

## JURIDICAL STUDY OF PLANNING MURDER CASES (STUDY DECISION NUMBER 91PID.B2022PN KRW)

Hendra Pahlepi<sup>1</sup>, Sartika Dewi<sup>2</sup>, Lia Amalia<sup>3</sup>

<sup>1,2,3,4</sup>Faculty Of Law, University Buana Perjuangan Karawang, Indonesia  
HS.Ronggo Waluyo, Puseurjaya, Telukjambe Timur, Karawang, Jawa Barat 41360  
Email: [muhamad.abas@ubpkarawang.ac.id](mailto:muhamad.abas@ubpkarawang.ac.id) (Corresponding Author)

Accepted: 24-05-2024 Revised: 03-07-2024 Approved: 03-07-2024 Published: 03-07-2024  
DOI: 10.30596/dll.v9i2.19706

### *How to cite:*

*Hendra Pahlepi, Sartika Dewi, M. Abas, Lia Amalia. (2024) "Juridical Study Of Planning Murder Cases (Study Decision Number 91PID.B2022PN KRW)", De Lega Lata: Jurnal Ilmu Hukum, volume 9 (2): p. 170-180*

### **Abstract**

Crime is someone's behavior that violates positive law or law that has been legitimized in force in a country. In this case premeditated murder is the crime of taking the life of another human being, or killing, after planning the time or method, with the aim of ensuring the success of the murder. The problem is how the juridical aspects relate to the handling of premeditated murder cases and how the judge considers them when deciding on murder cases in Decision Number 91/Pid.B/2022/Pn.Krw. Qualitative Research Method using the Normative Juridical approach method. The results of the research are the Juridical Aspects of the Elements of the Crime of Premeditated Murder, which are stated in article 340 of the Criminal Code: "Anyone who intentionally and with premeditation takes the life of another person, is threatened with premeditated murder (moord), with the death penalty or imprisonment life imprisonment or a maximum imprisonment of twenty years" namely 1) Elements of each person; 2) Elements on purpose; 3) Elements are planned in advance; 4) The element of eliminating other people's souls. The Judge's Considerations in Deciding on a Murder Crime Case in Decision Number 91/Pid.B/2022/Pn.Krw, namely as in Article 183 of the Criminal Procedure Code that the considerations prepared include the facts and circumstances along with evidence of at least two pieces of evidence obtained from the examination at trial which is the basis for determining the defendant's guilt. In accordance with the facts at trial and it has been concluded that the defendants have been legally and convincingly proven guilty of committing the crime of participating in murder with premeditation as stated in the first indictment of the public prosecutor. And based on the considerations above, all conditions of punishment have been fulfilled, both the objective conditions of a criminal act and the subjective conditions of criminal responsibility. In this way, the Panel of Judges did not find any justification or excuse for the defendant for the criminal acts he committed, therefore the defendants must be punished according to their actions.

**Keywords: Juridical Aspect, Criminal Act, Premeditated Murder.**

### **INTRODUCTION**

Article 1 Paragraph (3) of the 1945 Constitution which reads "The State of Indonesia is a State of Law". As a legal state, every human or community activity in its life activities must be based on law. The existence of law in the state is a tool to provide limits on authority to every citizen in carrying out social life. From this function, the law guarantees the rights of

every citizen, including their security and comfort from all forms of criminal threats that could endanger a person's life. As regulated in Article 28 A of the 1945 Constitution which reads: "Every person has the right to live and the right to defend his life and existence.

So based on this, the existence of law is very important in protecting society. All citizens are equal in the eyes of the law. Law enforcement efforts are one way to create order, security and tranquility in society, whether it is a prevention effort or an eradication or action after a violation of the law occurs. If the Law which is the legal basis for the steps and actions of Law Enforcers is not in accordance with the basic philosophy of the State and the Nation's way of life then of course Law Enforcement will not achieve its targets. Law is basically something abstract, giving rise to different perceptions about the definition of law, depending on from which point they look at it. As the definition of law according to Achmad Ali, law is: (Ali, 2008)

A set of rules or measures arranged in a system that determines what humans as citizens can do in public life. These laws come from other sources that are recognized as valid by the highest authority in the community, and are actually enforced by the citizens of the community as a whole in their lives. If these rules are violated, this will give the highest authority the authority to impose external sanctions.

Crime is someone's behavior that violates positive law or law that has been legitimized in force in a country. It is present in society as a model of behavior that has been defined juridically as a violation and is prohibited by law and has been determined by the Court which has permanent legal force. The problem of crime in society has very complex and vulnerable symptoms and is always interesting to discuss. This can be understood because the problem of crime itself is an act that is detrimental and has direct contact with human life.

Premeditated murder is the crime of taking the life of another human being, or killing, after planning the time or method, with the aim of ensuring the success of the murder. Premeditated murder is generally the most serious type of murder, and the perpetrator can be sentenced to death or life imprisonment. Premeditated murder in the Criminal Code is regulated in article 340 which reads:

Whoever intentionally and with premeditation takes the soul of another person, shall be punished, for premeditated murder (moord), with the death penalty or life imprisonment or temporary imprisonment for a term of twenty years (Moeljatno, 2005). Premeditated murder was intended by the legislators as a special, aggravating form of murder, the formulation of which could be "murder committed with prior planning and punished with premeditated murder." Based on what is explained above, it can be concluded that formulating Article 340 of the Criminal Code in this way, the legislators deliberately did it with the intention of it being an independent crime. More details will be explained in the discussion.

If one of the elements above is met then a person can be declared a perpetrator of the crime of premeditated murder. Once there is strong evidence and witnesses, the perpetrator of the crime can be prosecuted in court.

In the reality of life, there are many incidents and cases that happen to some people which make their lives uncomfortable and even make them regret their existence in the world to live their lives. The closest and most relevant example is the case in Karawang District Court Decision No. 91/Pid.B/2022/PN.Kwg. In this case, Defendant I Agus Marjuki, Defendant II Herdi Sawaludin, Defendant III Rian, Defendant IV Maulana Hasanudin, and Defendant V

Burhanudin, they committed the act of taking another person's life with a prior plan, which is called premeditated murder. Starting around March 2021 at witness Neliwati's Padang restaurant which is located on Jl A Yani Guro I Kel. Nagasari Kec. West Karawang Kab. Karawang witness N began to talk about his household with victim Khairul Amin because he felt that he was often hurt by the behavior of victim KA, who often married approximately 4 (four) times, often asked for and took money because he did not work and often came home late at night.

Therefore, witness N then asked defendant I Agus Marjuki for help to find someone who could kill the KA victim using black magic. Then defendant I AM brought and introduced witness N to defendant II Herdi at his house located in the Kp Cikelor Rengasdengklok area, Kab. Karawang and the two of them talked inside defendant II H's house while defendant I AM waited outside. Then, on the way home, witness N told defendant I AM that defendant II H agreed and asked for Rp. 5,000,000 (five million rupiah) for the fees of a black magician who was an acquaintance of defendant II H. Then 3 days later witness N gave the money to RM Sinar Minang belonged to him, which defendant I AM then handed over entirely to defendant II H at his house. However, about 2 months later witness N informed defendant I AM that there were no results.

Then defendant I AM brought witness N back to meet defendant II H at his house and defendant II H stated that there was someone who was willing to kill the KA victim, namely witness Muhamad Iskandar Soleh and asked for the total amount of Rp. 30,000,000 (thirty million rupiah). However, at that time witness N had just handed over Rp. 10,000,000 (ten million rupiah). After receiving the money, defendant I AM together with defendant II H and witness MIS monitored the whereabouts of the train victims around the Gor Panatayudha Karawang location, but failed.

On that day, Wednesday 27 October 2021, at around 19.30 WIB, witness N informed defendant I AM by telephone that the KA victim had been seen at the Saung Hejo Grilled Chicken Shop at Gor Panatayudha Karawang. Then at around 20.00 WIB the defendant IAM watched first. Then defendant I AM contacted defendant II H, defendant III R, defendant IV MH, defendant V B, AS (DPO) and A (DPO) to come and gather at Alfamart Gor Panatayudha Karawang while watching and waiting for the KA victim to return home. Then at around 23.00 WIB it was discovered that the KA victim was returning to his house and starting from in front of the Alfamart, defendant I AM contacted defendant II H, defendant III R, defendant IV MH, defendants V B, AS (DPO) and A (DPO) to follow the KA victim to the defendant. IAM tried to drive him away from the front with AS (DPO) using a motorbike but failed. Then they were chased and driven away by defendants V B and A (DPO) using a motorbike but still failed. Until then the defendant IAM chased him again with AS (DPO) and grabbed him about 4 meters from the fence of his house, then AS (DPO) slashed a machete that had been prepared beforehand and kept behind him. AS (DPO) slashed his machete at the KA victim's head several times and The KA victim fended him off using his right hand until the KA victim fell. Then defendant III R got off the motorbike and stabbed victim KA in the chest and stomach using a badik. After committing the murder, the defendants all went home and gathered at the house of defendant II H.

Then the next day the defendant I AM was given news by witness N not to contact him for the time being and at that time the defendants' contact was blocked by witness N. Then on

Monday 01 November 2021 at around 11.00 WIB the defendant I AM was contacted by witness N to meet him on at 16.00 WIB at KFC Mall Ramayana Karawang. Then defendant I AM contacted defendant II H and met at that location with witness N who at that time handed over Rp. 10,000,000 (ten million rupiah) for the costs of killing the KA victim to defendant I AM and defendant II H, while the rest was promised to be paid. I month later by witness N. As a result of the actions of defendant I AM, defendant II H, defendant III R, defendant IV MH, and defendant VB caused the victim KA to die (died). This is proven by the results of the Repertum Visumet No;134/VLJ-VeR/XI/2021 which was issued by the Karawang Class B Regional General Hospital on November 5 2021 with the conclusion of the examination results that blunt violence was found in the form of bruises on the chest, sharp violence in the form of slash wounds. on the head, stab wounds on the chest, signs of old illness, skull and rib fractures. Due to death, sharp trauma to the head causes damage to brain tissue, sharp trauma to the chest penetrates the lungs, tearing lung tissue and pulmonary blood vessels, causing severe bleeding. The actions of these defendants are threatened with criminal penalties under Article 340 of the Criminal Code in conjunction with Article 55 paragraph (1) 1 of the Criminal Code and Article 338 of the Criminal Code in conjunction with Article 55 paragraph (1) of the Criminal Code.

## **RESEARCH METHOD**

This research was conducted using normative legal research methods, considering the object/focus of this research study is a product of statutory regulations (Marzuki, 2017). The approach used is the statutory approach (Statue Approach), an approach that utilizes an analysis of statutory provisions that have a link or relevance to the legal issues in this study (Ibrahim, 2013) and the case approach (Case Approach), an approach to cases related to the issues examined by the author.

Qualitative Research Method using the Normative Juridical approach method, namely legal research is a form of scientific activity, which is based on certain methods, systematics and thinking, which aims to study one or several specific legal phenomena, by analyzing them by prioritizing secondary legal materials such as books -books, articles, papers, law books, statutory regulations (Sunggono, 2015).

## **DISCUSS AND ANALYSIS**

### **Juridical Aspects of the Elements of the Crime of Premeditated Murder**

The Criminal Code broadly regulates the criminal act of taking a life through various kinds of acts. Murder is a criminal act that is often found in today's society. Life-threatening events are those that take the form of attacks on other human lives. Everything related to murder is regulated in articles 338 of the Criminal Code to article 350 of the Criminal Code. The main study that will be discussed in this study is article 340 of the Criminal Code concerning premeditated murder. Of all the provisions of the Criminal Code regarding criminal offenses, 587 prison sentences are contained in 575 offense formulations, either described individually or formulated alternatively along with other crimes. It cannot be said that a person has committed a criminal act of murder if the consequence in the form of the death of another person has not occurred.

An act of murder that begins with a plan can be interpreted as an act of premeditated murder, namely an act that is punishable by the most severe crime of all crimes against human life, this is regulated in article 340 of the Criminal Code: "Whoever intentionally and with a

plan If you first take another person's life, you are threatened with murder with premeditation (moord), with the death penalty or life imprisonment or a maximum imprisonment of twenty years."

To prove the Public Prosecutor's claims in the Karawang District Court Decision No. 91/Pid.B/2022/PN Kwg. that the defendants committed the crime of premeditated murder in Article 340 of the Criminal Code. Therefore, the elements of the offense must be fully fulfilled. The elements of the offense of premeditated murder in article 340 of the Criminal Code are as follows:

1. Everyone, The meaning of "every person" here is a legal subject who has the right and obligation to be accountable for a crime he has committed. In case No. 91/Pid.B/2022/PN Kwg, the "whose person" element has been fulfilled. Because at the trial, the suspects, namely suspect I AM, suspect II H, suspect III R, suspect IV MH, and suspect V B had confirmed the entire identity of the defendants listed in the indictment and the statements of the witnesses had also confirmed that the defendants who were presented, investigated and weighed at trial were correct as suspects so that the Panel of Judges concluded that in this case there was no error in the subject (Error in Persona).
2. On purpose, Deliberately means that the crime was committed intentionally (opzet), meaning that the perpetrator of the crime knew at the time he committed the crime and knew exactly what he was doing and was aware of the consequences that would result from that action. If it is connected to the meaning of "intentionally" then in case No. 91/Pid.B/2022/PN Kwg it is proven to have been fulfilled. Because according to the facts at trial, the defendants admitted to carrying out this murder consciously and calmly planning what the process of executing the murder of the KA victim would be like.
3. Plan ahead, The sentence "planned in advance" means that the perpetrator has arranged it well and has systematically considered everything regarding the method of execution, the possible consequences of his actions and also the time lag between planning and action which allows for planning in advance. This element of advance planning contains three conditions, namely, decide desires/desires in a calm atmosphere; is that when deciding on the desire that drives you to kill, it is done in an atmosphere that is not hasty or sudden or not under duress or explosive anger. Based on the facts presented at the trial, on Thursday September 2021 at around 21.00 WIB at Gor Panatayudha District. Karawang, the defendants planned how to kill the train victim. And defendant I AM said that witness N's intention was to act as if he were stealing and entering the house. However, defendant II H was unwilling, so defendant II H suggested a way to make it appear as if the KA victim was a victim of robbery. Thus, it can be concluded that the defendants planned carefully, with a calm mind and atmosphere and reached an agreement in planning the murder of the KA victim, there is sufficient time available (grace period) from the emergence of the intention to the commission of the crime; This is relative, which means it is not measured by a certain duration but rather depends on the circumstances or events that occur. Based on the facts at the time of the trial, the time interval from planning the murder to executing the murder was approximately

1 month. This proves that the defendants have sufficient free time, carrying out crimes in a calm atmosphere; This means that the mood when committing the crime was not one of haste, high anger, excessive fear and so on. Based on the defendants' statements, after learning that the KA victim was already on his way to his house, at around 23.00 West Indonesian Time the defendants began carrying out the murder by chasing the victim using 3 motorbikes. Defendant I AM tried to chase away the KA victim but failed. Then defendant V B, who was using a different motorbike, tried to drive the victim back but failed. Then defendant I tried to chase the victim again and grabbed him about 4 meters from the fence of the KA victim's house. Then AS (DPO) slashed his machete at the KA victim's head several times and the KA victim was able to block it using his right hand. So the KA victim fell from his motorbike. Then defendant III R got off his motorbike to stab victim KA in the chest and stomach using a badik. After carrying out these actions, the defendants all went home and gathered at the house of defendant II H. From the chronology above, it proves that the defendants were calm at the time of the murder and did not feel excessive fear. The defendants felt rushed only when the train victim tried to save himself.

4. Eliminating other people's souls, The meaning of "taking away another person's soul" means that an action is required that results in the death of another person. Based on the results of Visum et Repertum No: 134/VLJ-VcR/XI/2021, the victim was declared dead due to blunt violence in the form of bruises on the chest, sharp violence in the form of slash wounds to the head, stab wounds to the chest, signs of old illness, and broken bones. skull and ribs. Due to death, sharp trauma to the head causes damage to brain tissue, sharp trauma to the chest penetrates the lungs, tearing lung tissue and pulmonary blood vessels, causing severe bleeding. So the element of "taking away another person's soul" has been fulfilled with evidence of Visum et Repertum No: 134/VLJ-VcR/XI/2021. Likewise, plegen in Article 55 paragraph (1) 1 of the Criminal Code is formulated as *zij die het feit plegen* which means "those who do it". The pleger or person who has committed, is basically a person whose actions have given rise to a criminal act, without which the criminal act would not have occurred. In this case, the judge, in his considerations in accordance with the facts at trial, was of the opinion that the defendants had committed an act which resulted in the victim's death, which they had planned in advance and each of the defendants had the awareness to work together in planning this murder.

#### **Judge's Considerations in Deciding Criminal Murder Cases in Decision Number 91/Pid.B/2022/Pn.Krw**

The judicial process is part of efforts to seek justice and in order to ensure legal certainty for all citizens who comply with applicable legal provisions and statutory regulations. In the realm of criminal law, a series of acts that attack the safety of life and body are seen as forms of action that are punishable by crime because they are considered to fulfill the elements of a crime as mandated by the provisions of the applicable law. A series of examinations at the level of inquiry, inquiry, prosecution and conviction in court is an integral part of law enforcement efforts in the context of proving legal facts at trial (*judex factie*).

Judicial power is a body that determines and powers positive legal rules in their concretization by judges through their decisions. No matter how good all the laws and regulations that are created in a country, in an effort to guarantee the safety of society towards the welfare of the people, these regulations are meaningless, if there is no independent judicial power which is realized in the form of an independent and impartial judiciary, as one of the one element of the rule of law. Judges as executors of judicial power have authority in the applicable laws and regulations, and this is carried out by the judge through their decisions. The function of the judge is to provide a decision on the case submitted, where in criminal cases, this cannot be separated from the negative evidence system, which in principle determines that a right or event or error is deemed to have been proven, in addition to the existence of evidence according to law. It is also determined that the judge's beliefs are based on good moral integrity (Rifai, 2010).

Contextually, there are three essences contained in the freedom of judges in exercising judicial power, namely, Judges only obey the law and justice. No one, including the government, can influence or direct the decisions that will be handed down by judges. There are no consequences for the judge's personality in carrying out his judicial duties and functions (Arief, 2001).

To be able to explain the basis of the judge's considerations, the author will first write down what is meant by the Judge's Duties. The judge's task is to make decisions in every case or conflict presented to him, determining matters such as legal relationships, the legal value of behavior, and the legal position of the parties involved in a case, so that they can resolve disputes or conflicts impartially based on the law. In force, judges must always be independent and free from influence from any party, especially in making decisions (Mustofa, 2013).

According to Law No. 48 of 2009 concerning Judicial Power, the judge's authority in deciding a case has three aspects, namely: a.) Receiving reports that have been submitted to the judge, seeking information and evidence. b.) Examine, look carefully at the defendant's case file. c.) decide on the sentence for a case that is being examined and tried by the judge. When exercising this authority, especially in adjudicating a judge's decision, it is the crown and culmination of a case that is being examined and tried by the judge (Rimdan, 2012).

Therefore, of course the judge in handing down a decision must pay attention to all aspects therein, namely, the indictment, the facts of the judge at the trial, the condition of the community at the trial. With the reasons or considerations as stated in the court decision, it is the judge's responsibility to carry out his duties, to examine, try and decide the case (Waluyo, 2008).

A judge must have considerations when making a decision. As for the judge's considerations, apart from being based on the articles applied by the defendant, they are actually also based on the judge's own beliefs and conscience. So, one judge and another judge have different considerations when handing down a decision.

There are 2 (two) categories of judge's consideration in deciding a case, namely the judge's consideration which is juridical in nature and the judge's consideration which is non-juridical in nature:

Juridical considerations are the judge's considerations based on factors that have been revealed in the trial and that have been determined by law as matters that must be included in the decision. These juridical considerations include:

### Public Prosecutor's Indictment

The Public Prosecutor's indictment is usually made in the form of a letter or deed containing a formulation of the criminal act he is charged with which will be concluded and drawn from the results of the investigative examination and is the basis for the judge when examining him at trial.

### Criminal Charges

The criminal complaint usually states the types and severity of the actions required by the Public Prosecutor to hand down a court decision against the defendant. The preparation of the indictment by the Public Prosecutor has been adjusted to the Public Prosecutor's indictment by looking at the evidence in a trial, which has also been adjusted to the form of indictment used by the Public Prosecutor before finally arriving at the demands in the requisitoir. Usually the Public Prosecutor will explain one by one. one about the elements of the criminal act that he is accusing the defendant of, by giving reasons for his opinion.

### Witness Statement

A witness statement is one of the pieces of evidence in a criminal case which is a statement from a witness regarding a criminal incident that he himself heard, saw for himself and experienced by stating the reasons for his knowledge. Witness testimony is a means of evidence as regulated in Article 184 paragraph (1) of the Criminal Procedure Code letter a. A witness statement is a statement about a criminal incident that he himself, saw himself and experienced himself, must be presented in court by taking an oath. Witness statements submitted before the complaint hearing which are merely the result of thoughts or inventions obtained from other people's testimony cannot be considered as valid evidence. This kind of testimony in criminal procedural law is referred to as *testimonium de auditu*. This testimony may occur at trial.

### Defendant's statement

Article 184 paragraph (1) of the Criminal Procedure Code letter e states that the Defendant's statement is classified as evidence. The Defendant's statement is what the Defendant stated at trial about the actions he committed or that he himself knew about or that he personally experienced, this is regulated in Article 189 of the Criminal Procedure Code. The defendant's own statement may include information in the form of a denial and information in the form of a confession or all that is alleged against him.

### Evidence

Evidence is goods used by the defendant to commit a crime or goods as a result of a crime. Items used as evidence presented in a court trial aim to strengthen witness statements, expert statements, and Defendant statements to emphasize the Defendant's guilt. The presence of evidence shown at trial will increase the judge's confidence in assessing whether the actions accused against the defendant are true or not and of course the judge will be more confident if the evidence is known and acknowledged by the defendant and the witnesses.

### Articles in the Criminal Code

The formulation of Article 197 letter e of the Criminal Procedure Code states that one thing that must be included in the sentence decision is the statutory regulations that form the basis of the sentence. The articles alleged by the Public Prosecutor are the basis for the judge's consideration in handing down a decision.



Non-juridical considerations consisting of the background of the defendant's actions, the defendant's economic condition, plus the judge must be sure whether the defendant committed a criminal act or not as contained in the elements of the criminal act with which he is accused.

Karawang District Court Decision No. 91/Pid.B/2022/PN Kwg the judge gave legal considerations with the following ruling:

Declare that Defendant I AGUS MARJUKI als OTONG, Defendant II HERDI SAWALUDIN, Defendant III RIAN als AJI, Defendant IV MAULANA HASANUDIN als LANA, and Defendant V BURHANNUDIN als BUCEK mentioned above, have been legally and convincingly proven guilty of committing the crime of Deliberately Participating in Murder With the plan as stated in the First Indictment of the Public Prosecutor;

Sentencing the Defendants to imprisonment for 13 (thirteen) years each;

Determining that the period of arrest and detention that has been served by the Defendants shall be deducted entirely from the sentence imposed;

Determining that the Defendants remain detained;

Based on article 183 of the Criminal Procedure Code, the considerations prepared include facts and circumstances along with at least two pieces of evidence obtained from the examination at trial which are the basis for determining the defendant's guilt. Therefore, the judge before handing down his decision must provide his arguments regarding the related case which then becomes a benchmark for the judge to determine the defendant's unlawful actions and impose a sentence for the suspect's unlawful actions. So in this research, the decision of the Panel of Judges in the Karawang District Court Decision No. 91/Pid.B/2022/PN Kwg is in accordance with the facts at trial and has concluded that the defendants were legally and convincingly proven guilty of committing the crime of participating in murder with premeditation. as stated in the first indictment of the public prosecutor.

And based on the considerations above, all conditions of punishment have been fulfilled, both the objective conditions of a criminal act and the subjective conditions of criminal responsibility. In this way, the Panel of Judges did not find any justification or excuse for the defendant for the criminal acts he committed, therefore the defendants must be punished according to their actions. However, the Panel of Judges was of the opinion that the criminal charges requested by the public prosecutor were too long, namely 17 years, to be imposed on the defendants because these defendants were executors who carried out the will of witness N, so it was appropriate, proper and fair to be sentenced to 13 years in prison. The thing that aggravated the defendants was because the defendants' actions were very inappropriate and contrary to aspects of decency in legal norms in society, while the mitigating thing in the decision of the Panel of Judges was that the defendants admitted frankly and regretted their actions.

## **CLOSURE**

### **Conclusion**

Juridical Aspects of the Elements of the Crime of Premeditated Murder, namely as stated in Article 340 of the Criminal Code: "Whoever intentionally and with prior planning takes the life of another person, is threatened with premeditated murder (moord), with the death penalty or life imprisonment or a maximum prison sentence of twenty years" namely 1) Each

person's element; 2) Elements on purpose; 3) Elements are planned in advance; 4) The element of eliminating other people's souls.

The Judge's Considerations in Deciding on a Murder Crime Case in Decision Number 91/Pid.B/2022/Pn.Krw, namely as in Article 183 of the Criminal Procedure Code that the considerations prepared include the facts and circumstances along with evidence of at least two pieces of evidence obtained from the examination at trial which is the basis for determining the defendant's guilt. In accordance with the facts at trial and it has been concluded that the defendants have been legally and convincingly proven guilty of committing the crime of participating in murder with premeditation as stated in the first indictment of the public prosecutor. And based on the considerations above, all conditions of punishment have been fulfilled, both the objective conditions of a criminal act and the subjective conditions of criminal responsibility. In this way, the Panel of Judges did not find any justification or excuse for the defendant for the criminal acts he committed, therefore the defendants must be punished according to their actions. However, the Panel of Judges was of the opinion that the criminal charges requested by the public prosecutor were too long, namely 17 years, to be imposed on the defendants because these defendants were executors who carried out the will of witness N, so it was appropriate, proper and fair to be sentenced to 13 years in prison. The thing that aggravated the defendants was because the defendants' actions were very inappropriate and contrary to aspects of decency in legal norms in society, while the mitigating thing in the decision of the Panel of Judges was that the defendants admitted frankly and regretted their actions.

### **Sugesstion**

The public prosecutor must be more independent and courageous in handling cases of premeditated murder in order to maintain justice in society, in drafting the indictment the public prosecutor must also be more thorough and precise, considering that the indictment is the basis for the judge to impose or not impose a crime on the perpetrator who is confronted. before the court.

It is hoped that judges will be able to impose strict sanctions/maximum penalties in order to have a deterrent effect on perpetrators of the crime of premeditated murder, in order to protect society from the actions of bad people. Maximum punishment is an effective measure to eradicate and prevent crime. Because in many cases, criminals who receive light sentences often commit similar crimes again once they leave prison. So maximum criminal imposition is really needed for the "deterrent process", not only deterrence for those who are punished, but also deterrence for people who will become potential criminals, this needs to be done so that society becomes safer because the justice system can be met.

### **REFERENCES**

- Ali, A. (2008). *Menguak Tabir Hukum*. Ghalia Indonesia.
- Arief, B. N. (2001). *Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan*. Citra Aditya Bakti.
- Ibrahim, J. (2013). *Teori & Metodologi Penelitian Hukum Normatif*. Bayumedia Publishing.
- Marzuki, P. M. (2017). *Penelitian Hukum*. Kencana.
- Moeljatno. (2005). *Kitab Undang-Undang Hukum Pidana*. Bumi Aksara.
- Mustofa, W. S. (2013). *Kode Etik Hakim*. Prenadamedia Group.
- Rifai, A. (2010). *Penemuan Hukum oleh Hakim dalam Perspektif Hukum Progresif*. Sinar Grafika.
- Rimdan. (2012). *Kekuasaan Kehakiman*. Prenadamedia Group.
- Sunggono, B. (2015). *Metodologi Penelitian Hukum*. PT. RajaGrafindo Persada.
- Waluyo, B. (2008). *Pidana dan Pemidanaan*. Sinar Grafika.