

Criminal Liability And Law Enforcement Effectiveness Against Sound Horeg Organizers Causing Public Order Disturbances, Physical Harm, Loss of Life, and Ecosystem Damage

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Abstract: *The rapid development of audio technology has popularized the use of high-volume sound systems known as "sound horeg" in community events such as carnivals, parades, and celebrations, particularly in East Java, Indonesia. This practice frequently exceeds safe decibel limits, leading to public order disturbances, health risks, property damage, and environmental harm including marine ecosystem disruption. This normative legal research analyzes the application of criminal sanctions and the effectiveness of law enforcement against sound horeg organizers under Indonesian positive law, focusing on the second research problem from the underlying thesis. Using statutory, conceptual, and case approaches, the study draws from the new KUHP (Law No. 1/2023), Environmental Protection Law (No. 32/2009), and related regulations. Findings reveal that while legal frameworks like Article 265 KUHP and Articles 98-99 of the Environmental Law provide bases for criminal liability (including corporate liability post-2026 reforms), enforcement remains weak due to reliance on administrative measures and restorative justice, lack of technical measurement tools, inter-agency coordination gaps, and cultural acceptance of the practice. Cases in Malang, Lumajang, and Pasuruan illustrate repeated violations with minimal deterrence. Recommendations include specific Perda regulations, enhanced technical capacity, integrated task forces, and balanced moderation approaches to harmonize cultural expression with public rights to a healthy environment.*

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INTRODUCTION

The phenomenon of sound horeg characterized by stacked, high-powered sound systems producing extreme volumes (often 120–135 dB) has become a prominent yet controversial element of communal festivities in Indonesia, especially East Java. Rooted in local traditions of carnivals and parades, it blends cultural expression, community bonding, and economic activity for vendors and operators. However, its unchecked use has escalated into significant legal and social issues. Excessive noise and low-frequency vibrations not only disrupt public tranquility but also cause tangible harms: sleep disturbances, hearing loss, cardiovascular risks for vulnerable groups (children, elderly, pregnant women), property damage (cracked walls, fallen tiles), social conflicts (e.g., brawls in Malang), fatalities (e.g., suspected heart attack in Lumajang triggered by bass vibrations), and marine ecosystem degradation (disrupted marine mammal communication and coral damage in Pasuruan waters, exceeding NOAA thresholds).

This practice directly implicates protected legal interests under the 1945 Constitution (Articles 28H and 28J), the new KUHP, and environmental statutes. Despite available norms classifying extreme noise as environmental pollution (energy intrusion beyond quality standards per PP No. 41/1999 and UU No. 32/2009), enforcement lags. Post-2026

implementation of the new criminal framework strengthens corporate liability, yet practical application favors restorative justice and mild administrative sanctions over deterrent criminal penalties. This creates impunity, undermining legal certainty and public rights.

This article focuses on the second research question from the author's thesis: the application of criminal sanctions and the effectiveness of law enforcement against sound horeg organizers causing physical harm, loss of life, and ecosystem damage. It enriches normative analysis with recent cases and regulatory developments (including 2025-2026 KUHP reforms on corporate responsibility and DPAs). By highlighting gaps between norms and practice, it advocates for integrated, progressive enforcement balancing cultural preservation with environmental and public order protections.

RESEARCH METHOD

This study employs normative legal research (doctrinal), emphasizing analysis of legal norms, principles, and doctrines to address the research problem. Approaches include: (1) statutory approach to examine KUHP, UU PPLH, PP No. 41/1999, and regional regulations; (2) conceptual approach to define criminal liability, public order disturbances, and noise pollution; and (3) case approach to evaluate real-world applications in Malang, Lumajang, and Pasuruan incidents.

Primary legal materials include statutes (1945 Constitution, new KUHP 2023/2026, UU No. 32/2009), court decisions, and police reports. Secondary materials comprise scholarly works (e.g., Chazawi, Moeljatno, recent journals on sound horeg), and tertiary sources like legal dictionaries and NOAA studies. Data collection used library research via official JDIH sites, Google Scholar, and media. Analysis is qualitative, employing grammatical, systematic, teleological, and historical interpretation, deductive syllogism, and comparative methods between norms and field realities.

DISCUSS AND ANALYSIS

Legal Framework of Criminal Sanctions against Sound Horeg Organizers

Criminal sanctions are grounded in general criminal law and specific environmental provisions. Article 265 of Law No. 1/2023 (new KUHP) prohibits acts causing uproar or disturbing public tranquility, applicable to extreme noise in residential or public areas. Complementary environmental liability arises under UU No. 32/2009: noise as "energy" pollution exceeding standards (55 dB daytime/45 dB nighttime in settlements per PP 41/1999) triggers Articles 98-99 sanctions (up to 3 years imprisonment and Rp3 billion fines). Post-2026 reforms explicitly codify corporate criminal liability, holding organizers, owners, operators, and entities accountable jointly or severally when acts benefit the group.

Practical Application of Criminal Sanctions in Sound Horeg Cases

In practice, application is minimal. The Malang Mulyorejo case (resident assaulted after protesting noise affecting a sick child) ended in family settlement without criminal charges. The Lumajang fatality (teacher AM collapsing amid bass vibrations) saw no robust prosecution despite potential negligence. Pasuruan marine incidents resulted only in administrative dispersal, ignoring ecosystem harm. Most cases rely on temporary seizures or warnings,

illustrating preference for restorative justice over full criminal processes due to proof challenges (causality, decibel measurement) and cultural tolerance.

Current Effectiveness of Criminal Law Enforcement

Effectiveness is low. Norms exist, but implementation is reactive, fragmented across agencies (Polri, DLH, Satpol PP), and hampered by resource shortages. Restorative justice mitigates immediate conflicts but fails as a standalone tool, lacking deterrent effect for repeat offenses. Recent corporate liability expansions offer potential, yet field data shows persistent gaps.

Hindering Factors and Recommendations

Hindrances include coordination failures, technical deficits, regulatory overlaps, cultural factors, and proof burdens. Recommendations: Enact specific Perda with technical standards and progressive sanctions; form integrated Satgas; build capacity (decibel meters, training); optimize restorative justice with ultimatum remedium criminal sanctions; enhance community education via religious moderation; and leverage technology for monitoring. These align with 2026 criminal reforms for more effective accountability.

CONCLUSION

Criminal sanctions under the new KUHP and environmental law provide a solid basis for holding sound horeg organizers accountable, including corporations. However, enforcement effectiveness remains suboptimal due to administrative leniency, coordination issues, and socio-cultural barriers, leading to repeated harms. Stronger integration of norms with practical tools is essential for protecting public order and the environment.

SUGGESTION

Local governments (especially East Java) should enact specific Perda with clear decibel limits (e.g., max 60–70 dB), operating hours, prohibited zones, mandatory permits, and technical measurement requirements. Establish an integrated Satgas (task force) for monitoring and rapid response. Enhance apparatus capacity with training and equipment. Optimize restorative justice for minor cases while reserving criminal sanctions for repeat offenses or severe impacts. Promote public education and Religious Moderation to foster compliance. Regular regulatory evaluation and technology use (e.g., sound level apps, drones) are recommended for better prevention and accountability. Further empirical research on enforcement outcomes is encouraged.

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