, some are relaxed, some are tough (emotional), some are unclear in their description and so on. These conditions must be considered by the mediator.

Then proceed with discussion, namely responses to information submitted by each party. In the second stage, the parties enter into a bargain (negotiate) between them. At this stage, there is a possibility of debate and even chaos can occur between the disputing parties and if the mediator is not quick to control the parties, the parties can leave the room (leave the meeting room). (Emirzon, 2001, 81-83)

This is like the presentation of Mr. Suyoko, SH, as the head of the Pucakwangi Police as well as the mediator, as follows: "*For the second stage I asked each party to explain the chronology that happened after that I told them (the perpetrator and the victim) to explain their respective wishes*" (Suyoko, 2019).

3. *The third stage: Bargaining to solve the problem*

Even though each party has conveyed information and held deliberations, at this stage the parties are still holding on to their respective positions. In this third stage, the mediator will use a *caucus* (small booth), which is to hold private meetings with the parties separately. On the occasion of *Caucus* is the mediator will conduct a question and answer to the parties in depth in order to determine what is desired by the parties, in other words the mediator to develop more information and investigate the interests of the parties and possible solutions. Starting from the results of the meeting the mediator will reformulate, and then, based on the information developed at the meetings and joint meetings, the mediator *rephrases the essence of the dispute*.

After the core or subject matter that has been identified has been addressed, the mediator works with the parties together and separately to:

- a. Identify issues,
- b. Briefing the parties about bargaining solutions to problems,
- c. Changing the parties' stance from positions to interests.

At this stage, the mediator provides an explanation or direction of the main problems faced by the parties. To solve the identified problems, the mediator works with the parties to:

- a. Helping parties assess, assess, and prioritize their respective interests,
- b. Expanding or narrowing disputes where necessary,
- c. Creating a negotiation agenda,
- d. Provide alternative solutions.

In this condition, the roles of the disputing parties become more numerous because the parties are expected to have obtained a bright spot for resolving their conflicts. The parties can change from the position stage towards the common interest because the parties have worked together to

carry out assessments, assessments with the help of a mediator (Emirzon, 2001, pp. 83-84).

This is like the presentation of Mr. Suyoko, SH, as the head of the Pucakwangi Police as well as the mediator, as follows: *"The third stage is the negotiation stage in which the victim asks for compensation for treatment in the amount of Rp. 45,000,000.00 (fortyfive million rupiah) and the perpetrator agrees. And an agreement occurs that the perpetrator will not repeat his actions again."* (Suyoko, 2019).

4. *The fourth stage: agreement*

In the fourth stage, the parties work together with the help of a mediator to evaluate options. Establish *trade-offs* and offer packages, minimize differences and find a fair basis for shared allocations. And finally, the parties who agree make a joint decision. In the stage of determining the agreement, the mediator can also pressure the parties, find formulas to avoid embarrassment, help the parties to deal with the power-givers (Emirzon, 2001, p. 85).

This is like the presentation of Mr. Suyoko, SH, as the head of the Pucakwangi Police as well as the mediator, as follows:

"The results of the agreement are 1. Party I (Sugito bin Lasno [victim]) and Party II (Bambang Suroto bin Sukardi representing Adi Santoso bin Biyanto [perpetrator]) agree to forgive each other, 2. We party II (two) will not recite the act. maltreatment or other actions against party I (one), 3. We both parties are able not to hold each other in vengeance either individually or in groups between residents and consider the problem to be resolved and party I (one) will not prosecute either criminal or civil and able to create harmony, 4. We as the second party (two) if in the future commit / repeat acts of persecution against party I (one), then we can be prosecuted in accordance with the applicable law." (Suyoko, 2019)

From the several stages described above, basically the role of the mediator in the conflict resolution process is to diagnose disputes, identify critical issues and interests, formulate an agenda, simplify and regulate communication. In addition, the mediator helps the parties gather important information, provide options and solve problems. To know more clearly about the mediation stages (Emirzon, 2001, p. 85).

In the Criminal Code itself Article 351 concerning persecution, which reads as follows:

1. Maltreatment is punishable by a maximum imprisonment of two years and eight months or a maximum fine of three hundred rupiah.

2. If the act results in serious injuries, the guilty is subject to a maximum imprisonment of five years.
3. If the result is death, a maximum imprisonment of seven years is imposed.
4. Persecution equates to deliberately destroying health.
5. Attempt to commit this crime is not punishable.

Whereas in Article 354 of the Criminal Code, it reads as follows:

Anyone who deliberately seriously injures another person will be threatened because he has committed serious maltreatment, by a maximum imprisonment of eight years.

- 1) *If the act results in death, the guilty is subject to a maximum imprisonment of ten years (Moeljatno, 2008, p. 125).*

Actually action Adi Santoso has entered into this article. If the victim (Sugito) wants to settle his case through the court, then a judicial process occurs. However, the problem of persecution here has been completed at the deliberation / mediation stage so that there is no punishment in accordance with the Criminal Code against the perpetrator. In solving the above problems, the method or tool used is deliberation / mediation of an agreement between the two parties.

The mediation that was carried out to settle the cases of the two parties was successfully carried out at the time of the mediation by the Pucakwangi Police. With the agreement the perpetrator (Adi Santoso) paid a fine of Rp. 45,000,000.00 (fortyfive million rupiah) and will not repeat his actions (persecution) again. The real problem is that there is a criminal element but it can be resolved in mediation. This shows that criminal mediation/ *penal mediation* can be used as an alternative solution besides the judicial route.

According to authors with the concept of *mediation penal* conducted Pucakwangi police are correct, attended both sides, two witnesses and a joint head of the village, consultation /mediation can solve problem persecution that occurred in the Sitimulyo village. However, the authors regretted the results of the mediation, even though the perpetrators agreed because there was a little pressure from the Pucakwangi Police, who had to pay a large fine of Rp. 45,000,000.00 (forty-five million rupiah) is a little unfair if it is only for treatment and deterring the perpetrator.

In Article 15 point (1) letter b of Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police, it reads: The police have the authority to assist in settling disputes among citizens that can interfere with public order. The police have the right of discretion to mediate in criminal cases if they can be resolved by deliberation. Discretionary authority is an authority exercised based on the law based on conviction considerations and emphasizes moral considerations rather than legal considerations from legal provisions, but discretion is still exercised within the legal framework. Therefore, the practice of

policing in the public interest can be seen as an effort to protect it so that it can take place (Arief, 2008, p. 4).

REVIEW OF ISLAMIC LAW ON THE CRIME OF PERSECUTION WITH RANSOM MONEY PENALTY

Persecution is divided into two types, the first is deliberate persecution (*al-jarh al-'amd*) and accidental persecution (*al-jarh al-khata'*). The understanding is as follows: Deliberate persecution (*al-jarh al-'amd*) is any act in which the perpetrator deliberately commits an act with the intention of breaking the law (Rokhmadi, 2015, p. 145). Whereas accidental persecution (*al-jarh al-khata'*) is an act in which the perpetrator deliberately commits an act, but there is no intention of breaking the law (Rokhmadi, 2015, p. 149).

Based on the above definition, it is categorized intentionally if the perpetrator deliberately commits an act with the intention of breaking the law. There is an accidental result of an error, namely the perpetrator deliberately commits an act, but there is no intention to violate the law (Mardani, 2019, pp. 99-100)

Jarimah injury or persecution is explicitly described by Allah SWT. in the following paragraphs:

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ
بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصًا فَمَنْ
تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَّهُ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ
هُمُ الظَّالِمُونَ

And We prescribed to them in it that (Torah) life for a life, and eye for an eye, and nose for a nose, and ear for an ear and tooth for a tooth, and reprisal in wounds. But he who forgives it (remits the retaliation); it shall be expiation for him (for his sins). And whoever does not judge by what Allah has sent down, such are the wrongdoers. (Surah al-Maidah 5: 45).

وَأِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ وَلَئِنْ صَبَرْتُمْ لَهُوَ خَيْرٌ
لِّلصَّابِرِينَ

And if you punish [an enemy, O believers], punish with an equivalent of that with which you were harmed. But if you are patient – it is better for those who are patient (Surah An-Nahl 16: 126).

The criminal act of persecution is included in the *qisas* and *diyat fingers* in which there are provisions of *qisas* as the main punishment, if *qisas* cannot be carried out then the punishment is *diyat* and forgiveness. This is based on the word of Allah SWT in the letter Al- Baqarah verse (2): 178:

يَأْتِيهَا الَّذِينَ ءَامَنُوا كُنِبَ عَلَيْكُمْ الْقِصَاصُ فِي الْقَتْلِ ۖ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَىٰ بِالْأُنثَىٰ ۚ
فَمَنْ عَفَىٰ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاِتِّبَاعٌ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ۗ ذَٰلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ
وَرَحْمَةٌ ۗ فَمَنْ أَعَدَّىٰ بَعْدَ ذَٰلِكَ فَلَهُ عَذَابٌ أَلِيمٌ

O you who believe, QiSāS has been prescribed for you in the case of murdered people: The freeman (will be killed) for the freeman, the slave for the slave, and the female for the female. However, if one is somewhat forgiven by his brother, the recourse (of the latter) is to pursue the former (for blood money) with fairness, and the obligation (of the former) is to pay (it) to the latter in a nice way. That is a relief from your Lord, and a mercy. So, whoever transgresses after all that will have a painful punishment (Surah al-Baqarah 2: 178).

In this verse Islam has severely reduced the practice of retaliation. Cruel revenge as was practiced in the era of Jahiliya as well as that practiced in the present by modern civilized societies with slight modification of form. Simultaneously with retaliation is established with a period of strict justice, but, provides an opportunity to give a clear profession of compassion and forgiveness. The brother who was killed can provide leniency based on consideration of reasonable charges and compensation as a token of gratitude (from the convicted party) (Rahman, 1996, pp. 28-29).

According to the author, if someone commits persecution intentionally or unintentionally without forgiveness and the rights of *qisas* are not fulfilled, then the substitute penalty is *diyat*. Because the *diyat* as a substitute for punishment must reflect a *diyat* that is fair to both the perpetrator and the victim, if the torture is only minor injuries, then the *diyat* is also light, but if the torture causes serious injuries then the *diyat* must also be severe, even though the perpetrator

has committed an offense. but the perpetrator also has the right to defend himself. *Diyat* is also explained in another verse as follows:

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا
 خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ
 يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ
 رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ
 مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ
 فَصِيَامٌ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا
 حَكِيمًا

And never is it for a believer to kill a believer except by mistake. And whoever kills a believer by mistake – then the freeing of a believing slave and a compensation payment presented to the deceased’s family [is required] unless they give [up their right as] charity. But if the deceased was from a people at war with you and he was a believer – then [only] the freeing of a believing slave; and if he was from a people with whom you have a treaty – then a compensation payment presented to his family and the freeing of a believing slave. And whoever does not find [one or cannot afford to buy one] – then [instead], a fast for two months consecutively, [seeking] acceptance of repentance from Allah. And Allah is ever Knowing and Wise. ([Surat al-Nisa' 4: 92](#)).

According to the majority of scholars, Hanafiyyah, Malikiyyah, part Shafi'iyah, and part of Ahmad's narration where this opinion is considered to be the most appropriate that the verses regarding *qisas* against limbs but applies to Muslims. Meanwhile, according to scholars of the Asy'ariyah circles, this does not apply to Muslims (*syaru 'man qablana*). According to al-Zuhaili, this opinion was supported by al-Ghazali, al-Amidi, al-Razi, and Ibn Hazm. Meanwhile, Ibn Qudamah and Ibn Burhan were silent (*tawaqquf*) until there was evidence that confirmed it. If *qisas* is not carried out, it is replaced by two substitute punishments, namely *diyat* and *ta'zir* ([Mardani, 2019, p. 101](#)).

Like the punishment for maltreatment, *diyat* is a substitute punishment when he occupies a *qisas* position. It is a punishment for a criminal act of deliberate maltreatment. *Diyat* is the main punishment if the crime is intentional, not purely intentional ([Audah, 2008, p. 66](#)).

The level of *diyat* persecution was accidentally the same as the *diyat* level of deliberate persecution. It's just that the *diyat* difference between intentional and accidental persecution is as follows:

- a. The person who bears the *diyat*: in deliberate persecution the perpetrator is responsible for the perpetrator while in the accidental persecution is ' *aqilah* (family).
- b. The characteristics of the camel: *diyat* in persecution must not be divided by five.
- c. *Diyat* in persecution accidentally *ghairu mughalazzah* (not weighed down).
- d. Time of *diyat* payment : accidental *diyat* persecution must be paid off within three years if he / she is *diyat sempuna* (Mardani, 2019, pp. 101-102).

According to the authors' opinion, that the mediator in melakukan mediation to sentence the offender must mementing k 's victims and concerned n perpetrators too, should be considered balanced, not to be looked lopsided though the perpetrators had committed the crime should be considered reason was committing a crime, thereby achieving a sense of community justice. In cases of non-fatal or injurious maltreatment which cannot be subject to *qisas* punishment and cannot also be measured by the prescribed *diyat*, because it only causes a small injury to the head and appropriate compensation is prioritized.

In a criminal act of maltreatment, where the victim asked for compensation in the amount of Rp. 45,000,000.00 (forty-five million rupiahs) that greatly exceeds what is used for medical treatment of only Rp. 200,000.00 (two hundred thousand rupiah. During the deliberation / mediation process at the Pucakwangi Police Station, the perpetrator actually did not want to agree with the victim's proposal but the pressure and threat of imprisonment from the Police frightened the perpetrator and finally agreed:

"From the start I was suspicious of the police who handled my case, because my friends said the police had already given the victim Rp. 20,000,000.00 (twenty million rupiah) so that the police will take care of my case with a demand for Rp. 45,000,000.00 (forty million rupiah), on the grounds of mediation / deliberation but during the mediation / deliberation I refused, I only wanted to pay compensation in the amount of Rp. 20,000,000.00 (twenty million rupiah) as a dozen sanctions against me but the police here insisted on ordering me to pay a fine of Rp. 45,000,000.00 (forty-five million rupiah). I had no other choice at that time because the police threatened to imprison me, I was just going to be jailed at that time, but my parents didn't want me to go to jail, finally my parents agreed to the victim's request and the police. " (Santoso, 2019).

Meanwhile, according to Mr. Agus, who is one of the religious leaders in Situmulyo Village, has the following opinion:

"According to a religious viewpoint, a fine of that size is not justified, because it includes light maltreatment so it cannot be punished by qisas or diyat, it can be punished by ta'zir where the punishment is determined by the authorities in Islamic law. Mas Santoso, for me, is very beneficial for the victim, there is no sense of justice in the community itself, in previous years there were no punishments of that size, only being forgiven and promising not to repeat or just being asked to pay compensation for medical treatment, because in The community has a very high social spirit, so the existence of this law makes the families of Mas Santoso and Mas Sugito become disharmonious, because of an insufficient application of punishment in the community here. Yes, I hope that in the future there will be no such thing as violence. " (Agus, 2019).

Criminal occurred in the village Sitimulyo, District Pucakwangi, Pati Regency is the dispute case that led to the persecution. The problems that Adi Santoso committed to Sugito led to persecution. This refers to facts in the field.

In an effort to resolve the case above, deliberation /mediation was chosen in the presence of the Village Head, witnesses, and the families of the victims. The mediation that is carried out is the same as the deliberation recommended by QS. Al-Hujarat (49): 10. As follows:

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ
 لَعَلَّكُمْ تُرْحَمُونَ ﴿١٠﴾

The believers are but brothers, so make settlement between your brothers. And fear Allah that you may receive mercy (Surah Al-Hujarat 49: 10).

However, in a different context, because persecution is the *right of Allah* , actually mediation is not allowed in the view of Islamic law. Because our country is not a country I slam, so we have not implemented law I slam as a whole. The mediation used uses the kinship system, even though both are Muslims, the perpetrators of this persecution are not punished according to Islamic law but are punished with the agreement of both parties.

The peace that is implemented in Sitimulyo Village, Pucakwangi Subdistrict, Pati Regency, prioritizes resolving disputes through mediation/kinship. In this way the perpetrators and victims were met and mediated by the Pucakwangi Police. This mediation process emphasizes the role of the disputing parties based on good ethics in the mediation process so that a dispute resolution is reached which is the result of the agreement of the disputing parties. The two parties agreed to peace with the way the perpetrator paid for treatment as well as

sanctions with a fine, if in Islamic law it is known as *diyat*. That is, the victim forgives the perpetrator but the perpetrator has to pay the *diyat* to the victim.

CONCLUSION

This study concluded that settlement of the criminal act of persecution by ransom money in the village of Sitimulyo, District Pucakwangi, Pati regency is using mediation or deliberation way kinship. Using a mediator from the Police from Pucakwangi District who was attended by both the perpetrator and the victim, the head of Sitimulyo Village, and the two witnesses. And the mediation or deliberation was successful and resulted in a peace agreement between the two parties and the perpetrator would not repeat his actions again and the perpetrator was given a fine in the form of Rp. 45,000,000.00 (forty-five million rupiah) to the victim for medical expenses and as a sanction so that the perpetrator does not repeat his actions again. Furthermore, settlement of the criminal act of persecution by ransom money according to Islamic law is by means of *qisas*, if the victim forgives the perpetrator then the sentence is changed to *diyat*. In this case the victim forgives the perpetrator, so the perpetrator must pay the *diyat* to the victim. Meanwhile, the process according to positive law is by mediation before going to trial, in this case the two parties agreed to resolve the problem through mediation and the mediation was successful to reconcile the two parties.

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Personal Interview

- Interview, Adi Santoso, Perpetrator of the Crime of Persecution, 30, August 2019
- Interview, Pak Agus Sulistiyo , Head of Sitimulyo Village , 30, August 2019
- Interview, Mr. Agus, as the Religious Leader of Sitimulyo Village, 12, December 2019
- Interview, Pak Suyoko, SH, Head of Pucakwangi Police, 30, August 2019