



Premeditated Murder By A Factory Worker: When The Perpetrator Acts As Judge, Jury And Executioner

¹Paul Salim, ²Aghastyar Yudhistira, ³Almer Fathoni, ⁴Radityo Wirananto, ⁵Kevin Chandra Hanggono

¹Pelita Harapan University, Law Student

¹Pelita Harapan University, Law Department, Tangerang, Indonesia

Abstract: This study is about Premeditated murder, it is an intentional act to take the life of another person, committed by an individual or group, with prior planning. This crime is specifically regulated in Article 340 of the Criminal Code. The purpose of this discussion is to examine the main elements that constitute premeditated murder, determine whether these elements are present in a particular case, explore the motives behind the crime, and analyze the sanctions and legal responsibilities imposed under Article 340. This study uses a library research method to gather relevant legal insights. According to Article 340 of the Criminal Code, premeditated murder consists of several important elements, including deliberate intent, premeditation, and the act of taking the life of another person. The defining characteristic of premeditated murder is the time gap between forming the intention to kill and carrying out the act, which allows the perpetrator to prepare and ensure that the killing is carried out as intended. The legal consequences for this crime include the death penalty, life imprisonment, or fixed-term imprisonment of up to 20 years. Furthermore, anyone found guilty of premeditated murder will be fully responsible for his or her actions under the law.

KEY WORDS: Premeditated Murder, Criminal law, Homicide Law

I. INTRODUCTION

Based on the provisions of the 1945 Constitution, Article 1 paragraph (3) states "The State of Indonesia is a state of law". This means that everything related to social, national and state life is regulated according to applicable laws. That everyone in the territory of Indonesia must be subject to the laws in force in Indonesia and no one is immune from the law, and all actions must be based on and have consequences in accordance with the laws and regulations in the Republic of Indonesia, which aims to realize a life of society, nation and state that is orderly, prosperous and just in order to achieve the goals of the State as mandated in the opening of the 1945 Constitution of the Republic of Indonesia. This means that every citizen in the territory of Indonesia has the same position before the law. Anyone who violates the law will be subject to sanctions.[1]

Law is a set of norms that grow and develop in society, which have a binding nature and regulate human behavior in community life.[2] Law is not only a guideline for behavior, but also has coercive power, so that every individual is required to obey the rules in order to create social order. If there is a violation of the law, strict sanctions will be given as a form of consequence for the non-compliance. the presence of law aims to maintain stability and harmony in relations between members of society, create a sense of justice, and ensure the creation of an orderly, safe and balanced social life.[3]

Thus, the law has a very important role in realizing order and peace in social and state life. Criminal law is one part of the entire law that applies in society that provides the basis and rules to determine which actions are prohibited and accompanied by threats in the form of punishment for anyone who violates them.[4] These rules regulate violations and crimes against the public interest. Criminal law functions as a tool that regulates community life. The nature of criminal law itself is coercive and binding by imposing criminal

sanctions on those who violate the provisions of criminal law itself, through law enforcement officers such as the Police, Prosecutors, Judges, and Correctional Institutions.

Until now, there are still many people who violate the provisions of applicable laws and regulations. These violations can be classified into three types, namely violations in the civil, administrative, and criminal fields.[5] Individuals, groups, or legal entities that violate criminal law are referred to as perpetrators of criminal acts or perpetrators of crimes. Crime itself is an action or behavior that is contrary to the values and legal norms that have been established in writing.

In Indonesia, general provisions regarding crimes are regulated in Book Two of the Criminal Code (KUHP), one of which is the crime of murder. The crime of murder is included in the category of crimes against life, which is specifically regulated in Chapter XIX of the Criminal Code which contains 13 articles, namely Articles 338 to 350.[6] Furthermore, the crime of murder is divided into 2 (two), namely ordinary murder and premeditated murder or commonly known as premeditated murder (moord).[7] The crime of ordinary murder is regulated in Article 338 of the Criminal Code, namely: "Anyone who intentionally takes the life of another person, is threatened, because of murder, with a maximum imprisonment of fifteen years". While the crime of premeditated murder is regulated in Article 340 of the Criminal Code, namely: "Anyone who intentionally and with prior planning takes the life of another person, is threatened, because of premeditated murder (moord), with the death penalty or life imprisonment or for a certain period of time, a maximum of twenty years"

Murder is the act of taking someone's life by means of breaking the law or not breaking the law. To take another person's life, a perpetrator must carry out a series of actions that result in the death of another person, with the note that the perpetrator must be shown the result in the death of the other person.[8] Murder usually occurs because of momentary emotions. When the perpetrator feels offended then immediately vents his anger by hurting and killing someone. In addition to momentary emotions, the execution in ordinary murder is that the weapon used is a weapon that is in the location around the perpetrator.

According to Laden Marpaung, Premeditated murder is murder with a plan in advance, which requires calm thinking. Therefore, if the perpetrator thinks for a moment before or at the time he is going to commit the crime, he realizes what he is doing.[9]

Based on R. Soesilo's opinion, premeditated murder is murder that is done intentionally and with prior planning, where there is sufficient time between the intention and the execution, so that the perpetrator can think calmly. The element of planning shows that there is mature consideration before the perpetrator carries out his actions.[10]

In Moeljatno's view, premeditated murder is a form of murder that is carried out with clear intention and planning, which shows that the perpetrator is aware and knows the consequences of his actions and has time to consider the plan.[11]

As stated by Wirjono Prodjodikoro, premeditated murder is a crime against life which is carried out after careful planning, usually marked by the preparation of tools, selection of time and place, and deliberate method of execution.[12]

Premeditated murder is a stand-alone crime as with the crime of ordinary murder regulated in Article 338 of the Criminal Code concerning ordinary murder. The formulation contained in the crime of premeditated murder is a repetition of the crime of murder in Article 338 of the Criminal Code concerning ordinary murder, then added one more element, namely "with prior planning". This is different from aggravated murder as regulated in Article 339 of the Criminal Code which uses the definition of direct murder from the crime of murder.

In general, the crimes contained in the Criminal Code are aimed at the legal subject "person", for example the subject of the crime in Article 340 of the Criminal Code concerning premeditated murder, namely "Whoever". It is clear that "Whoever" is meant by a person and this person is only one. In reality, crimes are not always committed by one person. Sometimes, a crime is also committed by two or more people to complete a crime. In criminal law teachings where a crime is committed by one or more people, each person carries out certain forms of actions, and from these behaviors a criminal act is born. Furthermore, to gain a deeper understanding of Premeditated Murder, the author will analyze Premeditated Murder by a Factory Worker: When The

Perpetrator acts as Judge, Jury and Executioner. in a case decided in Decision No. 144 / Pid.B / 2021 / PN UNH. Starting on Friday, May 21, 2021, at around 06.00 WITA, the atmosphere in the DLA Division (dump truck driver) of PT. Virtue Dragon Nickel Industry (VDNI) was still as usual. The defendant was present at the location, took attendance, then prepared to transport coal from the Morosi Jetty. However, that morning turned into the beginning of an unexpected tragedy.[13]

While on the way to the Jetty, the Defendant received a call from S. Jufri, his superior, who ordered him to immediately return the car that was being used. Without thinking, the Defendant immediately turned around towards the post. However, not long after that, the phone rang again. In a firm and short voice, S. Jufri said again, "Go back, go back!".

Confusion began to cloud the Defendant's mind. He thought the order meant he had to go back to work, not to the post. Finally, he changed direction and continued his journey towards the Jetty. When he arrived there, the phone rang again. This time, S. Jufri again ordered him to immediately return to the post. The Defendant replied, "Yes, sir. I'll unload the cargo first." After finishing unloading, he immediately returned to the post as ordered. At around 08.00 WITA, the Defendant arrived at the post and immediately handed the car keys to S. Jufri. However, instead of accepting it calmly, S. Jufri immediately scolded the Defendant. "Who told you to bring the car?" he snapped. The Defendant, in a state of shock and feeling humiliated, tried to answer calmly, "Nobody, sir."

However, S. Jufri's anger continued to peak. He asked a series of questions, questioning the Defendant's reasons for driving the car without permission and why he was not wearing PPE. Although the Defendant tried to explain that he was used to doing this and did not attend the briefing because he was not wearing PPE, S. Jufri still did not accept that reason. "There is no reason to forget!" he snapped.

The tension escalated when the Defendant, in his attempt to defend himself, mentioned that even his own superior had forgotten to wear PPE. This only further inflamed S. Jufri's emotions. He then said in an angry tone, "You go home! I'll cross out your attendance!"

The defendant, who still wanted to continue working, tried to calm the situation down, "Let it be, sir. I still want to work." However, S. Jufri did not accept it. He became even angrier and shouted, "You want to fight?! Even if you are a devil, I will beat you up too!" The defendant still tried to restrain himself. He answered calmly, "I will not fight back, sir. You are my superior." After that, S. Jufri left the defendant who was now filled with hurt and frustration.

In an emotional state, the Defendant went to his supervisor for advice. The supervisor suggested that he resign from his job. Disappointment, heartache, and fear of losing his job increasingly filled his mind. In a chaotic state of mind, at around 08.30 WITA, the Defendant made a decision that changed everything. He took a dagger from his bag and tucked it into the back of his pants. With a firm determination, he walked towards S. Jufri, who was sitting and writing at that time. Without warning, the Defendant approached S. Jufri from behind. With his left hand, he embraced his boss's head, while his right hand thrust the dagger into the victim's right neck. He did not stop there, he twirled the knife in the wound, ensuring that the victim experienced maximum suffering.

Screams and panic immediately colored the scene. Witnesses Ahmad and Hendi tried to break it up, but the Defendant pulled his knife from the victim's neck and pointed his weapon at them while shouting, "Get away! Don't come any closer!" Seeing the Defendant's ferocity, the two witnesses retreated to save themselves. S. Jufri, who was still alive, tried to get up and get away. However the Defendant, who had been possessed by anger and revenge, ran towards the victim, jumped, then stabbed his knife again into the victim's left neck.

The victim fell on his back. However, the Defendant was not finished. He bent down and stabbed the victim's face repeatedly, until he estimated that the knife hit the victim's right eye. After making sure the victim was dead, the Defendant sat near his body, waiting to make sure there was no possibility that the victim would wake up again and retaliate. After a while, the Defendant ordered Witness Ahmad to immediately call the police. Not long after, security officers, police, and TNI members arrived at the scene to secure the Defendant. The Judge in Verdict No.144/Pid.B/2021/PN UNH stated that the defendant was proven legally and convincingly guilty of participating in the crime of premeditated murder. The defendant's actions are regulated and subject to criminal penalties under Article 340 of the Criminal Code concerning premeditated murder.

Based on the background description above, the problems in this study are as follows, namely how is the legal analysis of the premeditated murder case against S. Jufri if it is associated with the elements of the crime in Article 340 of the Criminal Code, and whether the defendant's actions have met the qualifications as a criminal act of premeditated murder and how are the legal regulations for the crime of premeditated murder in Indonesia compared to the legal systems in force in Singapore and the United States.

II. ANALYSIS RELATED TO THE PREMEDITATED MURDER CASE

In this case, the defendant was charged with committing the crime of premeditated murder as regulated in Article 340 of the Criminal Code (KUHP).[14] Premeditated murder is the most serious form of crime because it contains elements of deep evil intent and careful planning before committing murder. Therefore, it is important to further analyze whether the defendant's actions in this case have fulfilled the elements in Article 340 of the Criminal Code so that it can be qualified as premeditated murder. Article 340 of the Criminal Code reads as follows: "Anyone who intentionally and with prior planning takes the life of another person, is threatened for premeditated murder, with the death penalty or life imprisonment or for a certain period of time, a maximum of twenty years." From the text of the article, there are four main elements that must be met so that someone can be subject to criminal penalties based on this article, namely: (1) "Anyone" as a legal subject, (2) "intentionally", (3) "with prior planning", and (4) "takes the life of another person".[15]

First, "Whoever" is a legal subject where the legal subject who can be held accountable according to criminal law is a natural person, namely a human being. In this case, the defendant with the initials SD is an individual who can be held legally accountable for his actions. The defendant does not have a mental disorder, is not in an emergency, and is not experiencing psychological pressure that causes loss of consciousness. Thus, this first element is fulfilled because the defendant is a legal subject who is criminally responsible.

The second is "intentionally". Intention or *dolus* in criminal law indicates that the perpetrator has the intention and will to achieve certain consequences from his actions. In this decision, the facts show that the defendant consciously took a dagger from his bag and tucked it into the back of his pants. Next, the defendant approached the victim who was sitting writing, then attacked him from behind by stabbing the victim's neck using a knife that had been prepared beforehand. This action was not carried out spontaneously or in a state of uncontrolled anger, but was the result of the perpetrator's conscious will. In fact, after the first attack, the defendant continued the attack by stabbing the victim's face repeatedly. Therefore, the element of intent in this crime is clearly proven.

The third is "with prior planning". This element is the main difference between ordinary murder (Article 338 of the Criminal Code) and premeditated murder (Article 340 of the Criminal Code). In criminal law, "premeditation" means that there is a time gap between the emergence of the intention to kill and the implementation of the act, which allows the perpetrator to think again. This opinion is in line with the explanation of R. Soesilo, who stated that premeditation means that there is sufficient time between the intention and the implementation that allows the perpetrator to think calmly and not be influenced by momentary emotions. In this case, based on the trial facts, the defendant had a verbal conflict with the victim who was his superior at work. After being scolded by the victim, the defendant had time to speak with the supervisor and expressed his intention to resign. However, instead of leaving the location, the defendant took a knife from his bag and tucked it away, then looked for time and opportunity to approach the victim secretly from behind. This process illustrates that there was a sufficient time gap and thought process for the defendant before committing the act of murder, which indicates the element of "Voorbedachte Raad" or prior planning.[16] This is reinforced by the way the perpetrator attacked the victim suddenly from behind and used a prepared tool. Therefore, the element of planning in Article 340 of the Criminal Code has been fulfilled.

The fourth is "taking another person's life". In the trial facts, the victim, namely S. Jufri, died at the scene due to severe injuries to the neck and face caused by a sharp weapon used by the defendant. Evidence of *Visum Et Repertum* and witness statements strengthen that the victim's death was a direct result of the violent act committed by the defendant.[17] Thus, the element of taking life was also proven legally and convincingly.

All elements of the crime in Article 340 of the Criminal Code have been fulfilled in the actions committed by the defendant. Therefore, the judge in this case issued a verdict in accordance with the applicable legal provisions, namely declaring the defendant guilty of committing the crime of premeditated murder. This verdict reflects the application of the principle of legality, that a person can only be punished if his actions

have been regulated in applicable laws and regulations, as well as the principles of legal certainty and justice.[18]

From a criminal law perspective, the fulfillment of elements in a crime is very important to ensure that the verdict is based on facts and law, not assumptions. In this context, the judge has objectively proven that the defendant committed the act intentionally and premeditatedly. The imposition of punishment on the defendant is not merely to punish, but also to provide a deterrent effect, uphold justice for the victim, and maintain legal order in society.[19]

In addition, if analyzed from a criminological perspective, this case shows the existence of internal factors in the perpetrator driven by hurt feelings and psychological pressure due to conflict in the work environment. However, these factors are not enough to erase criminal guilt or be a reason for forgiveness, because the perpetrator still has the ability to think rationally and control himself. Precisely because he still chose to commit murder after considering it, the element of guilt (*schuld*) in this crime becomes even heavier.

Thus, it can be concluded that the defendant in Decision No. 144/Pid.B/2021/PN UNH has fulfilled all the elements in Article 340 of the Criminal Code. In its decision, the Panel of Judges stated that the defendant was proven legally and convincingly guilty of committing the crime of premeditated murder and sentenced the defendant based on Article 340 of the Criminal Code as the primary charge. In addition, the judge also considered the subsidiary charge, namely Article 338 of the Criminal Code as an alternative, although what was proven was the element in Article 340 of the Criminal Code. The sentencing shows that the judge has assessed and considered all legal elements carefully and comprehensively.

2.1 Comparison of Premeditated Murder Crimes in Indonesia, Singapore and the United Kingdom

In the legal system, each country has a different approach based on the legal traditions adopted. Indonesia implements a Civil Law legal system, where the sources of law come from the Law, customary norms, jurisprudence, MPR Decrees (TAP MPR), treaties, and doctrines.[20] This system emphasizes the codification of written law as the main guideline in law enforcement. Meanwhile, Singapore uses a Common Law legal system, where the sources of law come from case law (court decisions), jurisprudence, statute law (written laws), and customs. This system is more flexible because it relies on legal precedent as the basis for decisions in future cases. Meanwhile, in the United Kingdom (UK), the legal system used is Common Law, which is a combination of laws passed by parliament (Statutory law) and legal precedents formed through jurisprudence (judge-made law).[21] This system is also known as the Anglo-Saxon system, which gives a large role to the courts in interpreting the law and creating rules through court decisions.

Each country has different regulations in regulating the crime of murder, including premeditated murder. In Indonesia, criminal law is regulated in the Criminal Code. In the Criminal Code, the crime of murder is divided into two main categories, namely:[22]

1. The crime of ordinary murder, which generally occurs spontaneously due to momentary emotions, such as when the perpetrator feels offended and immediately vents his anger, causing the loss of someone's life.
2. Premeditated Murder, namely an act of murder that has been planned in advance, either by an individual or a group, with the aim of taking someone's life in a structured and deliberate manner.

Meanwhile, in Singapore, criminal law is regulated in the Penal Code of Singapore. In this law, premeditated murder is categorized as murder if a person intentionally causes physical injury that, in the normal course of things, is sufficient to cause death. In other words, even though the perpetrator did not explicitly intend to kill, if the injury caused naturally has the potential to cause death, then the act is still considered murder. Unlike Indonesia and Singapore, in the United Kingdom there is no single codified criminal code as in many other countries. Instead, criminal law related to murder, including premeditated murder, is regulated in a regulation, namely The Criminal Justice Act 2003. In this law, the provisions regarding premeditated murder are regulated in Schedule 21, which provides guidance on the severity of murder and the penalties that can be imposed.

Indonesia, The crime of murder is divided into two, namely the crime of ordinary murder and the crime of premeditated murder. The act of ordinary murder is regulated in Article 338 of the Criminal Code which reads "The act of intentionally taking the life of another person, which carries a maximum sentence of 15 years in prison". For the act of premeditated murder, it is regulated in Article 340 of the Criminal Code which reads "Anyone who intentionally and with prior planning takes the life of another person, is threatened with premeditated murder, with the death penalty or life imprisonment or for a certain period of time, a maximum of 20 years". and Article 459 of Law 1/2023 which reads "Anyone with prior planning takes the life of another person, shall be punished for premeditated murder, with the death penalty or life imprisonment or a maximum imprisonment of 20 years".

The fundamental difference between Article 338 of the Criminal Code, Article 340 of the Criminal Code, and Article 459 of Law Number 1 of 2023 lies in the elements of intent, planning, and classification of the act in criminal law. Article 338 of the Criminal Code regulates the crime of ordinary murder, which is essentially the act of intentionally taking the life of another person but without prior planning. In this case, the act of murder usually occurs spontaneously, driven by momentary emotions, and does not go through a mature planning process. The criminal penalty for violating Article 338 of the Criminal Code is a maximum of fifteen years in prison. Meanwhile, Article 340 of the Criminal Code regulates the crime of premeditated murder, which has an additional element in the form of prior planning (*voorbedachte raad*). This means that the perpetrator not only intentionally commits murder, but has also made a plan in advance regarding the method, time, and tools that will be used to take someone's life. This element of planning is what makes murder in Article 340 considered more severe, because it shows a higher level of culpability. Therefore, the criminal threat regulated in this article is also heavier, namely the death penalty, life imprisonment, or a maximum imprisonment of twenty years. Article 340 of the Criminal Code is often used in cases that show that the perpetrator has a strong intention, sufficient time to think, and still carries out the murder consciously and premeditatedly.

Meanwhile, Article 459 of Law Number 1 of 2023 concerning the Criminal Code (new Criminal Code) is basically a reformulation of Article 340 of the old Criminal Code. Article 459 still regulates premeditated murder, but with updated and more systematic legal language in accordance with the updated structure of the national Criminal Code. This article states that: "Anyone who with prior planning takes the life of another person, shall be punished for premeditated murder, with the death penalty, or life imprisonment, or a maximum imprisonment of twenty years." The legal substance remains the same as Article 340 of the Criminal Code, but its formulation has been adjusted to modern legal principles and a clearer separation of norms. This article will replace Article 340 of the old Criminal Code after the new Criminal Code comes into full force in 2026. Thus, the main difference between the three articles lies in the level of intent and planning of the act. Article 338 focuses more on unplanned murder, Article 340 adds an element of planning that makes it more severe, and Article 459 is a form of modernization and re-codification of Article 340 in the latest national Criminal Code system. Understanding these three articles is very important in determining the classification of criminal acts, the responsibility of the perpetrators, and the application of appropriate sanctions in enforcing criminal law in Indonesia.

In Singapore, Premeditated murder is regulated in Section 300 of the Penal Code of Singapore which states "a person is considered to have committed murder if: a) Intentionally causes the death of another person (intention to cause death). b) Intentionally causes bodily injury that is likely to cause death. c) Committing an act with the intention of causing injury that is fatal enough to cause death (intention to cause bodily injury and the bodily injury intended is sufficient in the ordinary course of nature to cause death). d) Committing a dangerous act with the knowledge that the act is so imminently dangerous that it must, in all probability, cause death). If the murder is committed with prior planning (premeditation), then the act falls into the category of premeditated murder. and is subject to punishment according to Section 302 of the Penal Code, namely the punishment for perpetrators of premeditated murder is: The death penalty, or Life imprisonment with caning.[23]

In the United Kingdom, Premeditated murder is covered by the Criminal Justice Act 2003 although it does not specifically mention "Premeditated murder" as a separate category in the legislation. However, the law relating to premeditated murder is included in Schedule 21 which sets out the sentencing guidelines for murder. Schedule 21 of the Criminal Justice Act 2003 sets out the minimum sentencing rates for murder based on the degree of seriousness. Schedule 21(4) states that "Whole Life Order" means that a premeditated murder

which is very serious (for example, carefully planned, sadistic or has a very bad motive) will be subject to a whole life order (life imprisonment without the possibility of parole)". Schedule 21(5) states that "Aggravated Murder with a Minimum Tariff of 30 Years" means that where the murder involved planning, but did not reach the level of extreme brutality, the court will impose a minimum sentence of 30 years before the offender can apply for parole".[24]

III. COMPARATIVE PERSPECTIVE OF CRIMINAL LAW RELATED TO PREMEDITATED MURDER

To analyze the premeditated murder case against S. Jufri from a comparative criminal law perspective, legal positivism theory, criminal theory approach and comparative legal systems theory are particularly appropriate. Here's why these theories are relevant in the context of this case :

3.1 Legal Positivism Theory

Legal positivism is the thesis that the existence and content of law depends on social facts and not on its merits. The English jurist John Austin (1790–1859) formulated it thus: The existence of law is one thing; its merit and demerit another. Whether it be or be not is one enquiry; whether it be or be not conformable to an assumed standard, is a different enquiry.[25]

is very important to be used in this study because this theory emphasizes the validity of written law as the main source in resolving cases. In the Indonesian context, Article 340 of the Criminal Code is the legal basis for judges in issuing a verdict against defendant SD who was legally and convincingly proven to have committed premeditation. This is different from the legal approach in common law countries such as Singapore and the United States, which rely more on jurisprudence and precedent in determining whether the element of "premeditation" has been met. Thus, the theory of legal positivism can explain the differences in approaches in assessing the elements of premeditation in various legal systems.

3.2 Criminal Theory Approach

The theory of punishment approach is a study in criminal law that discusses the philosophical reasons and objectives of why someone is sentenced to a criminal penalty for an unlawful act. These theories of punishment serve as the basis for judges and policy makers in determining the type, severity, and direction of the punishment. Each theory has a different approach in assessing the function of punishment, and is often used to justify punishment in court decisions, including in serious cases such as premeditated murder.

In the context of Indonesia, the criminal justice system includes three main theories, namely the retributive theory, the deterrent theory, and the rehabilitation theory. In this case, judges tend to apply the retributive theory, where punishment is imposed as a form of retribution for very serious and public disturbing acts. In addition, severe punishment also functions as a deterrent effect to prevent similar acts from being repeated by others in the future. On the other hand, when compared to other countries such as the United States, the criminal justice system in several US states even recognizes "life without parole" or the death penalty which is also based on similar goals, but through different legal mechanisms.

3.3 Comparative Legal System Theory

Comparative Legal System Theory is a branch of law that discusses the methods and approaches in comparing different legal systems in different countries. This theory aims to understand how legal systems are developed, implemented, and interpreted in different social, political, and cultural contexts. In other words, this theory is used to analyze the differences and similarities between legal systems such as civil law, common law, religious law, and customary law.[26]

It is necessary to see how the Indonesian legal system (civil law) distinguishes between ordinary murder and premeditated murder compared to common law systems such as in Singapore and the United States. In the civil law system, the structure of the articles that are codified and explicit makes the division of types of murder clearer through written provisions, such as in Article 338 and Article 340 of the Criminal Code. Meanwhile, in the common law system, the elements of "malice aforethought" and "premeditation" are considered more flexible because they depend on the judge's interpretation and previous precedents. This comparison shows the differences in law enforcement, the method of proving the element of planning, and the types of punishments imposed on perpetrators of murder.

By combining the three theories—legal positivism, theory of punishment, and comparative legal systems—the analysis of Decision No. 144/Pid.B/2021/PN UNH becomes more complete and comprehensive. These theories not only help understand the basis for the sentences imposed on defendants in Indonesia, but also provide critical insights when compared to the legal systems of other countries.

IV. CONCLUSION

The case of premeditated murder committed by SD, as reflected in Verdict No. 144/Pid.B/2021/PN UNH, illustrates the severity and complexity of intentional homicide under Indonesian criminal law. The elements of premeditation—legal responsibility, deliberate intent, and prior planning—were all clearly fulfilled in this case, justifying the classification of the crime under Article 340 of the Indonesian Criminal Code. Through a positivist lens, the legal basis for convicting the defendant lies in the strict adherence to written law, emphasizing that legality, rather than morality, governs the judicial process in civil law systems such as Indonesia.

The theoretical framework of criminal punishment, particularly the retributive and deterrent approaches, further validates the imposition of severe sanctions in premeditated murder cases. Punishment in this context serves not only as a form of justice for the victim but also as a preventive mechanism to uphold public order and dissuade potential offenders. Meanwhile, a comparative legal analysis reveals fundamental differences in how premeditated murder is treated across legal traditions. Civil law jurisdictions like Indonesia rely heavily on codified statutes with clearly defined classifications and penalties, whereas common law systems such as those in Singapore and the United States depend on judicial discretion and precedents to establish guilt and sentencing in homicide cases. In sum, this study underscores the importance of both doctrinal clarity and theoretical consistency in dealing with premeditated murder cases. The integration of legal positivism, punishment theory, and comparative legal system theory not only enriches the analysis but also highlights the interplay between legal formalism and judicial interpretation in ensuring justice. These insights are valuable not only for legal scholars and practitioners but also for policymakers engaged in criminal law reform and the harmonization of legal standards across jurisdictions.

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