

Legal Analysis of the Element of Premeditation in Article 340 of the Criminal Code Regarding Premeditated Murder (Case Study Of Decision Number: 907/PID.B/2020/PN MDN)

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This study aims to analyze the elements of criminal acts in Article 340 of the Criminal Code (KUHP) concerning premeditated murder proven in the primary indictment against the defendant Zuraida Hanum in the Medan District Court Decision Number: 907/Pid.B/2020/PN Mdn. In addition, this study also aims to determine the motives and factors that caused the defendant to commit premeditated murder. This study uses a normative juridical approach with a descriptive-analytical method, namely by examining secondary data in the form of legislation, legal literature, and related court decisions. Based on the results of the study, it was found that all elements in Article 340 of the Criminal Code, namely the elements of "anyone", "intentionally", "premeditated", and "taking the life of another person" had been fulfilled legally and convincingly. The defendant, together with other perpetrators, was proven to have planned the murder within a certain period of time, which indicates that there was a time interval to think calmly, thus fulfilling the element of planning as referred to in Article 340 of the Criminal Code. In addition, the motive for the murder in this case was closely related to prolonged domestic conflict, jealousy, domestic violence, and deep disappointment with the victim. Psychological and social factors contributed to the defendant's decision to plan and carry out the murder together with others. The judge's decision to impose a life sentence reflects the application of the law that fully considers the elements of premeditated murder and the social impact it has caused. This study is expected to contribute to the enforcement of criminal law, particularly in gaining a deeper understanding of the element of planning in premeditated murder, as well as serving as an academic reference in the development of criminal law in Indonesia.

Keywords: Criminal Offenses, Premeditated Murder, Article 340 of the Criminal Code.

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1. Introduction

Murder is a crime against human life that receives the most serious attention in criminal law. The right to life is the most fundamental human right, so any act that takes the life of another person is considered a serious violation of the law and morality. Therefore, the Criminal Code (KUHP) provides strict regulations regarding the crime of murder with different classifications and criminal penalties, depending on the form and degree of the perpetrator's guilt.

The KUHP distinguishes between ordinary murder as regulated in Article 338 of the KUHP and premeditated murder as regulated in Article 340 of the KUHP. The fundamental difference between the two articles lies in the element of "premeditation." This element indicates a higher degree of wrongdoing because the act was not spontaneous, but rather through a process of thinking, consideration, and prior preparation. Therefore, premeditated murder is punishable by a much heavier penalty than ordinary murder.

In judicial practice, proving the element of planning is often a complex issue. This is because the element of planning is closely related to the perpetrator's state of mind, which cannot be seen directly but must be inferred from a series of actions and facts revealed in court. The judge is required to carefully assess whether there was sufficient time for the perpetrator to think calmly and prepare for the crime before it was committed.

The Medan District Court Decision Number 907/Pid.B/2020/PN Mdn is an interesting decision to examine because the panel of judges declared the defendant legally and convincingly guilty of premeditated murder. In the decision, the panel of judges assessed that the element of planning had been fulfilled based on the series of actions taken by the defendant prior to the murder. This decision is relevant for further analysis to understand how judges interpret and apply the element of planning in Article 340 of the Criminal Code.

Based on this description, this study aims to analyze the legal fulfillment of the element of planning in the crime of premeditated murder in the Medan District Court Decision Number 907/Pid.B/2020/PN Mdn. This analysis is expected to contribute academically to the development of criminal law, particularly in relation to the application of Article 340 of the Criminal Code, as well as to serve as a reference for legal practitioners in understanding the distinction between premeditated murder and ordinary murder.

2. Research Methodology

This research is a descriptive-analytical normative legal study. The approaches used include a legislative approach and a case approach. The primary legal materials consist of the Criminal Code and Medan District Court Decision Number 907/Pid.B/2020/PN Mdn. The secondary legal materials are criminal law textbooks, scientific journals, and scientific papers relevant to the research object, while the tertiary legal materials are legal dictionaries. The technique for collecting legal materials was conducted through literature study and document study. All legal materials were analyzed qualitatively to obtain conclusions in accordance with the research problem.

3. Results and Discussion

Analysis of the Elements of Criminal Acts in the Primary Indictment in Case Number: 907/Pid.B/2020/PN Mdn

The primary indictment filed by the Public Prosecutor against the defendant in Case Number: 907/Pid.B/2020/PN Mdn was based on Article 340 of the Criminal Code concerning premeditated murder. To prove the indictment, the Public Prosecutor must prove that all elements of the crime have been cumulatively fulfilled. If one of the elements is not fulfilled, then the primary indictment cannot be proven legally and convincingly (Chazawi, 2002).

The first element, namely the element of "anyone," refers to the legal subject who can be held criminally liable. In this case, the defendant is an individual who is physically and mentally healthy and capable of being held legally responsible for his actions. Based on the facts of the trial, there were no justifying or exculpatory reasons that could eliminate the defendant's criminal liability (Moeljatno, 2008). Thus, the element of "whoever" has been fulfilled.

The second element, namely the element of "intentionally," means that the act was committed with the will and awareness of the perpetrator regarding the consequences that would be caused. Intent in criminal law does not only mean wanting to commit the act, but also wanting the consequences of the act

(Hamzah, 2012). In this case, the defendant's intent was proven through a series of conscious and deliberate acts, which ultimately resulted in the loss of the victim's life.

The third element, namely the element of "premeditation," is the main distinguishing factor between ordinary murder and premeditated murder. Based on criminal law doctrine, this element requires a period of time between the intention and the execution of the act, so that the perpetrator has the opportunity to think calmly and reconsider their intention (Soesilo, 1996). In this case, the panel of judges assessed that there was sufficient time between the intention and the execution of the act, as well as preparation and division of roles between the defendant and other perpetrators. These facts indicate that the murder was not spontaneous, but had been planned in advance (Chazawi, 2002).

The fourth element, namely the element of "taking the life of another person," was proven by the death of the victim as a direct result of the defendant's actions. This was reinforced by witness testimony and documentary evidence in the form of a medical report. With all of these elements fulfilled, the primary indictment of the Public Prosecutor based on Article 340 of the Criminal Code was proven legally and convincingly.

Based on the description and analysis of the elements of the criminal offense as referred to in Article 340 of the Criminal Code, it is proven that all elements have been fulfilled legally and convincingly. The element of "anyone" indicates that the defendant is a legal subject who is criminally responsible. The elements of "intentionally" and "premeditated" are proven through careful and structured planning by the defendant and the other perpetrators, which was carried out within a certain period of time prior to the murder. The element of "taking the life of another person" has clearly occurred, as evidenced by the death of the victim as a result of actions carried out jointly in accordance with the plan that had been prepared.

Thus, it can be concluded that all elements of Article 340 of the Criminal Code have been fulfilled in this case. The defendant, Zuraida Hanum, actively and consciously participated in planning and carrying out the murder of the victim, so that the act fulfilled the qualifications of premeditated murder as charged in the primary indictment by the Public Prosecutor.

Motives and Factors Leading the Defendant to Commit Premeditated Murder as Charged in the Primary Indictment by the Public Prosecutor

In the case of premeditated murder committed by the defendant Zuraida Hanum against her husband Jamaluddin, a number of motives and contributing factors were revealed as the background to the criminal act. These motives and factors were not only related to the defendant's personal psychological condition, but were also influenced by the dynamics of social relationships and emotional pressures that had accumulated over a long period of time.

Based on the results of research on case study number: 907/Pid.B/2020/PN Medan, it was found that motive plays a significant role in premeditated murder. Although motive and social context are not elements of the offense that must be proven, the existence of motive can strengthen the judge's conviction in deciding the case. This shows that motive has a high level of urgency or importance in the criminal justice process, especially in premeditated murder cases (Sembiring et al., 2024) .

Conceptually, motive can be defined as the driving force or reason behind a person's actions, including criminal acts (Remmelink Jan, 2003) . In the context of premeditated murder, motive is closely related to the element of intent or the perpetrator's intention to take another person's life. Without a motive, it is difficult to imagine someone committing murder with careful planning (Gunarto Priyo Marcus, 2023) . Therefore, understanding the perpetrator's motive is key to uncovering the perpetrator's intentions, goals, and awareness in committing the act.

The importance of motive in charging premeditated murder can be seen from several legal perspectives. From a criminal procedure perspective, motive can be one of the instruments for prosecutors to convince judges that the defendant is guilty. Although prosecutors are not required to prove motive, the disclosure of motive can strengthen other evidence presented at trial. In the case of Zuraida Hanum, the motive of hurt feelings and depression revealed by the prosecutor strengthened other evidence such as witness testimony, expert testimony, and forensic examination results, thereby convincing the judge that the defendant Zuraida Hanum had indeed deliberately planned the murder of the victim Jamaluddin.

Second, from the perspective of substantive criminal law, motive can be one of the considerations for the judge in assessing the defendant's guilt. Article 340 of the Criminal Code does not explicitly require motive as an element of the offense, but the existence of motive can be used to clarify the elements of intent (*dolus*) and planning (*voorbgedachte raad*), which are the main requirements in proving premeditated murder. The judge can explore the motive to understand the defendant's intent (*opzet*), awareness, and will in planning and executing the murder. In the case of Zuraida Hanum, the motive revealed during the trial was important in explaining the psychological aspects and intent of the defendant. The defendant was known to harbor deep resentment due to a prolonged domestic conflict, feeling hurt by her husband's abusive treatment and betrayal, and having an affair with another man (M. Jefri Pratama), which triggered her desire to end the victim's life. The defendant's motives, which were a mixture of negative emotions, the desire to free herself from the bonds of marriage, and the urge to build a new life with another partner, indicate that the act was committed consciously and was carefully planned. Thus, the motive in this context reinforces the judge's belief that the defendant's actions fulfill the elements of "*intentionally and with prior planning*" as referred to in Article 340 of the Criminal Code.

Third, from a criminological perspective, motive can be one of the factors that underlie and cause crime. Every crime, including premeditated murder, does not just happen, but is driven by certain internal and external motives (I.S. Susanto, 2011). Internal motives are related to the psychology and emotions of the defendant, Zuraida Hanum, such as psychological pressure, heartache, and deep disappointment due to ongoing domestic conflicts with the victim. The defendant felt humiliated, belittled, and betrayed by her husband, who was known to have a relationship with another woman. This inner pressure led to the emergence of an intention to retaliate against the victim, Jamaluddin, as a form of emotional venting. This motive shows the defendant's unstable psychological dynamics and was the main trigger for the emergence of criminal intent (*mens rea*).

Meanwhile, external motives arose from the defendant's social relationships and environmental conditions. Zuraida Hanum was known to be having an affair with M. Jefri Pratama and intended to build a new life with him. The urge to free herself from the legal and moral bonds of marriage, but through violence, shows that the defendant's social environment encouraged criminal acts rather than preventing them. In addition, the involvement of third parties (Jefri and Reza) in the murder indicates that there was negative social support within the defendant's social circle.

In criminology, these internal and external motives are part of the theory of factors that cause crime, in which crime arises from a combination of the perpetrator's personal impulses and the influence of the social environment (Kartono Kartini, 2010). Thus, the motive in the premeditated murder is not only an individual explanation for the perpetrator's behavior but also a reflection of social structure, emotional pressure, and the failure of the legitimate conflict resolution system.

Based on the results of research on Decision Number: 907/Pid.B/2020/PN Mdn, it can be concluded that the motive and factors causing the premeditated murder committed by Zuraida Hanum played an important role in the legal construction and considerations of the panel of judges. The defendant's motive

was not only an emotional background but also a strong indicator of intent and careful planning, as stipulated in Article 340 of the Criminal Code.

From a criminal procedural law perspective, the prosecutor's disclosure of the motive has strengthened the evidence of the subjective elements of the offense, namely the existence of malicious intent and a conscious plan. Motives such as hurt feelings, emotional distress, and the desire to build a new life with another man have been confirmed through other evidence such as witness statements, communication recordings, and forensic examination results. This shows that motives functionally serve as a means of evidence that strengthens the judges' conviction.

From a substantive criminal law perspective, motive is an important part of assessing the degree of guilt (schuld) of the defendant. Zuraida Hanum's actions were not spontaneous, but were planned with a third party, thus demonstrating full awareness and intent. Motive also helps explain the fulfillment of the element of "premeditation," which is a key requirement in Article 340 of the Criminal Code.

Meanwhile, from a criminological perspective, internal motives (such as emotional pressure and personal conflict) and external motives (such as social relationships with third parties and environmental influences) indicate that this crime arose from a combination of psychological and sociological factors that drove the defendant to commit premeditated murder. In this context, motive serves not only to explain the individual intent of the perpetrator, but also as a reflection of the failure of the system to resolve social conflicts peacefully.

Taking all these aspects into consideration, it can be concluded that these complex and multi-layered motives and contributing factors formed the basis for the judge's decision to convict the defendant, Zuraida Hanum, using the primary charge, namely Article 340 of the Criminal Code concerning premeditated murder. This verdict reflects that although motive is not an element of the crime that must be proven, its existence is very important in strengthening the criminal liability of the perpetrator and proving the element of intentional planning.

4. Conclusion

After analyzing the element of planning in Article 340 of the Criminal Code concerning the crime of premeditated murder based on the case study of Decision Number: 907/Pid.B/2020/PN Mdn, the author draws the following conclusions and recommendations: All elements in Article 340 of the Criminal Code have been legally and convincingly fulfilled in the case of premeditated murder by the defendant Zuraida Hanum, namely: The element of "any person" (the perpetrator as the legal subject), The element of "intentionally", The element of "with prior planning" (the existence of a time gap to think calmly), The element of "taking the life of another person." The motive for premeditated murder was proven to be related to prolonged domestic conflict, jealousy, domestic violence, and deep disappointment with the victim. Other contributing factors include psychological and social factors, which contributed to the planning and execution of the murder. The Medan District Court judge's decision to impose a life sentence demonstrates the proper application of criminal law, taking into account legal aspects and social impact. This study emphasizes the importance of the element of planning as a crucial component in proving premeditated murder cases, as well as demonstrating the consistent application of the law to serious crimes.

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