


## A Criminological Study Of Premeditated Murder Committed By A Child Against His Biological Father

Ramadhany Nasution

Universitas Pembinaan Masyarakat Indonesia

Article Info	ABSTRACT
<b>Keywords:</b> Study Criminology Murder Child Birth Father	Murder is an act of intentionally taking the life of another person where life is a gift from God Almighty and no one can eliminate it. This type of research is normative with a statutory approach. The data used is secondary data consisting of primary, secondary and tertiary legal materials. Criminological studies of premeditated murder by children against their biological fathers can be reviewed from the theories of biology, economics, sociology, psychology and economics. The causative factors are due to poor environmental factors, economic crush, emotional instability and past traumas. In addition, it can also be caused by feeling betrayed, harmed, or humiliated, jealousy and anger. For this reason, it is necessary to educate and create harmonious relationships between family members so that premeditated murder by a child against his father can be avoided. So that everyone avoids the crime of premeditated murder because the sanctions are very severe and violate other human rights, especially against his own father who has been very instrumental in the life of the child and so that law enforcers impose penalties on perpetrators of premeditated murder in accordance with applicable regulations to cause a deterrent effect.
This is an open access article under the <a href="#">CC BY-NC</a> license 	<b>Corresponding Author:</b> Ramadhany Nasution Universitas Pembinaan Masyarakat Indonesia <a href="mailto:dhanynasution19@gmail.com">dhanynasution19@gmail.com</a>

### INTRODUCTION

As a state of law, in Indonesia every action of its citizens is regulated by law. Lawmakers have tried to make laws and regulations that fulfill the philosophical basis, sociological basis and juridical basis. Regulations are also made to regulate the order of life in society, namely the relationships that arise from the interests of society itself will reflect the laws that apply in society. Law is inseparable in social life because all individual behavior is regulated by law, both laws that apply in a region and laws that apply throughout Indonesia.

The law functions to regulate the relationship between humans and the state so that everything runs in an orderly manner because the law places what is required or allowed and vice versa. The law can qualify an act in accordance with the law or disqualify it as an act against the law (Masriani, 2014). Actions that are in accordance with the law do not need to be questioned because they do not cause problems. On the other hand, unlawful acts are moreover categorized as unlawful acts that have actually occurred (onrecht in actual) or legal acts that may occur (onrecht in potentie). Usually unlawful acts will be sanctioned (Sudarto, 2015).

The complex life of modern society as a product of scientific and technological progress raises many social problems. So the effort to adapt or adjust to this very complex situation is not easy. The difficulty of making adaptations and adjustments causes a lot of confusion, confusion and conflict both externally and internally. As a result, there are some people who develop patterns of behavior that deviate from general norms by doing what they want for personal gain and interests that disturb and harm others (Kartono, 2009).

Society as a legal subject in this advanced and developing era, there are still many criminal events that should not occur and do not reflect humanity. Humans themselves are basically social creatures and cannot live alone, humans interact with each other to fulfill certain needs of each other. The needs and interests of the community itself are of course different, moreover the increasing population level of the community makes the community more individualized by prioritizing personal interests and putting aside the interests of others. Many of these actions lead to crime. Crime is a perennial problem in the life of mankind, because it develops in line with the development of the level of civilization of mankind. The history of the development of society since before, during, and after the Middle Ages is characterized by various human efforts to maintain their lives (Atmasasmita, 2013).

Conflicts of interest for humans can cause friction between other humans. Humans commit criminal acts that can cause casualties. Actions committed by individuals in society can be classified as criminal offenses. A crime is also called an offense or a punishable act or criminal event is an act that violates or contradicts the law committed with fault by a person who can be held accountable (Soesilo, 2014). On the other hand, offenses are criminal events where the punishment is lighter than crimes and it is not easy to understand or feel that such actions are prohibited (Koeswadji, 2006). In reality, there are still many people who try to break the law. Conditions such as poverty and unemployment, in general, can trigger stimuli to commit a criminal offense such as the crime of theft, fraud, embezzlement, and even murder.

Most of the crimes that occur in society are crimes against the body and lives of others such as the crime of murder. Murder is an act of intentionally taking the life of another person, which is a gift from God Almighty and no one can take it away. This action is certainly not in accordance with applicable legal norms and there is no justification for the act. Murder is usually motivated by grudges and quarrels which are sometimes trivial problems and also this is influenced by the very high level of community needs followed by a peaking population which is sometimes used as an excuse to commit crimes. The result is bloodshed and loss of life (Atmasasmita, 2007; Marlina, 2011; Muliadi, 2012).

In the Criminal Code, the crime against life (homicide) is the highest hierarchy in the classification of crimes and the most severe punishment. Murder in the Criminal Code is regulated in Chapter XIX Articles 338-350 of the Criminal Code on crimes against life. The crime of premeditated murder is a criminal offense that is preceded by a prior murder plan, but the definition and requirements for the elements of planning are not formulated in the Criminal Code (KUHP) (Iriyanto & Halif, 2021). Article 340 of the Criminal Code states that "Any person who intentionally and premeditatedly takes the life of another person shall, being guilty of premeditated murder, be punished by death or by life imprisonment or a maximum

imprisonment of twenty years". Article 340 of the Criminal Code explains that premeditated murder is the act of a person who abuses the law by killing with premeditation or intent, then the person gets a punishment in accordance with this act. The act of premeditated murder is a criminal offense that is preceded by a plan to kill first, but the definition and requirements for the elements of planning are not formulated in the Criminal Code (KUHP) (Mubarokah, 2020).

In today's society, there are still many cases of premeditated murder and some are even committed in a family, one of which is the murder of a child against his biological father. The perpetrator of a criminal offense must be held accountable for the actions that have been committed until the panel of judges of the court has decided on the punishment of the perpetrator.

## METHOD

This type of research is normative, namely research aimed at finding and formulating legal arguments through analysis of the subject matter (Ali, 2009). Normative legal research is also called library legal research is legal research conducted by examining library materials or secondary data only (Marzuki, 2006). The approach in this research is legislation and the nature of the research is descriptive analytical, namely research that explains and describes the criminological study of premeditated murder committed by a child against his biological father.

## RESULTS AND DISCUSSION

The term criminology was first used by a French anthropologist named P. Topinard (1830-1911). In general, the term criminology is identical to behavior that is categorized as a crime. A crime is an act committed by people and or institutions that is prohibited by a law. This understanding certainly cannot be blamed in viewing criminology, which is part of the science that studies crime (Missa, 2010).

Seeing the interdisciplinary study of criminology, legal experts provide definitions of criminology in various versions according to their respective points of view or perspectives. Some of the opinions of several experts regarding the understanding/definition of criminology (Santoso, 2013).

1. W.A. Bonger defines criminology as a science that aims to investigate the broadest possible symptoms of crime (theoretical criminology or pure criminology). Theoretical criminology is a science based on experience, which like other similar sciences, pays attention to symptoms and tries to investigate the causes of these symptoms with the methods available to it. Investigating the causes of the symptoms of crimes is called etiology. Beyond pure criminology or theoretical criminology, there is practical or applied criminology (Bonger, 2009).
2. E.H. Sutherland formulated criminology as a whole science that deals with criminal acts as social symptoms.
3. I.S Susanto argues that in general, criminology aims to study crime from various aspects so that it is expected to gain a better understanding of the phenomenon of crime. In its

development, especially after the 1960s with the rise of critical thinking, studying criminology is not only to be able to gain a better understanding of the problem of crime and the phenomenon of crime, but also legal issues in general (Susanto, 1991).

4. Noach argues, criminology as the science of evil deeds and despicable behavior concerning people involved in evil behavior and despicable acts.

From the various definitions of criminology above, the position of criminology is debated, whether criminology is a science that stands alone or is part of another science: (Priyanto, 2012)

1. Criminology is the study of human behavior is no different from the study of other behavior that is non-discriminatory.
2. Criminology is an inter and multidisciplinary science, not a monodisciplinary science.
3. Criminology develops in line with the development of other sciences.
4. The development of crime studies has distinguished between crime as a behavior and criminals as subjects of criminal justice treatment.
5. Criminology has placed itself in line with other sciences, no longer a part of them.

Modern criminology recognizes three schools of thought to explain the phenomenon of crime, namely:

- a. Classic criminology.

As is the case with classical thought in general, which states that intelligence and rationality are fundamental human characteristics and are the basis for providing explanations for human behavior, both individual and group, society is formed as it is according to the pattern it wants. This means that humans control their own destiny, both as individuals and as a society. Similarly, crimes and criminals are generally viewed from a legal perspective, meaning that a crime is an act prohibited by criminal law, while a criminal is a person who commits a crime. Crime is seen as the result of the free choice of an individual who assesses the profit and loss of committing a crime. In this regard, the task of criminology is to create patterns and test punishment systems that will minimize crime (Susanto, 2011).

- b. Positivist criminology.

This school of thought is based on the view that human behavior is determined by factors beyond their control, both in the form of biological and cultural factors. This means that humans are not free to act according to the impulse of their will and intelligence, but are limited or determined by their biological or cultural situation. This school of thought has produced two different views, namely "biological determinists" and "cultural determinists". The positivist school in criminology directs efforts to analyze the causes of criminal behavior through scientific studies of the characteristics of criminals from physical, social, and cultural aspects. Because positivist criminology faces difficulties in using statutory limitations in certain cases, it tends to limit crime naturally, i.e. it is more concerned with the characteristics of the behavior itself rather than the behavior defined by the law.

- c. Critical criminology.

This school of thought began to develop in recent decades, especially after the 1960s,

as a result of the growing popularity of the labeling perspective. This school of thought does not try to answer the questions of whether human behavior is "free" or determined, but rather directs it to the processes carried out by humans in building the world in which they live. Thus, it will study the processes and conditions that affect the limitation of crime to certain people and actions at certain times and places. The approach in this school of thought can be distinguished between the interactionist approach and the conflict approach.

As the understanding given by Paul Moedikdo Moeliono, that: "Crime is an act of violation of legal norms that is interpreted or should be interpreted by the community as an act that is detrimental, annoying so that it should not be allowed. The formulation of the definition of crime includes all acts that violate the provisions of the law, which in this case is criminal law as public law where the act is detrimental to both the victim as a party who suffers directly from the act and for the community as a party who does not directly suffer from the act because its security is disturbed (Dirdjosisworo, 2009).

Looking at the sociological aspect, the definition of crime can be seen from the opinion of R. Soesilo who said: "crime includes all human behavior even though it is not determined by law, but by members of the community it is felt or interpreted as behavior or actions that economically or psychologically attack and injure moral feelings in common life (Soesilo, 2005).

1. From a legal perspective, crime is behavior that violates the criminal law. No matter how ugly an act is, as long as it is not prohibited in criminal law legislation, it is still considered an act that is not a crime. An example is the act of a woman prostituting herself. From the legal definition of crime, the woman's actions are not crimes, because prostitution is not prohibited in criminal law legislation (KUHP), even though the act is very ugly when viewed from the point of view of religion, customs and others.
2. From the point of view of society, crime is any act that violates the norms that are still alive in society.

In the perspective of criminology, there are factors that cause crime, namely: (Soesilo, 2005)

a. Theory of biology

This theory sees the causes of crime in the physical characteristics of criminals. According to Lombroso, special physical characteristics are often found among criminals, according to him the caliber of criminals must have receding chins, an abundance of wrinteles, and prominent hearing.

b. Psychological theory

This theory argues that crime through the study of mental processes in this case mental illness, destruction of the center of fear / nervousness, neurasthenia inadequete all mental abilities. These things cause a person to become a criminal, Sigmud Freud's figure.

c. Sociological theory

According to this theory, criminals are a product of society with the center and point of attention being the relationship between people and to the fact that deviance is

persistent because it is desired and accepted as a group impulse and most deviant behavior is part of culture. This theory rejects that the idea of crime can be understood and analyzed where the criminal is an individual.

d. Economic theory

According to this theory, the causes of crime are based on the idea of the concept of rational man and other factors related to the idea of economic choice. That is, according to economists, because individuals have a need to satisfy their endeavors and when faced with a choice, individuals use a rational choice and among the alternatives will satisfy their needs, in this case a social condition, but they are not interested in explaining what causes or forms that choice.

In addition to the factors that cause premeditated murder, the first thing to look at is whether there is violence or sexual abuse or verbal or physical abuse in the family. Then, whether there are psychological disorders or mental disorders against the perpetrator, such as neurosis psychological disorders such as anxiety, and panic. Or even psychosis disorders usually have hallucinations and delusions, and then there is conflict in the relationship between this family that is prolonged, and does not receive professional help. There is also exposure from the social environment and media, so the spectacle of exposure to violence can be there, and also the influence of friendships. Other than that it could be drug addiction, the influence of drug abuse or alcohol addiction, maybe a link to online gambling, hopelessness or loss of hope. So a combination of these seven things is very likely to cause someone to commit pericide (killing their family members) (Masindo & Ningsih, 2024). In the development of social interaction at this time, premeditated murder committed by a child against his father can be caused by: (Tim tvonenews.com, 2024)

1. Bad environment

The motive for someone to commit murder can be due to environmental factors, both family environment, social environment, and friendship or social environment. This bad environment can make us affected to be a bad person too. For example, there is someone whose social environment likes to drink alcohol. If he continues to follow the association and do things like that, it will have a negative impact on others and himself. From these actions, alcohol can affect a person's emotions and mind that can make a person commit a fatal crime, namely murder. A theory in psychology, behaviorism, assumes that there is a relationship between stimuli and behavior. This means that a person's behavior is strongly influenced by their environment. However, in this theory, humans can create a relevant environment, so if someone has a bad environment, it can be kept away or avoided if that person wants to avoid unwanted things.

2. The economic squeeze

Such great crimes are usually driven by human greed to pursue excessive pleasure and luxury. Therefore, economics or finance can influence a person to commit murder. The economy is a support for human life. If a person experiences financial or economic difficulties, it will disturb his mind to the point that it can make the person feel severe stress. Such things will later affect his actions to do something that cannot be controlled (Simbolon, Simarmata, & Rahmayanti, 2019).



### 3. Emotionally unstable

Apart from environmental and economic factors, factors from within a person also have a big influence on killing others. One of them is emotional stability, people whose emotions are unstable can make them commit evil acts. Emotions will occur if someone gets unfair treatment or something unpleasant (Irma & Murdiana, 2022). Usually, when someone's emotions cannot be controlled, then they do something bad, they do not know that they are emotional. Therefore, if someone commits murder, they are actually not aware that they are feeling emotions. However, people like this actually know that the act of killing is not good, violates norms, and will be punished later but still the crime is committed. Sigmund Freud's theory, psychoanalysis, assumes that there are three things that make up human personality, namely id, ego, and superego. The id is the urge to satisfy humans and this id has existed since birth, if the ego is like a command that is regulating to do id or superego. While the superego is a desire that is in accordance with existing norms. If it is related to the actions of someone who kills another person, it means that the person's ego carries out the wishes of the id instead of the superego because he knows that it is not right but still does it. Now, after killing, there will usually be a sense of satisfaction from within the perpetrator. If he had followed the wishes of the superego even if in a state of emotion, negative things would not have happened (Sumarlin, Sulistyawati, & Setyawan, 2019).

### 4. Traumatic past

Trauma is also a factor in triggering murder. Trauma in the past that still lingers into adulthood will make that person take it out on others by killing.

In addition, revenge is one of the most common motives for murder. Someone who feels betrayed, wronged, or humiliated may see murder as a way to avenge the pain they feel. Jealousy in romantic relationships is also a frequent cause of this reckless act. Forensic psychologists state that uncontrollable emotions, such as jealousy or anger can drive a person to make thoughtless decisions. Thus, murder is a complex act and often involves a variety of interrelated factors.

## CONCLUSION

Criminological studies of premeditated murder by children against their biological fathers can be viewed from the theories of biology, economics, sociology, psychology and economics. The causative factors are due to poor environmental factors, economic crush, emotional instability and past traumas. In addition, it can also be caused by feeling betrayed, harmed, or humiliated, jealousy and anger. For this reason, it is necessary to educate and create harmonious relationships between family members so that premeditated murder by a child against his father can be avoided. In order for everyone to avoid the crime of premeditated murder because the sanctions are very severe and violate other human rights, especially against their own parents who have been very instrumental in our lives and for law enforcement to impose penalties on perpetrators of premeditated murder in accordance with applicable regulations to create a deterrent effect.

## REFERENCE

- Ali, Z. (2009). *Metode Penelitian Hukum*. Jakarta: Sinar Grafika.
- Atmasasmita, R. (2007). *Kriminologi*. Bandung: Yogyakarta Mandar Maju.
- Atmasasmita, R. (2013). *Teori dan Kapita Selekta Kriminologi*. Bandung: PT. Refika Aditama.
- Bonger, W. A. (2009). *Pengantar Tentang Kriminologi, Terjemahan R. A Koesoen*. Jakarta: PT. Pembangunan.
- Dirdjosisworo, S. (2009). *Doktrin-Doktrin Kriminologi*. Bandung: Alumni.
- Iriyanto, E., & Halif. (2021). Unsur Rencana dalam Tindak Pidana Pembunuhan Berencana. *Jurnal Yudisial*, 14(1), 19–35. Retrieved from <https://doi.org/10.29123/jy.v14i1.402>
- Irma, W., & Murdiana. (2022). Regulasi Emosi Pelaku Pembunuhan. *Jurnal Psikologi Talenta Mahasiswa*, 1(4), 9.
- Kartono. (2009). *Patologi Sosial 2, Kejahatan*. Jakarta: Rajawali Press.
- Koeswadji, H. H. (2006). *Delik Harta Kekayaan, Asas-Asas, Kasus dan Permasalahannya*. Bandung: Remadja Karya.
- Marlina. (2011). *Hukum Penitensir*. Bandung: PT. Refika Aditama.
- Marzuki, P. M. (2006). *Metode Penelitian Hukum*. Jakarta: Sinar Grafika.
- Masindo, A. A., & Ningsih, D. L. (2024). Psikolog Anak Beberkan Faktor Penyebab Remaja Bunuh Ayah-Nenek di Lebak Bulus . Retrieved 5 February 2025, from <https://www.viva.co.id/berita/nasional/1777903-psikolog-anak-beberkan-faktor-penyebab-remaja-bunuh-ayah-nenek-di-lebak-bulus>
- Masriani, Y. T. (2014). *Pengantar Hukum Indonesia*. Jakarta: Sinar Grafika.
- Missa, L. (2010). *Studi Kriminologi Penyelesaian Kekerasan dalam Rumah Tangga di Wilayah Kota Kupang Propinsi Nusa Tenggara Timur* (Tesis). Universitas Diponegoro, Semarang.
- Mubarakah, S. (2020). Tinjauan Hukum Pidana Islam Terhadap Tindak Pidana Pembunuhan Berencana Dalam Kitab Undang-Undang Hukum Pidana. *Jurnal Al-Hakim*, 2(1), 19.
- Muliadi, S. (2012). Aspek kriminologis dalam Penanggulangan Kejahatan. *Fiat Justisia: Jurnal Ilmu Hukum*, 6(1), 25. Retrieved from <https://doi.org/10.25041/fiatjustisia.v6no1.346>
- Priyanto, A. (2012). *Pengantar Kriminologi*. Yogyakarta: Ombak.
- Santoso. (2013). *Kriminologi*. Jakarta: PT Rajagrafindo Perkasa.
- Simbolon, V. E. B., Simarmata, M., & Rahmayanti, R. (2019). Tinjauan Yuridis terhadap Tindak Pidana Pembunuhan Berencana Menggunakan Besi Padat di Medan Tinjauan Kasus Nomor 2305/Pid. B/2017/Pn. Mdn. *Jurnal Mercatoria*, 12(1), 54–67. Retrieved from <https://doi.org/10.31289/mercatoria.v12i1.2352>
- Soesilo, R. (2005). *Kriminologi Pengetahuan Tentang Sebab-Sebab Kejahatan*. Bogor: Politea.
- Soesilo, R. (2014). *Pokok-Pokok Hukum Pidana Peraturan Umum Delik-Delik Khusus*. Bogor: Politea.
- Sudarto. (2015). *Kapita Selekta Hukum Pidana*. Bandung: Alumni.
- Sumarlin, A., Sulistyawati, S., & Setyawan, I. (2019). Analisis mengenai faktor-faktor orang dapat melakukan tindak pidana pembunuhan. In *Prosiding Seminar Nasional Hasil Penelitian* (Vol. 2, pp. 1376–1385).
- Susanto. (1991). *Diktat Kriminologi*. Semarang: Universitas Diponegoro.



Susanto. (2011). *Kriminologi*. Yogyakarta: Genta Publishing.

Tim tvonenews.com. (2024). Psikolog Ungkap Faktor Penyebab Remaja Bunuh Ayah dan Neneknya di Lebak Bulus, Peringatan Keras untuk Para Orang Tua. Retrieved 5 February 2025, from <https://www.tvonenews.com/berita/nasional/273333-psikolog-ungkap-faktor-penyebab-remaja-bunuh-ayah-dan-neneknya-di-lebak-bulus-peringatan-keras-untuk-para-orang-tua>