

# JURIDICAL ANALYSIS OF LAW ENFORCEMENT CRIMINAL ACTION OF PLANNING KILLER PERFORMED BY CLOSE RELATIONSHIPS IN THE JURISDICTION RIAU ISLANDS POLDA

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## ABSTRACT

*This study aims to determine and analyze juridically against law enforcement of the crime of premeditated murder committed by close relatives in the jurisdiction of the Riau Islands Regional Police. The research method used is normative juridical with a statutory approach. The results of the study indicate that the legal arrangement for the crime of premeditated murder based on Article 340 of the Criminal Code in the criminal case of premeditated murder is correct. Among the elements of the articles charged with the charges, those that were legally and convincingly proven were Article 340 of the Criminal Code Jo. Article 285 of the Criminal Code. The implementation of the law relating to the investigation and investigation of one of the cases handled by the Batam City Barelang Police that it is true that there has been an alleged criminal act of theft with "curas" violence and or intentionally and premeditatedly eliminating the soul of another person and or torture that causes death . In the investigation of the crime of premeditated murder, of course, the Police encounter inhibiting factors in each case, usually investigators often have difficulty finding people who are willing to be witnesses. Efforts were made to overcome these obstacles by looking for evidence and clues proving that the suspect had killed and stolen and tortured and the Police continued to seek information to ensure that the suspect was clearly guilty.*

**Keyword:** *Premeditated Murder, Law Enforcement, Crime*

## 1. INTRODUCTION

The State of Indonesia is a legal state based on Pancasila and the 1945 Constitution (UUD 1945) Article 1 Paragraph (3) which reads "The State of Indonesia is a state of law". Therefore, every human activity or community which is an activity of life must be based on existing regulations and norms that apply to society. The function of the law is to regulate and limit human behavior so that it is appropriate and does not deviate from norms, as well as protecting the community from crime or criminal acts.

Laws are made with the aim of maintaining public order and welfare. Law lives and develops in society because law has become an inseparable part of society. Thus, the adage *ubi societas ibi ius* emerged, which was freely translated which more or less means, where there is society there is law. That the existence of law is very much needed by the community, so that a society without law will be wild.

Unfortunately, all the behavior and actions that have been regulated in each criminal law are still rampant in Indonesia. One of them is a crime against the loss of a person's life (murder) which is nothing but a crime. This type of crime can also be caused by negative impacts arising from development that has an impact on the birth of social inequality in society. This can lead to envy or envy which results in social problems such as aggressiveness in society, as well as problems that are the task of the government to overcome the problem of social inequality which also triggers crimes such as theft, robbery and murder.

The crime of murder is an act which intentionally or not, takes the life of another person. The difference in the way of committing the crime of murder lies in the legal consequences, when the crime of murder is carried out intentionally or premeditated, the legal consequences, namely the criminal sanctions, will be heavier than the crime of murder committed without any pre-planned elements.

Premeditated murder according to Article 340 of the Criminal Code is an ordinary murder like Article 338 of the Criminal Code, but carried out with a premeditated plan. Planning in advance is the same as between the

intention to kill and its execution, there is still time for the maker to calmly think about, for example, how the murder will be carried out. The difference between murder and premeditated murder is that the execution of the murder as referred to in Article 338 is carried out immediately when the intention arises, while the execution of the premeditated murder is suspended after the intention arises, in order to regulate the plan, how the murder will be carried out.

Looking at the murder case in the jurisdiction of the Riau Islands Regional Police, namely in Batam City, the crime of murder was carried out in a premeditated manner through close relatives, namely between a vengeful employee and the parents of a former boss who had unilaterally dismissed and admitted to being humiliated in front of many people. Police report Number: LP-B/77/VI/2021/Kepri/Polresta Bareleng/SPKT – Polsek Batam city, dated June 8, 2021, where there has been an alleged criminal act of theft with "Curas" Violence and or Deliberately and premeditated formerly eliminating other people's souls and/or Persecution that caused death which occurred on Monday, June 7, 2021 at around 17.00 WIB at the Mitra Raya Housing Cluster Everfresh Blok H2 No. 53A District . Batam City of Batam.

In general, the cases that occurred above can be seen that cases of murder crimes handled by the Criminal Investigation Unit of the Riau Islands Police need to get more intensive and serious attention. This is because premeditated murder by the suspect is a cruel crime and deserves a proper punishment. Ordinary people even consider murder cases as criminal acts that must be given a life sentence or a death penalty so that it becomes a deterrent.

Based on this, the author will discuss and conduct a research on "Juridical Analysis of Law Enforcement of the Crime of Premeditated Murder Perpetrated by Close Relatives in the Riau Islands Regional Police".

### 1.1 Formulation Of The Problem

Based on the background of the problem, the problem can be formulated as follows:

1. What are the legal arrangements for law enforcement of the crime of premeditated murder committed by close relatives in the jurisdiction of the Riau Islands Police?
2. How is the implementation of law enforcement for the crime of premeditated murder committed by close relatives in the jurisdiction of the Riau Islands Regional Police?
3. What factors are the obstacles and solutions in law enforcement of the crime of premeditated murder committed by close people in the jurisdiction of the Riau Islands Regional Police?

## 2. METHODOLOGY

Normative law research uses normative case studies in the form of products of legal behavior, for example reviewing laws. The subject of the study is the law which is conceptualized as a norm or rule that applies in society and becomes a reference for everyone's behavior. So normative legal research focuses on an inventory of positive law, legal principles and doctrines, legal findings in cases in concreto, legal systems, synchronization levels, legal comparisons, and legal history (Abdulkadir Muhammad, 2004:52).

Based on the explanation above, the writer decided to use the normative legal research method to research and write the discussion of this thesis as a legal research method. The use of normative research methods in research efforts and in writing this thesis is based on the suitability of the theory with the research methods needed by the author.

### Data Sources and Data Collection Tools

Primary legal materials, namely all legal materials that have a legally binding position. Primary legal materials consist of statutory regulations related to research and secondary legal materials, namely in the form of materials or materials related to and explaining the problems of primary legal materials consisting of books and literature related to the crime of premeditated murder committed by close relatives.

### Data Analysis

Data analysis is an important and decisive stage in a study. Data analysis is also a stage to find sources of problems and answers to research problems carried out (Soerjono Soekanto, 2008:251). There are two types of data analysis methods, namely qualitative and quantitative. Qualitative analysis is descriptive, data including words and pictures, obtained from interview transcripts, field notes, photos, video tapes, personal documents, and others. Quantitative analysis is to provide codes, numbers, measures and operational variables.

After the legal material has been collected, then an analysis is carried out to provide a final argument in the form of an answer to the research. The data analysis technique in this research is descriptive technique. The descriptive technique is the researcher describes what is about an event or legal condition. Not only do it in a descriptive way and then do it in an evaluative way that will get views of the pros and cons. By looking at the composition of the law which consists of analogies, determination and Acontratio.

### 3. Results And Discussion

A criminal act is an act in which a person's actions are included in the elements contained in criminal law regulations. However, related to the understanding for the general public, the definition of criminal acts is sometimes difficult to understand. For example, according to the literature on criminal law by Muoeljatno that the term not criminal is essentially a term that comes from the translation of the word strafbaarfeit in Dutch, then the word strafbaarfeit is translated into Indonesian. (Ismu Gunadi, 2014:36).

According to Moeljatno, using the term criminal as a substitute for the term strafbaarfeit without any explanation. According to Simons, strafbaarfeit can be interpreted as behavior that is threatened with punishment, which is against the law related to errors and is carried out by people who are able to take responsibility. Meanwhile, according to Van Hammel, strafbaarfeit is behavior that is formulated in Wet, which is against the law, which deserves to be punished and committed with errors (Tongat, 2012:92).

The Criminal Code (KUHP) regulates murder in Book II of Chapter XIX which consists of 13 articles, namely from Article 338 to Article 350 and when viewed from the object, crimes against people's lives are generally contained in Article 338, 339, 340, 344, and 345 of the Criminal Code (R. Soesilo, 1995:241). If viewed from the perspective of Legal Science in a murder offense (Article 338 of the Criminal Code) that what is prohibited is causing the death of another person, in a murder offense, what is prohibited is the emergence of an effect, namely causing the death of another person. Murder according to Article 338 of the Criminal Code is carried out immediately after the intention to kill, there is no longer time to think about how or where to kill. If between the emergence of the intention to kill and its implementation, the perpetrator still has time to think calmly about the best way to carry out the crime of murder, then the crime is classified as premeditated murder, the offense of murder is formulated materially, furthermore it must be reviewed from the position and placement of "opzettelijk" (Intentional act) (Andi Asriadi Hafid, 2013:17).

Murder is mentioned in Article 338 of the Criminal Code which reads:

*"Anyone who deliberately takes the life of another person, is threatened with murder, with a maximum imprisonment of fifteen years". Meanwhile, Article 340 of the Criminal Code reads as follows: "Anyone who intentionally and with a premeditated plan to take another person's life is threatened, because of murder with a plan (moord), with a death penalty or imprisonment for life or for a certain time, a maximum of twenty years. "*

Premeditated Murder is the crime of taking the life of another human being, or killing, after planning regarding the timing or method, with the aim of ensuring the success of the killing or to avoid arrest. Premeditated murder is under common law the most serious type of murder, and the perpetrator can be sentenced to death or life imprisonment. The term "premeditated murder" was first used in court in 1963, at the trial of Mark Richardson, who was accused of murdering his wife. At the trial it was learned that Richardson had been planning to kill his wife for three years. He was found guilty and imprisoned for life. Premeditated murder or abbreviated as premeditated murder is a murder with the most serious criminal threat from all crimes against human life. This has been regulated by Article 340 of the Criminal Code which reads as follows:

*"Whoever intentionally and premeditated takes the life of another person is convicted of a crime of premeditated murder, by death or life imprisonment or a maximum imprisonment of twenty years."*

To prove the demands of the Public Prosecutor that the defendant committed a crime of premeditated murder that was preceded by a criminal act of rape as regulated in Article 340 of the Criminal Code and 338 of the Criminal Code, the elements regarding the crime must be fully fulfilled.

Implementation of criminal law against the crime of premeditated murder in a criminal case Number: LP-B/77/VI/2021/Kepri/ Polresta Barelang/SPKT – Batam City Police, dated June 8, 2021 with a suspect named Samsul Arifin Bin Suhermanto Zega Alias Asul, that it is true that there has been an alleged criminal act of theft with "curas" violence and or intentionally and with premeditated planning to eliminate another person's soul and or mistreatment that causes death to KUI HIONG which occurred on Monday, June 7, 2021, at around 17.00 WIB at the Mitra Raya Housing Cluster Ever fresh Blok H2 No. 53A District. Batam City, Batam City.

In the process of investigation and investigation the Police have a main task that must be considered, namely in carrying out investigations, investigations, coordination and supervision of investigators must be based on the

Regulation of the Head of the State Police of the Republic of Indonesia number 6 of 2019 concerning the investigation of criminal acts carried out in a professional, transparent and accountable manner against every criminal case in order to realize the rule of law that reflects legal certainty, a sense of justice and expediency.

Then based on Article 109 paragraph (1) of the Criminal Procedure Code (KUHAP), an investigator who has started an investigation into a criminal act, the investigator must as soon as possible notify that the investigation has begun, including in the case of a criminal act of premeditated murder.

In disclosing criminal cases, of course, the technique or method of disclosure is different for each case. The method of uncovering theft cases is, of course, different techniques and methods of disclosure in murder cases, and in addition to different methods and techniques, the difficulty level is also different and each has its plus and minus value, meaning that sometimes mild cases may not be immediately revealed or severe cases will soon be discovered. revealed, that's not the point.

As one example of the process of investigating the criminal act of premeditated murder of the suspect on behalf of Arifin Bin Suhermanto Zega Alias Asul handled by the Batam City Bareleng Police based on Police Report Number: LP-B/77/VI/2021/Kepri/Bareleng Police/SPKT – Batam City Police On June 8, 2021, of course, the Police encountered inhibiting factors, including:

1. According to the Head of Criminal Investigation Unit of the Batam City Police, said: "With the non-cooperative behavior of the suspect Arifin Bin Suhermanto Zega Alias Asul in providing information to admit his actions, during the investigation stage the case was hampered considering that our members who handled the case needed time and energy to prove and uncover the case. the murder of KUI HIONG".
2. According to the Criminal Investigation Unit of the Bareleng Police, Explains: "Our suspicion arose that the murder case carried out by the suspect Arifin Bin Suhermanto Zega Alias Asul was due to hurt or revenge factors, while the victim's family initially did not provide a post-mortem but after we gave further explanation regarding With the suspicion of murder, finally the family is willing to do a post-mortem to the victim, so that in revealing the murder case, it is difficult for us to prove the suspect".
3. Then the Head of Criminal Investigation Unit of the Bareleng Police said: "The factors of difficulty in disclosing the suspect and his family are not cooperative in providing information, the absence of a forensic laboratory in each Polda, the experts at the hospital who are still incompetent in terms of determining the cause of death quickly, careful and accurate, the lack of reliable and experienced human resources in the field of criminal investigations, the public still feels reluctant to assist the police in providing information due to the laziness of the community to deal with the law and also afraid of the figure of Arifin Bin Suhermanto Zega Alias. Origin.

Based on these inhibiting factors, the authors argue that the non-cooperativeness of the suspect and his family in providing information to admit his actions is the most prominent obstacle, considering that the Police who handle the case need time and energy to prove and uncover cases of premeditated murder, but if the perpetrator is cooperative, he admits everything. his actions may reveal the case goes smoothly without any obstacles in his disclosure.

Furthermore, based on the 3 (three) points of obstacles that have been faced and explained by the Criminal Police, the Batam City Resort Police said: "In handling the murder case, of course, the Batam Bareleng Police investigators have made efforts to overcome these obstacles".

Efforts were made to overcome the 3 (three) points of obstacles in uncovering the crime of premeditated murder at the investigation level at the Bareleng Police, including:

1. Against the suspect, Samsul Arifin Bin Suhermanto Zega Alias Asul, during the non-cooperative investigation stage, provided information to admit his actions in the murder case, the Head of Criminal Investigation Unit of the Batam City Police. Explained: "We will look for evidence and clues that prove that the suspect Arifin Bin Suhermanto Zega Alias Asul first killed KUI HIONG before the family came, even though the person concerned was not cooperative in providing information to investigators.
2. Related to the suspicion that the murder case carried out by the suspect Arifin Bin Suhermanto Zega Alias Asul did not find evidence and the victim's family did not give permission for a post-mortem. According to the Criminal Investigation Unit Head of the Bareleng Police, Explains: "The Criminal Investigation Unit investigators found evidence to support the investigation of the premeditated murder, while the victim's family after being given an understanding was finally willing to carry out an autopsy to strengthen the investigation.
3. Then against the family and relatives of the suspect Arifin Bin Suhermanto Zega Alias Asul, it was assessed that investigators did not want to cooperate in uncovering the murder case, the Head of Criminal Investigation

Unit of the Barelang Police said: "For the suspect's family who did not provide information and instructions, our party continues to seek information through dialogue, namely communicate regularly to ensure that the suspect is clearly guilty and must be held accountable for his actions before the law."

#### 4. CONCLUSIONS

From the discussion above, the writer draws several conclusions:

1. The legal arrangement for the crime of premeditated murder based on Article 340 of the Criminal Code in the criminal case Number: LP-B/77/VI/2021/Kepri/Polresta Barelang/SPKT – Polsek Batam city, dated June 8, 2021 is appropriate.
2. The implementation of the law relating to the investigation and investigation of one of the cases handled by the Batam City Barelang Police that it is true that there has been an alleged criminal act of theft with "curas" violence and or intentionally and premeditatedly eliminating the soul of another person and or torture that causes death.
3. In the investigation of the crime of premeditated murder, of course, the Police encounter an inhibiting factor in each case, usually investigators often find it difficult to find people who are willing to be witnesses, because they are lazy to deal with the law. Efforts were made to overcome these obstacles by looking for evidence and clues proving that the suspect had killed and stolen and tortured and the Police continued to seek information to ensure that the suspect was clearly guilty. your research work Conclusion related your research work Conclusion related your research work

#### 5. SUGGESTION

Based on the results of these studies, the following suggestions can be submitted:

1. It is hoped that all law enforcement officers will be more observant in looking at cases related to the crime of premeditated murder accompanied by theft and maltreatment, because the elements in the crime of premeditated murder accompanied by theft may become the basis for imposing heavier sentences for criminals. So that it is hoped that every crime actor will be dealt with firmly and given sanctions that are able to make the perpetrators of crime deterrent and not repeat their actions again.
2. In addition to giving severe criminal sanctions to perpetrators, to avoid the occurrence of criminal acts of premeditated murder accompanied by theft and mistreatment, it is necessary to have a socialization to the public regarding the consequences of the crime of premeditated murder through various counseling such as religious counseling and legal counseling.
3. The author hopes that every level of society can be aware of the existence of the law and always make the norms of Religion and Law as a basis for behavior, so as to create order in society, and try to position themselves as supervisors for perpetrators of criminal acts, both those who have been convicted or intend to act. commit a criminal act, so as not to repeat his actions in order to create a legal goal, which reads that the purpose of imposing a criminal is self-improvement (reclaring).

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