



Research Paper

## Analysis of the Murder Case of a Family Member in Percut Sei Tuan District in Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam

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**ABSTRACT:** The main objective of this study is to find out the chronology of the murder case of a family member in Percut Sei Tuan District as well as to find out the criminal witness handed down by the Judge according to Decision Number 2429/Pid.B/2021/PN Lubuk Pakam. The research findings relate to the criminal sanctions imposed on the perpetrators of the murder of a family member according to the Judge's Decision with Article 340 of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Law. Recommendation: In the decision of the Panel of Judges, Judge Lubuk Pakam tried the defendant MR by taking into account Article 340 of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Code which is correct, but it needs to be reviewed again that the defendant MR also committed the criminal act of raping the victim before committing the murder, so it is appropriate for the defendant MR to also be tried under Articles 285 to 290 of the Criminal Code in accordance with the actions taken. However, the decision of the Panel of Judges of Lubuk Pakam which tried the defendant MR with life imprisonment was very much in accordance with the crimes committed by the defendant MR.

**Keywords :** Murder, Family Member, Rape

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### I. INTRODUCTION

The legal system that applies in Indonesia is a system of rules that are binding, very broad and complex in nature, consisting of legal elements that are interrelated, influence each other, and complement each other. Discussing the laws in force in Indonesia cannot be separated from one another. Indonesia as a rule of law country must have its own national law as a guideline for carrying out governance in forming the national law of the Indonesian nation, such as criminal law [1]. Criminal law becomes the overall form of law that applies in a country and applies to all people, which is a rule to determine actions that may be done and cannot be done because they are prohibited, accompanied by threats or sanctions in the form of certain penalties for whoever violates them, determines when and in what cases will be subject to punishment as has been threatened to someone who has violated these prohibitions, as well as determining how the imposition of punishment can be carried out if someone is suspected of having violated the prohibition [2].

Actions violating criminal law will be accompanied by certain criminal threats, such as the crime of murder [3]. The act of murder is an act of eliminating someone's life which is done by causing the death of another person [4]. The act of murder is a form of crime that injures human values and violates the right to life. The criminal law for murder itself has been regulated in Law Number 39 of 1999 concerning Human Rights [5]. Murder is a criminal act with very severe sanctions, as in the Criminal Code the criminal act of murder is known as accidental murder (*culpose misdrijven*) and intentional or premeditated murder (*dolus misdrijven*) [6]. In premeditated murder, of course, the criminal threat given is heavier than accidental killing [1].

In the Criminal Code, the crime of murder is included in crimes against a person's soul, which has been regulated in Chapter XIX of the Criminal Code as many as 13 articles, namely Articles 338 to Article 350. In terminological terms, the crime of murder is an act of taking life, or killing, while in the Criminal Code it is a crime Murder is an intentional killing of another person with a series of actions resulting in death [3]. There are

two names for the crime of murder, namely the crime of unintentional murder (*culpose misdrijven*) and the crime of intentional or planned murder (*dolus misdrijven*). The crime of unintentional murder has been regulated in Article 338 of the Criminal Code, namely: "Whoever intentionally takes the lives of other people, is threatened, for 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 deliberately 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 specified period of time, a maximum of twenty years".

One of the cases of criminal acts of murder occurred in Percut Sei Tuan District. The murder case of a family member in Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam occurred with the younger sibling of the defendant MR on June 4 2021 in Percut Sei Tuan District, Deli Serdang Regency. The victim with the initials A, who is the defendant's younger sibling, has a mental disability (with special needs) and is currently at home. The defendant MR disturbed the victim A by pulling the victim's hand and bringing the victim into the room. The defendant MR had sexual intercourse with the victim and at that time victim A resisted by hitting the body of the Defendant MR so that the Defendant MR panicked and was afraid the victim would tell other people. Then the Defendant MR kicked the victim's neck on the right from the front of the victim which caused the victim to fall. Then the defendant MR took a hoe from the bathroom of the house and then hit the victim A's head with the hoe. The defendant MR hit the victim's head repeatedly with the hoe until victim A suffered a torn head injury and died. For the crime of murder the defendant was sentenced according to Law Number 23 of 2004 Article 44 paragraph 3 concerning Domestic Violence, Article 340 of the Criminal Code, and Article 338 of the Criminal Code [7].

Mitha Islamia Sam, Sitti Murdiana, and Kurniati Zainuddin conducted research on family murder cases. The results showed that the first motive for family murder was economic motive as the main motive. Then the accompanying motive is that the subject tries to defend himself because he gets a physical attack. The two subjects did not feel ashamed and guilty for the murders that had been committed, but only felt remorse because the killings made them have to become convicts and serve prison sentences. Third, before the murder occurred, subject D and the victim had a good relationship, helping each other, while subject SR had not had contact with the victim for a long time. The conclusion is that family murders occur because of economic and self-defense motives. The subject does not feel guilty after committing the murder. The relationship between subject and victim does not affect the probability of murder [6].

Furthermore, Mulyani Rahayu and Ade Cici Rohayati also conducted research on killings in the family, the result was that the incident that ended with this murder was an intense interaction between the perpetrator and the victim which involved the active role of the victim as a trigger for the initiation of the interaction and during the interaction. Before the interaction between the perpetrator and the victim ends in murder, there are several stages that they go through. In general, the stages of the interaction of the killings were proposed by David Luckenbill and Eko Hariyanto. The audience that is characterized by both are people who were at the scene during which the interaction between the perpetrator and the victim was intertwined until the victim died, it is even possible that the audience also played a role in creating this event. The role of the audience can be classified in two forms. The first role is to actively encourage the use of violence by cheering them on to fight, 'launching' the fight so that no one intervenes or provides dangerous weapons [8].

These two studies are the basis for the development of this research, so that further the researcher will focus on examining the chronology of the family murder case in Percut Sei Tuan District according to Decision Number 2429/Pid.B/2021/PN Lubuk Pakam as well as thoroughly examining the criminal witness set by the judge against the defendant. MR, through the research title "Criminal Murder of Family Members in Percut Sei Tuan District in Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam". The purpose of this study was to analyze the chronology of the murder of a family member in Percut Sei Tuan District and to analyze the crime witnesses handed down by the Judge according to Decision Number 2429/Pid.B/2021/PN Lubuk Pakam.

## **II. LITERATURE REVIEWS**

### ***Legal System***

The legal system that applies in Indonesia is a system of rules that are binding, very broad and complex in nature, consisting of legal elements that are interrelated, influence each other, and complement each other. Discussing the laws in force in Indonesia cannot be separated from one another. Indonesia as a rule of law country must have its own national law as a guideline for carrying out governance in forming the national law of the Indonesian nation, such as criminal law. Sri Soemantri explained that there are three meanings of the system, namely: 1) The first meaning, the system is a group of parts (tools and so on) that work together to do something, such as the nervous system in the body, the government system, and others. 2) The second meaning, the system according to Rusadi Kantaprawira is as a unit formed from several elements (elements). These many elements, components, or parts are interrelated, linked, and functional so that the totality of the unit is

maintained intact and 3) The third meaning, the system according to Van de Poel is a set of elements between which there are relationships aimed at achieving certain general goals [9].

In the legal system there are several components that are interrelated. This component was put forward by Friedman, a legal expert and sociologist in the United States, namely: 1) The substance component of the legal system is the law itself, including legal principles, laws, regulations and legal doctrine. Legal substance refers to the content or legal material, which includes various rules and regulations governing the behavior of individuals and organizations in society. Legal substance also includes laws and regulations that define how conflicts or disputes are to be resolved. 2) The structural components of the legal system are the organizations and structures that ensure law enforcement, including various legal institutions such as courts, law enforcement (eg, police), and prison institutions, as well as legal procedures and processes. This structure also includes the system of legal administration and legal procedures used to resolve disputes and enforce the law. 3) The components of legal culture are people's attitudes, values and beliefs about law and the legal system, including general beliefs about what is fair and just, attitudes towards law and law enforcement, and people's understanding and knowledge of law. Legal culture also includes attitudes and behavior of legal professionals, such as lawyers and judges. Therefore, legal culture greatly influences how law is understood, applied and enforced in society [7].

Based on its characteristics, the legal system is divided into several types, namely: [10] 1) Civil law system, This system has its roots in Roman law and is usually based on written legal codes, which are compilations of legal rules and principles to be followed. These laws are usually interpreted by judges in a more limited way than in the common law system. Countries with civil law systems cover most of Europe and Latin America, as well as many other countries around the world. 2) Anglo Saxon legal system (Common Law), This system originates from England and emphasizes the important role of judicial precedent, meaning judge's rulings in previous cases are used to determine the outcome of future cases. Laws are not only made by legislatures, but also by judges through a process of interpretation and application of law in concrete cases. Countries with a common law legal system include the United Kingdom, the United States (except Louisiana), and other former British colonies such as Australia and Canada. 3) Religious legal system, This system is based on religious texts and religious teachings. One of the best-known examples is Sharia law in the Islamic tradition, which regulates various aspects of life, including matters of marriage, divorce, inheritance, and commercial transactions. Other systems of religious law include canon law in the Catholic tradition and Jewish law in the Jewish tradition. 4) The legal system of the Eastern Bloc (Socialist) countries, This system is usually found in countries that were once under the influence of the Soviet Union, such as Russia, China, and other Eastern European countries. Socialist legal systems differ from civil and common law systems, and usually emphasize the role of the state in all aspects of life, including law. In many cases, law is seen as a tool to achieve political and social goals, rather than a framework designed to resolve disputes or maintain order.

### ***Acts of Murder***

The act of murder is an act of eliminating someone's life which is done by causing the death of another person. The act of murder is a form of crime that injures human values and violates the right to life. Murder falls under the category of crimes against the soul and is considered one of the most serious crimes in criminal law [2]. If the killing is done intentionally, it means that the perpetrator took the action with awareness and a desire to kill another person. This is of course different from the act of killing another person due to negligence or an accident, which cannot be considered as murder in the sense of criminal law. The criminal law for murder itself has been regulated in Law Number 39 of 1999 Article 1 Paragraph 6 concerning Human Rights which reads "Violation of human rights is any act of a person or group of people including state apparatus, whether intentional or unintentional or negligence, limiting, and or revoke the human rights of a person or group of people guaranteed by this Law, and do not get, or fear that they will not obtain a fair and correct legal settlement, based on the applicable legal mechanism. Murder is a criminal act with very severe sanctions, as in the Criminal Code the criminal act of murder is known as accidental murder (*culpose misdrijven*) and intentional or premeditated murder (*dolus misdrijven*). In premeditated murder, of course, the criminal threat given is heavier than accidental killing.

The crime of murder has indeed been considered a very serious violation of norms in society compared to violations of other norms. Seriousness is caused by the impact caused by the crime of murder such as:

- a) The loss of one's life, that is the most direct and tragic consequence of murder, is the death of the victim. This was an irreparable loss and had a profound impact on the victim's family, friends and community.
- b) Loss of source of income for the victim's family (especially if the victim is the breadwinner of the family), i.e. If the murder victim is the main breadwinner in the family, their death can cause serious financial difficulties for their family. This can affect their access to basic needs such as food, housing and education.
- c) The traumatic psychological impact that can arise on the victim's family, especially children, namely Murder can cause deep emotional and psychological trauma for the victim's family, including depression,

anxiety, post-traumatic stress, and various other mental health problems. This could impact their well-being and quality of life in the long term.

- d) Generates fear in neighbors and the wider community, i.e. Murder can also cause fear and insecurity in the wider community. This can damage social bonds and damage the quality of life for many people who were not directly involved in the killings themselves.

The crime of murder is classified as a serious crime apart from being stipulated in Articles 338 and 340 of the Criminal Code, it is also stated in Article 140 paragraph (2) of the Criminal Code which reads "If a plot against life is carried out with premeditation resulting in death, it is punishable by capital punishment or life imprisonment or imprisonment for a maximum of twenty years".

### **III. RESEARCH METHODS**

The type of research used is normative juridical, namely research conducted to find coherence between Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam and legal rules, legal norms, and principles related to criminal law and so on. related to answering problems in research [3]. In legal research, of course, it also requires a research approach to obtain information from various sources related to the problems being analyzed to find answers. The approach used in this study is: [3] a) The statute approach is carried out to study whether there is consistency and suitability between one law and another by examining all laws and regulations, as pertaining to related to Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam concerning the crime of murder of a family member and b) The conceptual approach is carried out by studying the views and doctrines in the science of law, to find ideas and new understanding resulting in legal arguments, including solving the issue of Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam regarding the criminal act of murdering a family member.

The legal material used in this study is the type and source of research support material, consisting of primary legal material that is authoritative such as laws and regulations (KUHP) and judges' decisions (Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam regarding the crime of murder against a family member). Furthermore, other legal materials, namely secondary legal materials relating to all legal publications such as text books, legal dictionaries, legal journals, as well as comments on court decisions [3]. Legal materials, both primary and secondary, were obtained through library study procedures by collecting, reading, and analyzing in depth various legal materials to be poured into research, in the form of Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam concerning the crime of murder against family members and the Criminal Code [3]. The process of analyzing data on legal materials is a process of finding answers to the main issues, which is done by mahadana: [3] a) Identify the legal facts of Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam concerning the crime of murder of a family member and the Criminal Code and eliminate irrelevant matters, b) Collection of legal materials and non-legal materials relating to the crime of murder, c) Conducted a study of the legal issues of Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam regarding the criminal act of murder of a family member and the Criminal Code which was submitted based on the legal materials that had been collected, d) Draw conclusions in the form of arguments in order to answer legal issues related to Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam regarding the criminal act of murdering a family member and the Criminal Code, e) Provide a prescription based on the arguments that have been built in the conclusion.

### **IV. RESEARCH RESULTS AND DISCUSSION**

#### **Chronology of Murder Cases of Family Members in Percut Sei Tuan District**

The murder case of a family member in Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam occurred with the younger sibling of the defendant MR on June 4 2021 in Percut Sei Tuan District, Deli Serdang Regency. The victim with the initials A, who is the defendant's younger sibling, has a mental disability (with special needs) and is currently at home. The defendant MR disturbed the victim A by pulling the victim's hand and bringing the victim into the room. Defendant MR had sexual intercourse with the witness victim and at that time victim A resisted by hitting Defendant MR's body so that Defendant MR panicked and was afraid the victim would tell other people. Then the Defendant MR kicked the victim's neck on the right from the front of the victim which caused the victim to fall. Then the defendant MR took a hoe from the bathroom of the house and then hit the victim A's head with the hoe. The defendant MR hit the victim's head repeatedly with the hoe until victim A suffered a torn head injury and died. Based on the results of Visum Et Repertum from Bhayangkara TK Hospital. II Medan City signed by dr. SS concluded that from the results of external and internal examinations, the cause of death was sharp trauma to the head which caused bleeding in the head cavity accompanied by fractures of the skull bones into pieces [9].

The crime committed by the defendant MR was intentional murder so that the perpetrator could be charged with a sentence in accordance with Article 338 of the Criminal Code, namely "Anyone who intentionally takes the lives of other people, is threatened with murder with a maximum imprisonment of fifteen years.", then Article 340 of the Criminal Code. namely "Whoever deliberately and with prior planning takes the life of another person, is threatened with premeditated murder, with a death penalty or imprisonment for life or

for a specified period of time, a maximum of twenty years." This murder occurred in Percut Sei Tuan District, Deli Serdang Regency involving a family member who died, so that he can also be charged with Law Number 23 of 2004 Article 44 paragraph 3 concerning Domestic Violence "In terms of the actions referred to in paragraph (2) ) resulting in the death of the victim, shall be punished with imprisonment for a maximum of 15 (fifteen) years or a fine of a maximum Rp. 45,000,000.00 (forty-five million rupiahs) [7]"

A person who commits a crime of murder is driven by several factors, usually in cases of premeditated murder, the perpetrators already know who the potential victims will be killed. The trigger factor for the murder was a socio-emotional conflict caused by someone feeling disappointed, hurt, or holding grudges against another person. This feeling of disappointment, hurt, or revenge is expressed in extreme ways by physically hurting other people, including killing potential victims. In cases of murder or fighting, it was found that there was a tendency for high aggression followed by low self-esteem in a person. In addition, the crime of murder can also be influenced by various other psychological aspects such as:[10]

- a) Narcissism is excessive self-love, often combined with a lack of empathy for others and a great deal of acknowledgment and praise from others
- b) Psychopathy is a personality condition characterized by a lack of empathy and remorse, manipulative behavior, ongoing antisocial behavior, and high-risk or impulsive behavior
- c) Machiavellianism is a personality trait that involves manipulating others for personal gain. People who have high levels of Machiavellianism tend to disdain morality, disrespect social norms, and focus on personal goals rather than the interests of others.

Furthermore, psychological disorders in criminal behavior can be classified into intermittent explosive disorders, which are mental health conditions characterized by a loss of control over anger which results in violence or destructive behavior. It is included in the category of drive control disorder in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), a guide used by mental health professionals to diagnose mental disorders. Someone with IED is characterized by showing symptoms in the form of outbursts of anger that are excessive and disproportionate to situations or provocations. These outbursts usually last less than 30 minutes and can take the form of a tantrum, a physical fight, or destructive behavior such as damaging property. Intermittent explosive disorder which has the following criteria: failure to control aggressive impulses, such as verbal and physical aggression, destructive behavior, uncontrollably repeated aggressive spikes, and aggressive behavior that has consequences for oneself and others.

If it is related to the murder that occurred in Percut Sei Tuan District, Deli Serdang Regency, it is suspected that the defendant MR has a psychological disorder, namely Psychopathy, which is a personality condition characterized by a lack of empathy and remorse, manipulative behavior, ongoing antisocial behavior, and high-risk or impulsive behavior. , because psychopathy is often associated with criminal behavior. In addition, the defendant MR also has intermittent explosive disorder, which is a mental health condition characterized by loss of control over anger which results in violence or destructive behavior, where the expression of his anger is by committing violence against his younger sibling with special needs with the initial A where after committing an immoral act, because He was afraid of being found out, so the defendant MR kicked the victim in the neck on the right side from the front of the victim which caused the victim to fall. Then the defendant MR took a hoe from the bathroom of the house and then hit the victim A's head with the hoe. The defendant MR hit the victim's head repeatedly with the hoe until victim A suffered a torn head injury and died. Therefore, it is appropriate for the defendant to be punished in accordance with Article 338 of the Criminal Code, Article 340 of the Criminal Code, and Law Number 23 of 2004 Article 44 paragraph 3 concerning Domestic Violence.

### **Criminal Witness Sent Down by Judge According to Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam**

Criminal law becomes the overall form of law that applies in a country and applies to the whole community, which is a rule for: (1) Determining actions that can be done and cannot be done because they are prohibited, accompanied by threats or sanctions in the form of certain penalties for anyone who breaking it; (2) Determine when and in what cases will be subject to punishment as has been threatened to someone who has violated these prohibitions; and (3) Determine how the imposition of punishment can be carried out if there are people who are suspected of having violated the prohibition [2].

In the case of the murder of a family member in Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam which occurred on June 4 2021 in Percut Sei Tuan District, Deli Serdang Regency, the defendant MR committed his younger sibling with the initial A who has special needs. The crime committed by the defendant MR was intentional murder so that the perpetrator could be charged with a sentence in accordance with Article 338 of the Criminal Code, namely "Anyone who intentionally takes the lives of other people, is threatened with murder with a maximum imprisonment of fifteen years.", then Article 340 of the Criminal Code. namely "Whoever deliberately and with prior planning takes the life of another person, is threatened with premeditated

murder, with a death penalty or imprisonment for life or for a specified period of time, a maximum of twenty years." This murder occurred in Percut Sei Tuan District, Deli Serdang Regency involving a family member who died, so that he can also be charged with Law Number 23 of 2004 Article 44 paragraph 3 concerning Domestic Violence "In terms of the actions referred to in paragraph (2) ) resulting in the death of the victim, shall be punished with imprisonment for a maximum of 15 (fifteen) years or a fine of a maximum Rp. 45,000,000.00 (forty-five million rupiahs) [2].

The legal system that applies in Indonesia is a system of rules that are binding, very broad and complex in nature, consisting of legal elements that are interrelated, influence each other, and complement each other. Discussing the laws in force in Indonesia cannot be separated from one another. Indonesia as a rule of law country must have its own national law as a guideline for carrying out governance in forming the national law of the Indonesian nation, such as criminal law. Criminal law is the law that regulates violations and crimes that interfere with the public interest, where the actions committed will be threatened with punishment which constitutes suffering or torture so that in the future the crimes committed will not be repeated. Criminal law becomes the overall form of law that applies in a country and applies to the whole community, which is a rule for: (1) Determining actions that can be done and cannot be done because they are prohibited, accompanied by threats or sanctions in the form of certain penalties for anyone who breaking it; (2) Determine when and in what cases will be subject to punishment as has been threatened to someone who has violated these prohibitions; and (3) Determine how the imposition of punishment can be carried out if there are people who are suspected of having violated the prohibition.

The law defines the procedures and processes to be followed in the enforcement of sentences, including stages such as investigation, detention, trial and finally sentencing. Each of these stages must adhere to legal rules and principles to ensure that the process is fair and unbiased. In addition, the law determines how a person suspected of having committed an offense is to be handled, such as the right to a lawyer, the right to a fair trial, and the right to defend oneself.

The murder case of a family member in Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam occurred with the younger sibling of the defendant MR on June 4 2021 in Percut Sei Tuan District, Deli Serdang Regency. The victim with the initials A, who is the defendant's younger sibling, has a mental disability (with special needs) and is currently at home. The defendant MR disturbed the victim A by pulling the victim's hand and bringing the victim into the room. Defendant MR had sexual intercourse with the witness victim and at that time victim A resisted by hitting Defendant MR's body so that Defendant MR panicked and was afraid the victim would tell other people. Then the Defendant MR kicked the victim's neck on the right from the front of the victim which caused the victim to fall. Then the defendant MR took a hoe from the bathroom of the house and then hit the victim A's head with the hoe. The defendant MR hit the victim's head repeatedly with the hoe until victim A suffered a torn head injury and died. Based on the results of Visum Et Repertum from Bhayangkara TK Hospital. II Medan City signed by dr. SS concluded that from the results of external and internal examinations, the cause of death was sharp trauma to the head which caused bleeding in the head cavity accompanied by fractures of the skull bones into pieces.

The crime committed by the defendant MR was intentional murder so that the perpetrator could be charged with a sentence in accordance with Article 338 of the Criminal Code, namely "Anyone who intentionally takes the lives of other people, is threatened with murder with a maximum imprisonment of fifteen years.", then Article 340 of the Criminal Code. namely "Whoever deliberately and with prior planning takes the life of another person, is threatened with premeditated murder, with a death penalty or imprisonment for life or for a specified period of time, a maximum of twenty years." This murder occurred in Percut Sei Tuan District, Deli Serdang Regency involving a family member who died, so that he can also be charged with Law Number 23 of 2004 Article 44 paragraph 3 concerning Domestic Violence "In terms of the actions referred to in paragraph (2) ) resulting in the death of the victim, shall be punished with imprisonment for a maximum of 15 (fifteen) years or a fine of a maximum Rp. 45,000,000.00 (forty-five million rupiahs)."

A person who commits a crime of murder is driven by several factors, usually in cases of premeditated murder, the perpetrators already know who the potential victims will be killed. The triggering factor for the murder was a socio-emotional conflict caused by someone feeling disappointed, hurt, or holding grudges against another person. This feeling of disappointment, hurt, or revenge is expressed in an extreme way by physically hurting other people, including killing potential victims. In cases of murder or fighting, it is found that there is a tendency for high aggression followed by low self-esteem in a person. In addition, the crime of murder can also be influenced by various other psychological aspects such as Narcissism, Psychopathy, and Machiavellianism.

If it is related to the murder that occurred in Percut Sei Tuan District, Deli Serdang Regency, it is suspected that the defendant MR has a psychological disorder, namely Psychopathy, which is a personality condition characterized by a lack of empathy and remorse, manipulative behavior, ongoing antisocial behavior, and high-risk or impulsive behavior. , because psychopathy is often associated with criminal behavior. In

addition, the defendant MR also has intermittent explosive disorder, which is a mental health condition characterized by loss of control over anger which results in violence or destructive behavior, where the expression of his anger is by committing violence against his younger sibling with special needs with the initial A where after committing an immoral act, because He was afraid of being found out, so the defendant MR kicked the victim in the neck on the right side from the front of the victim which caused the victim to fall.

This decision has been inkraht because the defendant MR has been proven guilty and the defense made by the defendant was rejected by the Lubuk Pakam Panel of Judges, so no further legal proceedings were taken and the defendant MR was found guilty on January 10, 2022.

Mitha Islamia Sam, Sitti Murdiana, and Kurniati Zainuddin conducted research on family murder cases. The results showed that the first motive for family murder was economic motive as the main motive. Then the accompanying motive is that the subject tries to defend himself because he gets a physical attack. The two subjects did not feel ashamed and guilty for the murders they had committed, but only felt remorse because the murders made them have to become convicts and serve prison sentences. Third, before the murder occurred, subject D and the victim had a good relationship, helping each other, while subject SR had not had contact with the victim for a long time. The conclusion is that family murders occur because of economic and self-defense motives. The subject does not feel guilty after committing the murder. The relationship between subject and victim does not affect the probability of murder [6].

Furthermore, Mulyani Rahayu and Ade Cici Rohayati also conducted research on killings in the family, the result was that the incident that ended with this murder was an intense interaction between the perpetrator and the victim which involved the active role of the victim as a trigger for the initiation of the interaction and during the interaction. Before the interaction between the perpetrator and the victim ends in murder, there are several stages that they go through. In general, the stages of the interaction of the killings were proposed by David Luckenbill and Eko Hariyanto. These stages are the initial steps taken by the victim, the perpetrator's interpretation of the victim's steps, the perpetrator's reaction to the victim's steps, the victim's response indicating approval of violence, a fight occurs and the final step after the victim is killed. This study also found cases that ended in the third stage. In addition, there are interesting findings on several cases of murder in the family which are different from the murder cases put forward by both David Luckenbill and Eko Haryanto. The findings in question regarding the audience. The audience that is characterized by both are people who were at the scene during which the interaction between the perpetrator and the victim was intertwined until the victim died, it is even possible that the audience also played a role in creating this event. The role of the audience can be classified in two forms. The first role is to actively encourage the use of violence by cheering them on to fight, 'launching' the fight so that no one intervenes or provides dangerous weapons [8].

These two studies are the basis for the development of this research, so that further the researcher will focus on examining the chronology of the family murder case in Percut Sei Tuan District according to Decision Number 2429/Pid.B/2021/PN Lubuk Pakam as well as thoroughly examining the criminal witness set by the judge against the defendant Mr.

## **V. CONCLUSION**

This research focuses on examining the chronology of the murder of a family member in Percut Sei Tuan District according to Decision Number 2429/Pid.B/2021/PN Lubuk Pakam as well as thoroughly examining the criminal witness set by the judge against the defendant MR, where it was concluded that:

- 1) The murder case of a family member in Decision Number 2429/Pid.B/2021/Pn Lubuk Pakam occurred with the younger sibling of the defendant MR on June 4 2021 in Percut Sei Tuan District, Deli Serdang Regency. The victim with the initials A, who is the defendant's younger sibling, has a mental disability (with special needs) and is currently at home. The defendant MR disturbed the victim A by pulling the victim's hand and bringing the victim into the room. Defendant MR had sexual intercourse with the witness victim and at that time victim A resisted by hitting Defendant MR's body so that Defendant MR panicked and was afraid the victim would tell other people. Then the Defendant MR kicked the victim's neck on the right from the front of the victim which caused the victim to fall. Then the defendant MR took a hoe from the bathroom of the house and then hit the victim A's head with the hoe. The defendant MR hit the victim's head repeatedly with the hoe until victim A suffered a torn head injury and died. It is suspected that the defendant MR has a psychological disorder, namely Psychopathy where a personality condition is characterized by a lack of empathy and remorse, manipulative behavior, ongoing antisocial behavior, and high-risk or impulsive behavior, because psychopathy is often associated with criminal behavior. In addition, the defendant MR also has intermittent explosive disorder, which is a mental health condition characterized by loss of control over anger which results in violence or destructive behavior, where the expression of his anger is by committing violence against his younger sibling with special needs with the initial A.

- 2) After the trial was held on January 10, 2022, the Lubuk Pakam Panel of Judges tried the defendant MR by taking into account Article 340 of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Code, where: Declared the Defendant MR, had been proven legally and convincingly guilty committed the crime of "Planned Murder" as in the First Primary indictment; Sentenced punishment to the Defendant therefore with life imprisonment; Stipulates that the Defendant remains in custody; Stated the evidence in the form of: 1 (one) unbranded brown wooden handle hoe, 1 (one) checkered sarong, floral bed sheet, corset, bra/bra, leggings, long-sleeved shirt, shorts and a cloth (all bloodstained and unbranded), 2 (two) bloodstained and unbranded panties, 1 (one) unbranded pestle to be confiscated for destruction; Burden case costs to the State. This decision has been inkraht because the defendant MR has been proven guilty and the defense made by the defendant was rejected by the Lubuk Pakam Panel of Judges, so no further legal proceedings were taken and the defendant MR was found guilty on January 10, 2022.

While the proposed research suggestions are In the decision of the Panel of Judges, Judge Lubuk Pakam tried the accused MR by taking into account Article 340 of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Code, it was correct, but it needs to be reviewed again that the defendant MR also committed the criminal act of raping the victim before committing murder, so that the defendant MR should also be tried under Articles 285 to 290 of the Criminal Code in accordance with the actions taken. However, the decision of the Panel of Judges of Lubuk Pakam to try the defendant MR with life imprisonment is in accordance with the crimes committed by the defendant MR.

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