

Legal Liability for use of Electric Mouse Traps Causing Death

Enik Isnaini¹, Achmad Riyani², M. Yuda Manggala Putera³
enikisnaini@unisla.ac.id, royanilaw@unisla.ac.id

Law Faculty University Of Islam Lamongan
Law Faculty University Of Islam Lamongan
Law Faculty University Of Islam Lamongan

ABSTRACT

In criminal law, offenses are divided into two, namely culpa (negligence) and dolus (intentional) offenses. The number of cases of death resulting from the installation of electrified rat traps that have occurred recently is due to the farmers' lack of awareness of the risks that can occur. This is a criminal act of negligence, in which the perpetrator causes the loss of life of another person. The provisions regarding the criminal offense of negligence that causes death are regulated in Article 359 of the Criminal Code. The installation of electric current that results in the loss of life of another person can be classified as a criminal act of negligence, where due to negligence the perpetrator electrified his rice field fence with high-voltage electric current resulting in the death of a person. Based on this background, the author proposes the formulation of the problem, namely the first is how the regulation of criminal acts of negligence according to the Criminal Code ?. And the second is how the legal sanctions against the perpetrators of the use of electrified rat traps that cause the victim to die ?. This research method uses normative juridical research type, with statutory approach (statue approach) and concept approach (concep) of law. From the results of the study it can be concluded that the Pengalturaln tindalk pidalnal keallpalaln according to the Criminal Code is dialtur dallalm palsall 359 Dimalnal dalpalt dipidalnalnyal oralng yalalebalbkaln maltinyal oralng lalin kalrenal kesallalhalnyal altalu keallpalalnyal. The legal sanction against the perpetrators of the use of electric rat traps is set forth in Article 50 paragraph (1) of Law No. 30 of 2009 Concerning Electricity is punishable by a maximum imprisonment of 10 (ten) years and a maximum fine of Rp.500,000,000.00 (five hundred million rupials). The falsification of electric current which results in the downtime of traffic in the dalpalt is classified as one of the acts of pidalnal negligence. The punishment for the use of electric rat traps that caused the death of a jugal victim has been regulated in several articles of Article 359 of the Criminal Code with a penalty of imprisonment of at least one year and a penalty of imprisonment of at least one year. Thus it is hoped that the importance of awareness of the applicable legal regulations in order to create a safe and peaceful environment which is the goal of the law itself.

Keywords: Mouse Trap, Electricity, Culpa, Dolus

Introduction

The existence of Indonesia as a state of law is clearly stated in the interpretation of the 1945 Constitution, namely in Article 1 paragraph (3): "Indonesia is a state based on law". This means that Indonesia adheres to the concept of a welfare state in which the government is obliged to carry out the goals of the state.

An act can be said to be a crime if the act contains an element of error, because if there is no element of error, a person cannot be sentenced or punished. In this case, to assess or determine whether someone is guilty, we can see from the form of error he made, which in criminal law itself there are two forms of error, namely intent and negligence/negligence. So it can be said that a crime committed by a person is not only based on the will of the perpetrator himself (wanting the act/intention), but there are also crimes that are based on negligence or lack of care from the perpetrator.¹

Along with the development of the era to the modern era like today, electricity plays a very important role in human life. Most human activities cannot be separated from the use of electronic devices/tools such as laptops, cellphones, and other electronic devices in order to facilitate the implementation of all kinds of activities/work. Many people who install electricity in commercial places such as plantations and rice fields are intended to ward off and repel animal pests that will damage plants but instead backfire because it can cause loss of human life. This is one of the problems often faced in rural areas, especially farmers regarding the presence of pests that threaten the fertility or safety of their plants.

The use of electricity for farmers in some areas is done by installing wire devices that are electrified and then installed in the rice field area to protect plants from

¹ Gita Febriana Dan Rehnalemken Ginting, "Analisis Penerapan Pasal 359 KUHP Mengenai Kealpaan Yang Menyebabkan Hilangnya Nyawa Orang Lain (Studi Putusan Nomor: 267/Pid.B/2011/PN/Skh)", *Residive*, Vol. 4, Nomor 2 Mei-Agustus 2015, hlm.184.



pests, especially rat pests. However, farmers often neglect to turn off the power outlets, resulting in victims and even death.²

This is a criminal act of negligence, in this case the perpetrator causes the loss of another person's life. Provisions regarding criminal acts of negligence that cause death are regulated in Article 359 of the Criminal Code which reads:

“Anyone who, due to his mistake (negligence) causes another person to die, is threatened with a maximum prison sentence of five years or a maximum imprisonment of one year.”.

Whoever commits an act, whether it is an intentional act or not, as long as the act fulfills all the elements of a criminal act, then there will always be legal consequences in the form of criminal sanctions against the perpetrator. To determine whether the defendant's actions fulfill the elements of a criminal act of negligence is not easy, because a criminal act of negligence is a criminal act in which the act is not intentional or not accompanied by the perpetrator's intention, which in the Criminal Code can be called negligence.

Talking about the forms of mistakes, it is closely related to crime and life. In this case, if someone commits an act of taking another person's life, then of course there is a series of actions that he/she does that cause the person (victim) to lose his/her life. Furthermore, from the actions of the perpetrator, of course there are elements contained in the mistakes of the form of crime that he/she committed. For that reason, in the Criminal Code itself, there are two forms of crime, especially crimes against life, namely the first crime (mistake) that is done intentionally is contained in Articles 338 to 350 of the Criminal Code, and the crime (mistake) that causes injuries to death due to negligence/negligence is contained in Article 359 of the Criminal Code..³

² John Tomi Siska Dan Tantimin, “Analisis Hukum terhadap Kelalaian dalam Pemasangan Arus Listrik yang Menyebabkan Hilangnya Nyawa Orang Lain di Indonesia”, Jurnal Komunikasi Hukum, Vol. 7, Nomor 2 Agustus 2021, hlm. 968.

³ Chazawi Adam, *Kejahatan terhadap Tubuh dan Nyawa*, Raja Grafindo Persada, Jakarta, 2000 hlm. 51.



Research Method

The type of research used by the researcher is normative legal research. Normative research is legal research conducted by examining library materials or secondary materials such as laws and regulations, court decisions, legal theories, and can be in the form of scholarly opinions. In this type of legal research, law is often conceptualized as what is written in laws and regulations or law that is conceptualized as rules or norms.⁴

There are two approaches to the problem in this study, namely:

- a. Statute approach by reviewing and analyzing laws and regulations related to existing legal problems.
- b. Conceptual approach with an approach derived from the views of scholars and doctrines as a reference in understanding legal concepts in developing legal arguments in accordance with existing problems.

In this writing, the researcher uses (two) legal materials, namely primary and secondary legal materials, including:

- a. Primary legal materials, namely legal materials consisting of laws and regulations, including:
 - Law Number 30 of 2009 concerning Electricity
 - Law Number 22 of 2019 concerning Sustainable Agricultural Cultivation Systems
 - Criminal Code (KUHP)
- b. Secondary legal materials

Secondary legal materials are legal materials that provide explanations regarding primary legal materials. These legal materials are obtained from non-binding data based on literature studies in the form of written materials, such as draft laws, research results, textbooks, legal expert opinions, or literature related to the discussion of this research.

- c. Tertiary legal materials

⁴ Amiruddin Dan H. Zainal Asikin, 2006, Pengantar Metode Penelitian Hukum, PT. Raja Grafindo Persada, Jakarta, hlm. 118.



Legal materials that provide meaningful instructions or explanations to primary and secondary legal materials, such as dictionaries, encyclopedias, and others.⁵

Research Results and Discussion

Regulation of Electric Current Usage in Using Mouse Traps

Regulations regarding the use of electric currents when using electric mouse traps are contained in Law Number 30 of 2009 concerning Electricity, including in Article 44 paragraphs (1) and (2) as follows:

1. Every electricity business activity must comply with electricity safety provisions.
2. The electricity safety provisions as referred to in paragraph (1) aim to create conditions:
 - a. reliable and safe for installations;
 - b. safe from danger to humans and other living things; and
 - c. environmentally friendly

In Law No. 30 of 2009 concerning Electricity, there are also criminal acts and their sanctions, namely as follows:

1. Not having an operating permit is regulated in Article 49 paragraph (2), namely:

"Any person who carries out an electricity supply business without an operating permit as referred to in Article 22 shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 4,000,000,000.00 billion rupiah."
2. Not fulfilling safety which causes someone's death Article 50 paragraph (1) as follows:
 - a. Any person who does not fulfill electrical safety as referred to in Article 44 paragraph (1) which results in someone's death due to electricity shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah).

Operating an installation without an Operational Certificate (SLO)

⁵ Johnny Ibrahim. Teori Dan Metodologi Penelitian Hukum Normatif. Bayu Media Publishing. Malang. 2012. Hlm 392.

Article 54 paragraph (I) states:

“Any person who operates an electrical installation without an operational certificate as referred to in Article 44 paragraph (4) shall be punished with imprisonment for a maximum of 5 (five) years and a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah).”

Qualification of the Crime of Negligence/Negligence in the Perspective of Criminal Law

In the case of installing an electric mouse trap, there are two elements of the crime in it, namely (dolus) intent and (culpa) negligence/negligence, but here I use the qualification of the element of negligence/negligence in the problem, so here I will discuss how the criminal act of negligence in the use of an electric mouse trap causes the victim to die.

In the criminal code there is no explanation regarding the meaning of negligence but negligence (culpa) is considered lighter when compared to intent. This is because negligence (culpa) is not based on intent but rather a lack of caution. Van Hamel divides culpa into two types: lack of necessary foresight and lack of necessary caution.

The first occurs if the defendant does not imagine properly or does not imagine at all the consequences that will occur. The second is for example someone pulling the trigger of a gun because they think there is no load (even though there is). Van Hamel's formulation of culpa received sharp criticism from Vos, Vos criticized the division of culpa according to Van Hamel, where according to Vos there is no clear boundary between the two parts. This carelessness often arises from a lack of foresight. Therefore, Vos also made a division, where Vos distinguishes two elements of culpa, namely: first, the defendant can see what will happen in the future and second, there must be an act that should not or should not be done in this way.

In general, culpa is distinguished between Negligence with awareness (bewuste schuld) in this case, the perpetrator has imagined or suspected that a consequence will arise. But even though he tried to prevent it, the consequence still arises and secondly Negligence without awareness (onbewuste schuld) in this case, the perpetrator did not

imagine or suspect the occurrence of a consequence that is prohibited and threatened by law, while he should have calculated the occurrence of a consequence. Apart from the form of negligence. There are also experts who distinguish negligence as: Negligence that is done blatantly, which is called (*culpa Lata*) and Negligence that is done lightly, which is called (*culpa Levis*).

In this case, the person who installed the electric fence is included in the third element of culpa or negligence, namely negligence without awareness (*onbewuste schuld*) where the person did not imagine or suspect the occurrence of a consequence that is prohibited and threatened by law, while he should have calculated the occurrence of a consequence, namely the loss of someone's life when someone tries to hold the fence that he electrified, or he should have installed the electricity with a small current, so that no loss of life occurs.⁶

Legal Sanctions Against Perpetrators of Using Electric Rat Traps That Cause People to Die

The penalty for negligence in using an electric mouse trap is Article 359 of the Criminal Code which reads:

“Anyone who, due to his mistake (negligence) causes another person to die, is threatened with a maximum prison sentence of five years or a maximum imprisonment of one year..”

This is also a regulation regarding the use of electric mouse traps regulated in Law Number 30 of 2009 concerning Electricity, namely:

1. Not having an operating permit is regulated in Article 49 paragraph (2), namely:
"Any person who carries out an electricity supply business without an operating permit as referred to in Article 22 shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 4,000,000,000.00 billion rupiah."

⁶ John Tomi Siska, Tantimin. Analisis Hukum Terhadap Kelalaian Dalam Pemasangan Arus Listrik Yang Menyebabkan Hilangnya Nyawa Orang. Jurnal Komunikasi Hukum (JKH) 7.2. 2021. h. 975



2. Not fulfilling safety which causes someone's death Article 50 paragraph (1) as follows:
 - a. Any person who does not fulfill electrical safety as referred to in Article 44 paragraph (1) which results in someone's death due to electricity shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp. 500,000,000.00 (five hundred million rupiah).
3. Operating an installation without an Operational Certificate (SLO) Article 54 paragraph (1) states:

"Any person who operates an electrical power installation without an operational certificate as referred to in Article 44 paragraph (4) shall be punished with imprisonment for a maximum of 5 (five) years and a maximum fine of IDR 500,000,000.00 (five hundred million rupiah)."

The material above provides an explanation regarding negligence in the use of electricity on land that caused death, namely in Decision Number 25/Pid.B/2021/PN Ngw. Based on this decision, it can be seen that the defendant Nur Azizam bin Yaimun in this case was negligent and negligent in himself by leaving the electric trap for rat pests on when he returned home. The defendant Nur Azizam bin Yaimun was negligent if his actions could cause loss of life. As a result, the victim Febri Kurnia Sandi, who at that time was looking for eels in the defendant's rice field area, died from being electrocuted by the trap set by the defendant and was sentenced to 10 (ten) months in prison.

Other forms of negligence, carelessness, and lack of foresight in the perpetrators other than those explained in the explanation above are contained in Decision Number 26/Pid.B/2021/PN Ngw. Based on the description in the decision, it is known that the defendant Sono bin Martojan and the defendant Samin bin Suro Dikromo gave permission and did not prohibit the victim Kateno from installing electric traps for rat pests in his rice fields. In this case, the defendant Sono bin Martojan actually bought a diesel generator that would be used as a source of energy for the electric trap for rat pests. The two defendants should have had the right to prohibit the actions of the victim



Kateno from installing electric traps in his rice fields. The two defendants should have been aware of the consequences that would arise, but the absence of any effort from the two defendants to prohibit the victim Kateno from installing electric traps on his land is a real form of lack of foresight and negligence that came from within the perpetrators themselves. This is related to the level of concern regarding the act that is about to be carried out, namely whether it will end as expected or whether it will go astray and sentence defendant 1 Sono Bin Martojan and defendant 2 Samin Bin Dikromo to 5 (five) months in prison each.

Conclusion

From the discussion above, it can be concluded that the use of electric mouse traps by the perpetrators of installing electric fences is included in the third element of culpa or negligence, namely negligence without awareness (onbewuste schuld) where the perpetrator does not imagine or suspect the occurrence of a consequence that is prohibited and threatened by law while he should have calculated the occurrence of a consequence, namely the loss of someone's life when someone tries to hold the fence that he has electrified, or he should have installed electricity with a small current, so that no loss of life occurs, the use of electric mouse traps is included in the criminal act of negligence/culpa which has been regulated in Article 359 of the Criminal Code and Law Number 30 of 2009 concerning Electricity.

Bibliography

- Amir Ilya. Asas-Asas Hukum Pidana. Rangkang Education Yogyakarta & Pu-KAP-Indonesia. 2012.
- Amiruddin Dan H. Zainal Asikin, Pengantar Metode Penelitian Hukum, PT. Raja Grafindo Persada, Jakarta, 2006.
- Chazawi Adam, Kejahatan terhadap Tubuh dan Nyawa, Raja Grafindo Persada, 2000, Jakarta.
- Gita Febriana Dan Rehnalemken Ginting, “Analisis Penerapan Pasal 359 KUHP Mengenai Kealpaan Yang Menyebabkan Hilangnya Nyawa Orang Lain (Studi Putusan Nomor: 267/Pid.B/2011/PN/Skh)”, Residive, Vol. 4, Nomor 2 Mei-Agustus 2015.

John Tomi Siska Dan Tantimin, “Analisis Hukum terhadap Kelalaian dalam Pemasangan Arus Listrik yang Menyebabkan Hilangnya Nyawa Orang Lain di Indonesia”, Jurnal Komunikasi Hukum, Vol. 7, Nomor 2 Agustus 2021.

Johnny Ibrahim. Teori Dan Metodologi Penelitian Hukum Normatif. Bayu Media Publishing. Malang. 2012.

Nabilah, Wardatun, and Deri Rizal. "Basic Analysis of the Exercise of Judicial Power (Integration of Islamic Law and Positive Law)." Jurnal Independent 12.1 (2024): 1-11.

Ningtias, Ayu Dian, Hadziqotun Nahdliyah, and Fajar Seto Nugroho. "The principle of Restorative Justice in sentencing In the 2023 Criminal Code." Jurnal Independent 11.2 (2023): 563-574.

Royani, Achmad, Enik Isnaini, and Jatmiko Winarno. "Evaluation Of The Applicability Of Indonesian Criminal Procedure Code." Jurnal Independent 10.2 (2022): 128-132.

Suisno, Suisno, Enik Isnaini, and Ahmad Royani. "Termination Of Accurate Investigations And Restorative Justice." Jurnal Independent 10.1 (2022): 32-42.

Yanto, M. "Journal ofLawScience." Journal of Law Science 5.1 (2023).