

# Legal Review of Perpetrators of Premeditated Murder Analysis of the Decision in Case Number 474/Pid.B/2023/PN Mdn

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This study examines in-depth the legal analysis of criminal decisions in premeditated murder cases, focusing primarily on Medan District Court Decision No. 474/Pid.B/2023/PN Mdn. The crime of premeditated murder, as regulated by Article 340 of the Criminal Code (KUHP), has the essential element of premeditated intent or intention, which requires the perpetrator to have time to think calmly before committing the act. This crime is considered more serious than ordinary murder because it reflects a high level of criminality and mature malice. The purpose of this study is to critically analyze how the panel of judges constructed their legal reasoning in proving the element of premeditation and assessing the suitability of the decision rendered with the principles of justice and legal certainty. The research method used is normative juridical with a qualitative approach, focusing on applicable legal norms and analysis of court decision documents. Data were obtained through literature review and content analysis of the decisions in the case under study. The results indicate that the panel of judges in this case successfully proved all elements of Article 340 of the Criminal Code convincingly. The judge's considerations were based on a series of legal facts, including digital evidence, consistent testimony, and the results of a post-mortem examination, which detailed the planning and execution of the murder. The sentence handed down to the defendant, which was commensurate with his actions, reflects the implementation of retributive justice and provides a deterrent effect, while also affirming the state's high regard for human life.

**Keywords:** Premeditated Murder, Judge's Decision, Legal Analysis, Criminal Act, Criminal Code.

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## 1. Introduction

Indonesia is a country where everyone must obey the rules called laws. These laws are written in a regulation called the 1945 Constitution, which states that everyone, no matter who they are, must obey these rules. If someone does something bad or wrong, they can get into trouble and even be punished. The main reason for these laws is to help everyone live together happily and peacefully. If someone breaks the law, they may have to go to prison for a while to learn not to do it again. Sometimes, there are very serious punishments, such as the death penalty, but these punishments are only used in very serious situations. The goal is to use punishment only when it is absolutely necessary to help people understand their mistakes and do better next time [1]. Laws exist and evolve in society because they have become an integral part of society. Laws are essential to society; without them, society would become chaotic and uncontrollable, which is why laws were established. There is no justification or reason that can absolve the defendant of criminal responsibility[2].

Criminal law covers various types of punishment, such as imprisonment, fines, death penalty, probation, community service, or a combination of several of these punishments. Criminal law decisions are handed down by judges after considering various factors, including the severity of the crime, the circumstances of the defendant, and considerations of justice in society. Criminal law has binding legal force, and once

issued by the court, the sentence imposed must be carried out in accordance with applicable legal provisions. In the legal systems of various countries, there are appeal procedures and mechanisms that allow parties involved in the judicial process to appeal against criminal law if they feel that there is injustice or error in the verdict [3].

The presence of criminal law in society is intended to provide a sense of security to individuals and community groups in carrying out their daily activities. The sense of security expressed in this case is a state of calm, without any worries about threats or actions that could harm individuals in society. The harm referred to here does not only refer to civil harm, but also includes physical and mental harm. Physical harm in this case refers to the body, which is also related to a person's life, while mental harm refers to feelings or psychological conditions [4].

Feryaldo, 2024 [5], Murder is a criminal offense that carries the most severe punishment or sanction. Moreover, perpetrators who commit premeditated murder can receive the maximum punishment, which is the death penalty. Murder, according to positive criminal law, is an inhumane and unethical act or action, because murder is a criminal act that aims to take the life of another person [6].

In criminal law, crimes involving the taking of human life are categorized in several different ways. The two main forms recognized in the Indonesian criminal justice system are ordinary murder and premeditated murder, each of which has its own characteristics and legal consequences. Article 338 of the Criminal Code (KUHP) specifically regulates the definition and sanctions for the crime of murder [7], providing a clear legal framework for classifying and handling cases involving the taking of human life. Article 338 of the KUHP states: "Anyone who intentionally takes the life of another person shall be punished for murder with a maximum imprisonment of fifteen years." Meanwhile, premeditated murder is regulated in Article 340 of the Criminal Code, which states: "Anyone who deliberately and with prior planning takes the life of another person shall be punished for premeditated murder with the death penalty or life imprisonment or imprisonment for a certain period of time, for a maximum of twenty years." One of the criminal offenses that has seen development is premeditated murder, or what is often referred to as murder with a specific motive or premeditated murder, which is a serious problem that continues to be the focus of the government and society in their efforts to prevent and combat it [8].

The difference between premeditated murder and ordinary murder lies in what happens within the perpetrator prior to the murder. In premeditated murder, the perpetrator needs time to think calmly. Meanwhile, in ordinary murder, the intention to kill and the act of killing are one and the same. This situation requires judges to carefully and comprehensively analyze, evaluate, consider, and decide on cases of premeditated murder, with a focus on proving the existence of intent. As previously explained, the concept and requirements of intent are constantly evolving and changing. There are differences in perspective among judges in defining intent. The legal approach to premeditated murder cases emphasizes the importance of the judicial system's obligation to uphold justice through careful investigation and fair trials. From a criminal law perspective, premeditated murder is categorized as a serious offense that requires proportional legal sanctions in accordance with the severity of the crime committed [9].

In reality, Indonesia is one of the countries with a high crime rate, requiring strenuous efforts from law enforcement officials to address this issue in order to provide a sense of security to the community. This high crime rate is influenced by many factors, ranging from the level of public welfare to minor issues such as emotional problems. The Indonesian state guarantees the protection of the lives of all its citizens, from those in the womb to those who have passed away. The aim is to prevent arbitrary actions, especially those that involve taking the lives of others (murder).

Therefore, a comprehensive and high-quality law enforcement mechanism is needed to achieve justice and provide maximum protection to victims. Law enforcement essentially functions as an instrument to achieve the fundamental objectives of the law itself, thereby justifying the maximum efforts of law enforcement officials in ensuring the upholding of moral principles and the protection of human rights. Based on the description in the background above, the author is interested in researching the case of premeditated murder. The author will attempt to analyze the elements of premeditated murder and the judge's considerations in this verdict. To that end, the author has written a thesis entitled: "A Judicial Review of the Perpetrator of Premeditated Murder: Analysis of the Verdict in Case Number 474/Pid.B/2023/PN Mdn."

## 2. Literature Review and Problem Statement

Murder is one of the crimes that most often attracts public and media attention, namely murder as defined in Article 338 of the Criminal Code, which reads: " Anyone who intentionally takes the life of another person shall be punished for murder with a maximum imprisonment of fifteen years." Murder itself has existed since ancient times in human history and civilization, and its regulation and punishment have also been determined [10]. Murder is a sadistic, cruel, and inhumane act because it forcibly takes the life of another person and destroys the victim's existence. Taking another person's life represents a form of extreme violence[11]. Killing someone, or taking someone's life, is often associated with murder. Human rights are violated by the crime of murder. A person has fundamental rights in life, including the right to life, from the moment they are conceived until they are born. A person's path in life cannot be predicted due to their upbringing and experiences, which can sometimes lead to acts of violence or even murder that take their life too soon.

Premeditated murder is murder that is preceded by a plan by the perpetrator, which results in a heavier criminal penalty than ordinary murder. Premeditated murder in the Criminal Code is regulated in Article 340 as "Anyone who deliberately and with prior planning takes the life of another person shall be punished for premeditated murder with the death penalty or life imprisonment or imprisonment for a certain period of time, up to a maximum of twenty years [12].

## 3. Method

This study uses a normative legal research method to comprehensively analyze how substantive and procedural criminal law is applied in the handling of premeditated murder cases, particularly in the application of Article 340 of the Criminal Code regarding the element of premeditation. This study will examine legal aspects through a literature review of applicable laws and regulations, criminal law doctrines, and an analysis of legal documents and court decisions that are the subject of the study to determine how judges consider the fulfillment of the elements of premeditated murder and the application of criminal sanctions. The main focus of this research is to analyze the application of substantive and formal criminal law in premeditated murder cases and the legal considerations of judges in handing down verdicts. In this study, the researcher used a case study approach to analyze the court decision in depth and comprehensively. The case study approach was chosen because it allowed the researcher to conduct a detailed and thorough analysis of the legal considerations in Decision Number 474/Pid.B/2023/PN Mdn, particularly regarding the evidence of premeditation, aggravating and mitigating factors, and the application of criminal sanctions against perpetrators of premeditated murder.

#### 4. Results and Discussion

**The judge's consideration that the defendant was legally and convincingly proven guilty of premeditated murder in case No. 474/Pid.B/2023/PN Mdn was in accordance with the facts presented at trial.**

Judges have an obligation to uphold the law and justice impartially. In administering justice, judges must first examine the truth of the case presented to them, then assess the case and relate it to the applicable law. Only then can judges pass judgment on the case. Judges are state judicial officials who are authorized by law to adjudicate in accordance with the provisions of Article 1 point (9) of the Criminal Procedure Code, namely: "adjudication is a series of actions taken by a judge to accept, examine, and decide criminal cases based on the principles of freedom, honesty, and impartiality in court proceedings in accordance with the procedures stipulated in this Law." The legal considerations in a court decision reflect the judge's responsibility for his or her decision, so that everything contained in the verdict must be supported by a thorough legal analysis in the considerations section [13]

##### Legal Facts Revealed at Trial

Based on the Medan District Court decision document Number 474/Pid.B/2023/PN Mdn and the trial minutes, the important legal facts that formed the basis for the Panel of Judges in deciding this case include:

- a. Identity of the Defendant: The defendant in this case has been clearly identified as INDRA SAPUTRA, who was born in Medan on February 17, 1988, and was 35 years old at the time of the incident. The defendant is male, an Indonesian citizen, residing at Jalan Asrama No. 168c, Kelurahan Cinta Damai, Kecamatan Medan Helvetia, Muslim, and a pedicab driver by profession. The defendant has been in custody since October 24, 2022, until July 17, 2023.
- b. Time and Place of the Incident: This premeditated murder occurred on Saturday, October 23, 2022, at around 11:30 p.m. Western Indonesian Time. The location of the incident was on Jalan Mandala By Pass, Bantan Village, Medan Tembung District, Medan City. Determining the time and place is important to ascertain the locus delicti and tempus delicti, which are prerequisites in proving a criminal act.
- c. Chronology of Events Based on the Public Prosecutor's Indictment Verified in Court:
  - 1) Relationship between the Defendant and the Victim: The defendant, INDRA SAPUTRA, was the legal husband of the victim, Nurmaya Santi Siregar. This fact indicates that there was a personal motive behind the crime, even though this motive is not included in the elements of the offense under Article 340 of the Criminal Code. There was a domestic dispute that caused the victim to leave the house for a week, taking their children with them, indicating a prolonged conflict.
  - 2) The Defendant's Preparations: On October 23, 2022, the Defendant took a machete from Jalan Amalium and stored it in his motorized rickshaw. Although the Defendant claimed that he was taking precautions in case of a disturbance, this proactive action can be interpreted as a form of preliminary preparation, especially considering the subsequent developments.
  - 3) Initial Meeting and Argument: The defendant contacted the victim to meet their children. The meeting took place on Aksara Street, where the defendant and the victim got into an argument. The victim then left on a motorized rickshaw with the witness May Sarah, after taking her young child from the defendant, and said, "You'll find out later," which indicated unresolved tension.
  - 4) Pursuit and Assault: The defendant, who was emotional, then followed the motorcycle taxi carrying the victim. Upon arriving at Jalan Mandala By Pass, the defendant crashed into the

- victim's motorcycle taxi. This shows the defendant's attempt to stop the victim and vent his emotions.
- 5) Execution of the Murder: After crashing into the pedicab, the Defendant got out, took a machete, and slashed the victim's neck repeatedly and indiscriminately while the victim was still sitting on the motorized pedicab holding his child. The cruelty and repetition of this action became an important point in proving intent and planning.
  - 6) Arrest of the Defendant: Witnesses to the incident immediately reacted by pelting the Defendant with stones until he was finally subdued and handed over to the police. This demonstrates the spontaneity of the Defendant's arrest at the scene of the incident.
- d. Consequences of the Defendant's Actions: The victim, Nurmaya Santi Siregar, died as a result of her injuries. This fact is corroborated by the results of the autopsy report No. 08/X/2023/RS Bhayangkara dated October 24, 2022, which concluded that the cause of death was bleeding in the cranial cavity accompanied by the rupture of a large blood vessel in the right rear neck due to sharp trauma. The results of this autopsy are very strong documentary evidence in proving the elements of the victim's death. In his verdict, the judge stated that the defendant was legally and convincingly proven guilty of premeditated murder under Article 340 of the Criminal Code. The proof of the elements of Article 340 of the Criminal Code, namely "anyone who", "intentionally and with prior planning", and "takes the life of another person", is key in this analysis.
  - e. The element of "Whoever": This element refers to the legal subject who committed the crime. The facts of the trial clearly show that the defendant INDRA SAPUTRA was the perpetrator of the crime. The Defendant's identity is clearly revealed, reinforced by his own confession at trial, as well as the testimony of witnesses ENDANG SIREGAR and MAY SARAH, who consistently identified the Defendant as the perpetrator. Thus, there is no doubt whatsoever regarding the fulfillment of this element of "whoever".
  - f. The element of "intentionally and with prior planning": This is the core and most crucial element in proving the crime of premeditated murder. The element of "intentionally" means that there was the will to commit the act and knowledge of its consequences, while "premeditated" refers to the existence of a sufficient time gap between the intention and the execution of the act, during which the perpetrator had the opportunity to think and prepare their actions calmly. The planning of this murder actually arises from a situation where a person who was initially driven by emotion or lust to end another person's life then uses the same impulse to prepare and plan the execution of the murder in a more systematic manner [14].
    - 1) Intent/Deliberateness (Opzet): An action is categorized as deliberate when the perpetrator truly desires the impact or condition that results from their action. Intent in this context means that the consequences of the act are in accordance with what the perpetrator intended, or that the consequences are the goal that the perpetrator wanted to achieve [15]. The defendant's actions were preceded by emotions and the intention to pursue the victim, then actively crashing into the victim's pedicab, getting out of his vehicle, taking out a prepared machete, and immediately slashing the victim's neck indiscriminately, even slitting the victim's throat "like slitting a chicken's throat," clearly shows a strong intention and desire to take the victim's life. The intensity of the attack and the parts of the body that were attacked (neck, head) are vital, which logically would cause death.
    - 2) Premeditation (Voorbedachte Raad): The element of planning can be proven through several interrelated and supporting indications: Preparation of Tools: The defendant took a machete from Jalan Amalium and stored it in his motorized rickshaw before the incident. Although the

defendant claimed that this was for self-defense, this action was a crucial physical preparation. In criminal law, the preparation of tools used for a crime can be an indication of premeditation.

**Time Lapse and Calm Reflection:** Although the initial argument occurred spontaneously, the Defendant's actions of following the victim's pedicab after the argument, crashing into the victim's pedicab twice, and only then taking a machete and attacking, indicate that there was a time lapse. During this time lapse, the Defendant had the opportunity to think, consider, and decide on his actions calmly, rather than simply reacting emotionally in the heat of the moment. The act of actively pursuing the victim, rather than walking away, also reinforces this indication. Based on the facts outlined above, the Panel of Judges can legally and convincingly conclude that the Defendant not only intended to kill, but also thought about and prepared his actions calmly before the execution. Thus, the elements of "intentionally and with prior planning" have been legally and convincingly fulfilled.

### **Judge's Considerations In Imposing A Life Sentence**

In imposing a life sentence on the defendant INDRA SAPUTRA, the judge most likely carefully considered the aggravating factors and found no significant mitigating factors. These considerations include:

- a. **Extremely Serious Crime:** Premeditated murder is a criminal act classified as a serious crime (Article 340 of the Criminal Code) because it deprives a person of their right to life through careful planning. This is the most fundamental crime against humanity.
- b. **High Degree of Guilt of the Defendant:** The existence of elements of intent and planning proven by the facts of the trial (such as the preparation of a machete, the pursuit of the victim, and repeated stabbing of vital parts of the victim's body) indicates a high degree of guilt on the part of the Defendant.
- c. **Severe Impact of the Act:** The Defendant's actions resulted in the tragic loss of the victim's life and caused deep suffering and irreparable harm to the victim's family. In addition, these actions also caused unrest in the community.
- d. **Absence of Significant Mitigating Circumstances:** Although the Defendant and his Legal Counsel requested a reduced sentence, the Panel of Judges is unlikely to find sufficient grounds to reduce the severity of the punishment. In cases of premeditated murder, mitigating circumstances are often disregarded due to the heinous nature of the crime.

Thus, the imposition of life imprisonment in case No. 474/Pid.B/2023/PN Mdn can be considered to be in line with the objectives of criminal punishment, particularly in terms of retribution (appropriate punishment) and prevention (general and specific prevention), given the severity of the crime and its serious impact on the victim, their family, and society. This decision reflects the commitment of the judicial system to uphold justice and protect the lives of citizens.

## **5. Conclusion**

**Regarding the Judge's Considerations:** The legal considerations used by the judge in deciding this premeditated murder case have been proven to be in accordance with the facts revealed at trial. The judge has carefully proven each element of Article 340 of the Criminal Code, namely the elements of "intentionally" and "premeditated," through a series of valid evidence such as witness testimony, material evidence, and autopsy results. The element of "intentionally" is fulfilled because the defendant committed the act with full awareness and intent to take the victim's life. Meanwhile, the element of "premeditation" was fulfilled through a series of structured and systematic actions, starting from chasing the victim, crashing into the pedicab that the victim was riding in, taking a weapon (machete) that had been prepared in advance, to launching an attack on the victim's vital organs. Thus, the judge's considerations show

strong consistency between the facts of the trial and the application of legal norms. Regarding the Imposition of Punishment: The imposition of life imprisonment on the defendant in this case is highly relevant and proportional to the progressive objectives of punishment. This punishment not only serves as retribution for the defendant's heinous and inhumane actions, but also as a means of prevention (preventive) for both the perpetrator (special prevention) and the wider community (general prevention) from committing similar crimes. The imposition of life imprisonment also serves to restore the balance and justice that has been disrupted by the defendant's actions, while providing maximum protection for the human rights of victims and the community. This punishment sends a strong message that serious crimes such as premeditated murder will be punished to the fullest extent. Researchers are encouraged to conduct further research focusing on the psychological and sociological factors that drive individuals to commit premeditated murder. In addition, research can be developed by comparing verdicts in premeditated murder cases in different regions to examine the consistency of law enforcement.

## 6. References

- [1] J. I. Marentek, "PERTANGGUNGJAWABAN PIDANA PELAKU TINDAK PIDANA PEMBUNUHAN BERENCANA DITINJAU DARI PASAL 340 KUHP," vol. VIII, no. 11, pp. 88–95, 2019.
- [2] Risaldi, "PEMBUNUHAN BERENCANA ( STUDI PUTUSAN NO . 28 / Pid . B / 2022 / PN Blp ) Skripsi ( STUDI PUTUSAN NO . 28 / Pid . B / 2022 . PN Blp )," 2023.
- [3] E. Nurjamal, *Buku Ajar Hukum Pidana dan Penerapan Hukum Acara Pidana di Lengkapi UU KUHP baru*. Tasikmalaya: Edu Publisher, 2020.
- [4] Y. Kusumadewi, A. R. Musahib, A. R. Sari, M. Amalia, and M. N. Qoiri, *Hukum pidana*.
- [5] R. Feryaldo, "Analisis Pasal 340 Kitab Undang-Undang Hukum Pidana Terkait Tindak Pidana Pembunuhan Berencana," *Al Dalil J. Ilmu Sos. Polit. dan Huk.*, vol. 2, no. 3, pp. 44–49, 2024, doi: <https://doi.org/10.58707/aldalil.v2i3.876>.
- [6] E. safitri Abbas, "Tinjauan yuridis tindak pidana pembunuhan berencana yang OLEH SUAMI TERHADAP ISTRI (Studi Putusan Nomor 57/Pid.Sus/2021/PN.Lss)," 2023.
- [7] E. Iriyanto and Halif, "Unsur rencana dalam tindak pidana pembunuhan berencana," vol. 14, no. 1, pp. 19–35, 2021, doi: 10.29123/jy.v14i1.402.
- [8] A. L. Islamiah, "TINJAUAN YURIDIS TERHADAP TINDAK PIDANA PEMBUNUHAN BERENCANA (Studi Kasus Nomor Putusan 349/Pid.B/2023/Pn Smn) JURIDICAL', pp. 167–186.," 2024.
- [9] L. Ananda, "Analisis Perspektif Hukum dan Etika Kasus Pembunuhan Berencana dan Pertimbangan Pengenaan Hukuman Mati," vol. 7, no. 9, pp. 1–7, 2023.
- [10] S. Pieter, F. Hukum, U. Musamus, E. D. Silambi, F. Hukum, and U. Musamus, "Jurnal restorative justice," vol. 3, pp. 75–91, 2019.
- [11] N. Mozin, "JURIDICAL REVIEW OF THE CRIME OF PREMEDITATED," vol. 1945, no. 3, pp. 632–643, 2024.
- [12] A. Z. Baidlowi, "KAJIAN YURIDIS TENTANG PERBARENGAN MELAKUKAN TINDAK PIDANA PEMBUNUHAN BERENCANA BERDASARKAN PASAL 340 KUHP," vol. V, no. 9, pp. 84–92, 2017.
- [13] D. W. I. Hananta, "AGGRAVATING AND MITIGATING CIRCUMSTANCES CONSIDERATION ON SENTENCING," *J. Huk. dan Peradil.*, vol. Volume 7, pp. 87–108, 2018, doi: <https://doi.org/10.25216/jhp.7.1.2018.87-108>.
- [14] C. Toisuta, D. Salsabila, J. J. Walean, and A. U. Hosnah, "Tindak Pidana Pembunuhan Berencana dalam Pasal 340 Kitab Undang- Undang Hukum Pidana," vol. 1, no. 1, pp. 74–81, 2023.
- [15] C. Rafika, L. M. Mulyadi, and Jelly Leviza, "ANALISIS KUALIFIKASI UNSUR BERENCANA DALAM TINDAK PIDANA PEMBUNUHAN BERENCANA (STUDI KASUS PUTUSAN NOMOR 907/Pid.B/2020/PN Mdn)," *J. Sci. Soc. Res.*, vol. 4307, no. 1, pp. 306–313, 2025.