



Legal Analysis Of Criminal Liability In The Case Of Premeditated Murder Motivated By Infidelity Based On Court Decision Number (1100/PID. B/2024/PN. MDN)

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Received [22-07-2026]

Revised [23-08-2026]

Accepted [25-08-2026]

Abstract. The crime of murder is the most serious offense in criminal law because it directly violates the most fundamental human right, namely the right to life. One of the motives that often underlies premeditated murder is adultery, which triggers emotional conflict, jealousy, and revenge. This study aims to analyze the elements of premeditated murder and the criminal liability of perpetrators in cases of premeditated murder motivated by adultery based on the Medan District Court Decision of the State of Medan Number 1100/Pid.B/2024/PN.Mdn. The author uses a normative juridical legal research method with a legislative approach, a conceptual approach, and a case approach. The legal materials used include primary, secondary, and tertiary legal materials, which are analyzed qualitatively and normatively. Adultery as a motive cannot be used as a justification or excuse, but in judicial practice it can influence the judge's consideration in imposing a sentence. The verdict imposing a prison sentence of 12 years shows that the judge considered the emotional aspects and background of the perpetrator, even though this has sparked debate regarding the fulfillment of the principles of justice, legal certainty, and benefit.

Keywords: *Criminal Liability, Premeditated Murder, Adultery, Court Verdict.*

INTRODUCTION

The crime of murder is one of the most serious criminal acts in the criminal law system in Indonesia, because it directly violates the right to life as a fundamental human right as stipulated in the 1945 Constitution (Samara et al., 2023). This act not only causes losses individually and to the victim's family, but can have a major impact on social order and public trust in the criminal justice system. According to (Nofianti et al., 2023) that in a sociological view, the act of murder can also be categorized as a form of deviant behavior, namely acts that are contrary to the norms that apply in society. Therefore, in the application of the provisions of criminal law, especially in articles related to murder, both planned and unintentional, the government, especially for law enforcers, is required to enforce the law fairly in order to provide a balance between perpetrators, victims and the impact on society.

In the implementation of justice, the crime of murder with a planned element is often triggered by the motive of infidelity so that it can cause anger, jealousy and revenge that encourages the perpetrator to commit acts of violence to take someone's life. Although infidelity is regulated as a complaint offense in Article 284 of the Criminal Code Law No. 1 of 1946, the motive for the infidelity cannot be used as a justification or excuse for the occurrence of the crime of premeditated murder. However, in its implementation, circumstances like this are often a consideration for judges in determining the severity of punishment for perpetrators in order to create the principles of justice, the principle of utility, and legal certainty, especially for the victim's family, the community, and the perpetrator himself.

One of the interesting cases to be studied is the Medan District Court Decision Number 1100/Pid.B/2024/PN.Mdn, where the defendant was proven to have committed premeditated murder with the motive of infidelity and was sentenced to 12 years in prison. A verdict like this is a highlight for the public, especially a very serious criminal offense when compared to the maximum criminal threat in Article 340 of the Criminal Code Law No. 1 of 1946. This raises questions about the basis of judges' considerations in assessing the elements of intentionality, planning, and criminal liability against the perpetrators, especially related to the influence of the motive of infidelity on criminal sentencing.

In a comparison of criminal law, the Medan District Court Decision Number 1100/Pid.B/2024/PN.Mdn which uses Article 340 of the Criminal Code shows that there is an inequality between the severity of the crime of premeditated murder and the sentence imposed, which is only 12 years in prison even though the elements of intentionality and planning have been proven in their entirety. This indicates that the application of Article 340 of the Criminal Code in practice still provides considerable space for the subjectivity of judges through the consideration of mitigating matters, so that it has the potential to cause disparities in verdicts and weaken the principle of proportionality in punishment. On the other hand, the new Article 459 of the Criminal Code in Law Number 1 of 2023 comes with the spirit of criminal law reform that emphasizes the balance between legal certainty, justice, and utility, while leading to limiting the subjectivity of judges through a more targeted criminal pattern. Therefore, it can be seen that the verdict that is still based on Article 340 of the Criminal Code tends not to fully reflect substantive justice, while the new Article 459 of the Criminal Code is expected to be able to be a more ideal basis in realizing proportionate and consistent punishment in premeditated murder cases.

Based on this description, this study is focused on analyzing the elements of premeditated murder and criminal responsibility for perpetrators in cases of premeditated murder motivated by infidelity based on the Medan District Court Decision Number 1100/Pid.B/2024/PN.Mdn. so that in this study it can contribute as much as academics to the development of criminal law and can be a consideration for criminal justice practice so that can be in line with the principles of justice, legal certainty and utility.

LITERATURE REVIEW

Theoretical Review

According to (Supriyadi, 2015), criminal law in Indonesia should not be applied based only on written rules. However, it must also consider human values and justice with the aim of maintaining order and protecting people's right to life. For this reason, law enforcement is required to not only pursue legal certainty, but must pay attention to the sense of justice, especially for the victim's family, and the community. An unbalanced criminal verdict will have a huge impact on the life of the community. So that it will be a hot discussion for the community, and will have the potential to lose public trust in the application of the law in Indonesia (Yohanes Reston N A et al., 2026).

METHODS

This research is a normative juridical law research conducted through the study of primary, secondary, and tertiary legal materials, using legislative, conceptual, and case approaches, especially on the Medan District Court Decision Number 1100/Pid.B/2024/PN.Mdn. Primary legal materials include the Criminal Code, the new Criminal Code (Law No. 1 of 2023), and court decisions, while secondary legal materials are in the form of books and scientific journals, as well as tertiary legal materials in the form of legal dictionaries and encyclopedias. The collection of legal materials is carried out through literature studies, which are then

analyzed qualitatively normative by interpreting laws and regulations and legal theories to answer research problems.

RESULTS

Criminal elements against the case of premeditated murder motivated by infidelity.

In the Medan District Court Decision Number 1100/Pid.B/2024/PN.Mdn, it is a criminal case decision related to the crime of murder committed by the defendant against the victim against the background of a personal relationship conflict triggered by the issue of infidelity. In this case, the public prosecutor filed alternative charges, namely Article 340 of the Criminal Code Law No. 1 of 1946 concerning premeditated murder, Article 338 of the Criminal Code Law No. 1 of 1946 concerning murder, and Article 351 paragraph (3) of the Criminal Code Law No. 1 of 1946 concerning persecution resulting in death.

The use of alternative indictments aims to provide space for judges to determine the most appropriate legal provisions to be applied based on facts proven at trial. In the practice of criminal procedure law, this form of indictment is often used by public prosecutors when facing uncertainty in determining the defendant's actions into a certain delicacy formulation. According to (Hapsari & Santoso, 2024), alternative indictments function to avoid the risk of failure to prove due to errors in formulating indictments in a single manner. In the use of alternative indictments, it must reflect the principle of prudence (prudence) of the public prosecutor in carrying out the prosecution function. We need to remember that each criminal act has different elements, so if one of the charges is not proven, then there are still other charges that can be considered by the judge. However, in the use of alternative indictments, they must still meet the formal and technical requirements as stipulated in the provisions of the criminal procedure law, so as not to conflict with the principles of legality and the principle of legal certainty.

Based on the facts revealed at the trial, the defendant consciously stabbed the victim using a sharp weapon (knife) on the victim's body parts, resulting in the victim's death. In proving the charges, the public prosecutor submitted evidence in the form of witness statements, defendants' statements, sharp weapon evidence, and the results of the visum et repertum explaining the cause of the victim's death. According to (Pratama, 2020) that in criminal justice practice, the proof of alternative charges is highly dependent on the evidence presented, it is important to determine whether the element of premeditated murder or just ordinary murder is legally proven.

Therefore, the panel of judges considered that the defendant's actions had fulfilled the elements of the crime of premeditated murder in accordance with Article 340 of the Criminal Code Law No. 1 of 1946, namely the existence of an element of intentionality (*Mens Rea*), the existence of elements of prior planning and the act of taking the life of another person. Then the panel of judges also stated that the defendant was capable of criminal responsibility because no justification or excuse was found. In handing down the verdict, the judge considers aggravating and mitigating matters, including the consequences of actions that take the lives of others and the attitude of the defendant who admits and regrets his actions. So based on these considerations, the panel of judges stated that the defendant was legally and convincingly proven guilty by committing the crime of premeditated murder and sentenced him to 12 years in prison. In discussing the elements of the crime of premeditated murder, it is necessary for us to know that the legal basis for the crime of premeditated murder is stated in Article 340 of the Criminal Code Law No. 1 of 1946. That is, "Whoever deliberately and with the intention of taking the life of another person, is threatened with premeditated murder with the death penalty or life imprisonment or for a certain period of time, not more than twenty years". Thus, before further analysis is carried out, it can be affirmed that the defendant's actions in this case have juridically fulfilled all the criminal elements of premeditated murder as stipulated in Article 340 of the Criminal Code Law No. 1 of 1946.

Element of intentionality (*mens rea*)

The element of intentionality in criminal law, or often called (*opzet*) is a very important subjective element in the crime of premeditated murder (Moeljatno, 2008). Intentionality can be considered as the attitude of the perpetrator who consciously knows the consequences of his actions, but also indeed wants the consequences to occur. With the element of intentionality, the perpetrator is no longer seen as just a coincidence, but deliberately does his act consciously to take the lives of others. The will and knowledge of the perpetrator are very decisive in proving *mens rea*. The will/desire can be seen from the intention of the perpetrator to commit the act, while knowledge shows that the perpetrator is aware of the risks and consequences that will arise. So that when we look at the crime of premeditated murder, the perpetrator does not act just like that, but with consideration and awareness of the legal consequences and those that will be experienced by the victim.

In the case of murder motivated by infidelity, it is often a trigger for the emergence of malicious intentions. Among them are jealousy, heartache so that emotional feelings are formed and become mental and psychological pressure which then develops into a will to commit violence. According to (Sumarno & Syahrannuddin, 2022) violence is not only physical, but can also be in the form of psychological violence that causes fear and pressure on the victim. So according to the author, these conditions show that conflicts that start from personal relationships, such as infidelity, can develop into more serious forms of violence to lead to the crime of murder. However, when viewed legally, these emotional reasons do not remove the element of intentionality, but rather show the existence of an inner process that leads to the formation of an intention to take the victim's life (J. Dollard et. Al). According to Sudarto (2009), that errors in a criminal law are very related to a person's mental attitude towards his actions and the consequences caused, which emphasizes that *mens rea* is a psychological assessment of the intentions of the perpetrator.

Intentionality is based on the will (*de wil*) which is directed at the realization of an act that is prohibited or required by law as described in the theory of will (*wilstheorie*), but this view is criticized by the theory of expectation (*voorstellingstheorie*) which states that the perpetrator does not always definitively want the outcome, but only estimates or expects it. Although they differ in the point of departure, the two theories in practice do not have a fundamental difference because they both show a close relationship between the inner attitude of the perpetrator and the consequences caused. In another context, a similar view is also put forward by (Lestari, 2017) who emphasizes that intentionality is related to the will directed at the realization of the act and its consequences, thus strengthening the understanding that intentionality is the relationship between the will of the perpetrator and the consequences caused.

So if the author looks at the decision of the Medan District Court Number 1100/Pid.B/2024/PN.Mdn, the panel of judges considers that the element of intentionality has been fulfilled based on the facts both from the witness statement, the defendant's testimony and the results of visum et repertum, where the defendant consciously stabbed the victim using a sharp weapon. So that the action was not carried out accidentally, but with a clear intention to injure the victim.

Elements of planning in advance

The element with premeditated murder is an element that distinguishes ordinary murder in accordance with Article 338 of the Criminal Code Law No. 1 of 1946 and premeditated murder as stipulated in Article 340 of the Criminal Code Law No. 1 of 1946. Where this element explains the grace period between the emergence of intention and doing the deed. The tense time here can provide an opportunity for the perpetrators to think calmly, consider their actions, and choose whether the intention will still be canceled or implemented. In the sense of the grace period, it is not always measured by the length of time but how the perpetrator thinks calmly, to

do his deeds. According to Andi Hamzah (2019), what is important is not the length of time, but the space for the perpetrator to weigh his actions consciously. If the perpetrator still has the opportunity to cancel his intention, but continues his actions, then the planning element can be considered fulfilled. If the intention, the grace period, and the execution are interrelated, then the act is not considered to be accidental, but rather the result of the action that has been considered beforehand. So that the planning element becomes an important basis in assessing the mistakes and the severity of the crime that can be imposed on the perpetrator.

So that if you look at Decision No.1100/PID. B/2024/PN. MDN, where the panel of judges considered that the defendant's actions were not carried out spontaneously. There was a series of incidents that showed the preparation and willingness of the defendant to commit his act, where the facts showed that the defendant carried a sharp weapon purchased in the market and used it to stab the victim. From the incident that occurred, the panel of judges concluded that the elements with the plan in advance had been fulfilled.

Elements of the act of taking life

Taking the life of another person is an objective element in the crime of murder as stipulated in Article 340 of the Criminal Code Law No. 1 of 1946. In this explanation, there must be real actions from the perpetrator so that it results in someone's death. Therefore, it will not be enough if it is only proven by the existence of an intention, but it can prove that the perpetrator's actions have caused the loss of someone's life. In the doctrine of criminal law, this element requires a clear cause-and-effect relationship between the perpetrator's actions and the consequences in the form of the loss of the victim's life, so that the death of a person must be proven to be caused by the perpetrator's actions (Lamintang).

In this case, this element has been proven through the results of visum et repertum which states that the victim died due to stab wounds inflicted by the defendant. In addition, there were also witness statements who saw the incident and the defendant's confession also strengthened that the act had been done consciously. So that upon the fulfillment of this element, it can be legally concluded that the defendant's actions have fulfilled the element of taking the life of another person as stipulated in Article 340 of the Criminal Code Law No. 1 of 1946.

Based on the discussion of proving elements of Article 340 of the Criminal Code Law No. 1 of 1946. It can be concluded that all elements of the crime of premeditated murder have been proven in this verdict. Where the panel of judges also considered valid evidence in accordance with the provisions of Article 184 of the Criminal Code Law No. 1 of 1946, namely witness statements, defendant statements, letters in the form of visum et repertum, and evidence in the form of sharp weapons. With that, upon the fulfillment of these elements, it is legally that the defendant's actions have fulfilled the elements of taking the life of another person as stipulated in Article 340 of the Criminal Code Law No. 1 of 1946.

As a form of national criminal law reform, the elements of premeditated murder as stipulated in Article 340 of the Old Criminal Code basically have similarities in the core of their regulation with the provisions in Article 459 of the new Criminal Code (Law Number 1 of 2023), especially related to the elements of intentionality, prior planning, and the act of taking the life of another person. However, the new Criminal Code not only maintains the formulation of these elements normatively, but also leads to a more structured and balance-oriented pattern of punishment between legal certainty, justice, and utility. Thus, when compared, the old Criminal Code focused more on proving the elements of the crime alone, while the new Criminal Code began to integrate the proof of elements with the purpose of criminalization more thoroughly and deeply. This shows that although there is no significant difference juridically in the elements of the crime, in the context of the application and orientation of the penalty, the new Criminal Code provides a clearer direction in realizing proportionate and fair punishment in premeditated murder cases.

DISCUSSION

Analysis of Criminal Responsibility of Perpetrators in the Case of Planned Murder Motivated by Infidelity Based on Decision Number 1100/Pid.B/2024/PN.Mdn

Criminal liability is a basis in criminal law to determine whether a person can be convicted for his actions, where criminal liability requires the ability to be responsible, fault (*Schuld*), and the absence of justifiable and forgiving reasons. This is also in line with the research (Rahmat setiawan under the guidance of Sumarno), that criminal liability is an important basis in determining whether or not a person can be convicted for an act that results in the loss of a person's life. So in this case, the author will analyze the criminal liability of the perpetrator in the case of premeditated murder motivated by infidelity based on Decision Number 1100/Pid.B/2024/PN.Mdn. as stipulated in Article 340 of the Criminal Code Law No. 1 of 1946.

Based on the facts of the trial, the defendant was in a conscious condition, physically and spiritually healthy, and able to understand the consequences of his actions. Where there are no mental disorders or circumstances that can remove the ability to be responsible. Because a person can only be held criminally responsible if he is able to realize his actions and do his actions in accordance with that awareness. Actually, this responsible ability is related to the perpetrator's psychiatric condition when committing a criminal act. In criminal law, this ability includes two main aspects, namely:

1. Intellectual ability, where this ability understands that his actions are wrong or prohibited by law.
2. Volitional ability (intention/will), which is the ability to control one's will in accordance with the legal consciousness.

In Indonesian criminal law, inability to be responsible is regulated in Article 44 of the Criminal Code Law No. 1 of 1946, which states that a person cannot be convicted if he commits an act due to mental disorders or mental developmental defects. In case No. 1100/Pid.B/2024/PN.Mdn., the author saw that no fact was found that the perpetrator

experiencing mental disorders, loss of consciousness, and being under pressure that completely takes away self-control. But on the contrary, the facts show that the perpetrator was aware of committing the act, was able to explain the chronology of the incident, and the perpetrator carried out the action in a directed manner. Thus, it can be concluded that the perpetrator has intellectual ability and complete volitional ability, so that the perpetrator is able to be criminally responsible. This opinion is in line with the view (Sianipar et al., 2025) which states that criminal liability can only be imposed on a person who has the ability to be responsible, commits an act with an element of guilt, and there is no reason that can abolish the crime. Thus, in case Number 1100/Pid.B/2024/PN.Mdn, the defendant can still be held criminally liable because all of these elements have been met, so there is no basis that can eliminate the guilt or criminal charges imposed on him.

The element of guilt (*Schuld*) in criminal law is a very important part in determining whether or not a person can be held criminally responsible for his actions. Guilt reflects the inner relationship between the perpetrator and the act he committed, in criminal law doctrine it is generally in the form of intentionality (*dolus*) or forgetfulness (*culpa*). So when viewed from the case through the Medan District Court Decision Number 1100/Pid.B/2024/PN.Mdn, where the mistake committed was not negligence, but an action that was done consciously and willingly by the perpetrator/defendant. If analyzed more deeply, the form of intentionality in this case cannot be categorized as ordinary intentionality, but is included in the category of *dolus directus* (direct intentionality). This can be seen from the fact that the defendant stabbed the victim's vital parts of the body using a sharp weapon purchased at the market in the afternoon, until the morning the perpetrator was still helping his wife to sell and after breakfast the perpetrator finally decided to commit his act.

According to Andi Hamzah, *dolus directus* is a form of intentionality that has the highest level of error in criminal law, because the perpetrator is not only aware of the possible consequences of his actions, but also directly wants the consequences to occur. When viewed from the perspective of criminal law theory, the level of error has a very close relationship with the severity of the crime imposed. Where the higher the level of error of the perpetrator, the heavier the penalty that should be imposed. So in this explanation, the existence of *dolus directus* which is strengthened by the planning element shows that the defendant's fault is in a very heavy category. Therefore, in theory, these conditions should have an impact on the imposition of heavier and more balanced sentences.

In the case of Decision Number 1100/Pid.B/2024/PN.Mdn, the judge did not find any forced defense (*noodweer*), emergency and mental disturbance. Rather, the defendant is proven to have committed his act in a conscious state, without any pressure that eliminates the ability to control himself, so that he can still be held fully criminally responsible. The motive of the act only serves as an explanation of the background of the act, not as an element of the criminal act. Where in accordance with the Opinion (Yulius soni Kurniawan, 2023), which states that the motive for premeditated murder is not an element in Article 340 of the Criminal Code, so it cannot be used as the main basis for mitigating crimes. Therefore, if the motive is used as a reason to mitigate the crime, it will have an impact on the loss of the principle of justice, because it is not proportional to the severity of the act that has taken a person's life.

The principle of proportionality is one of the fundamental principles in criminal law that requires a balance between the level of the perpetrator's offense and the crime imposed. When viewed from the scope of the penalty, proportionality serves as a basis/benchmark to assess whether the judge's decision has reflected substantive justice, especially in cases related to serious crimes such as premeditated murder. In judicial practice in Indonesia, the application of the principle of proportionality still faces various obstacles, such as the disparity of decisions. the subjectivity of judges in assessing mitigating and burdensome factors and the absence of nationally binding sentencing guidelines. Therefore, due to the absence of clear standards, this has the potential to cause inconsistencies in decisions on similar cases. For this reason, we can conclude that the principle of proportionality has not been fully applied optimally in criminal justice in Indonesia and causes injustice for victims and society (Faizan et al., 2025). This principle is also closely related to the protection of human rights, especially the right to fair treatment before the law. Non-proportional punishment not only injures the sense of justice, but has the potential to violate the principle of *due process of law*, because it does not reflect the balance between the state's interest in punishing and the inherent rights of both the victim, the perpetrator and especially the impact caused in the midst of society.

In the Medan District Court Decision Number 1100/Pid.B/2024/PN.Mdn, the panel of judges sentenced him to 12 years in prison by considering mitigating factors, such as the defendant's remorseful attitude and being polite during the trial. However, according to the author, these considerations can be considered unbalanced when compared to the severity of the criminal act committed, namely premeditated murder, and the consequences caused in the form of permanent loss of a person's life. Within this scope, the imposition of a criminal sentence should not only consider the subjective condition of the perpetrator, but also pay attention to the level of error and the objective impact of the act both from the victim, the victim's family and the wider community. When viewed from the view (Yusuf & Basri, 2017), it shows that the development of modern criminal law leads to an approach that emphasizes substantive justice, including a balance between the interests of the perpetrator, the victim, and the community. This approach then develops further by emphasizing the importance of a balance between the interests of the perpetrator and the victim in the law enforcement process (Yusuf et al., 2021). Likewise, if we look at the reform of the national criminal law, especially in the new Criminal Code, which emphasizes the importance of the principle of balance between legal

certainty, justice, and utility. The new Criminal Code does not only look at the aspect of punishment, but also opens up space for a more humane and proportional approach in criminal sentencing.

When analyzed in the view of the theory of retributive justice, as stated by (Immanuel Kant), crime is a form of moral retribution that must be proportional to the fault of the perpetrator. In this discussion, the imbalance between the severity of the offense and the severity of the punishment imposed reflects a failure to apply the principle of proportionality of punishment. In the case of premeditated murder, the principle of proportionality is very important because the crime has a high level of error and very serious consequences. If the crime imposed is not proportional to the level of the offense, there will be an imbalance between crime and punishment, which can ultimately reduce the sense of justice in society. In addition, according to (Barda Nawawi Arief, 2010) criminalization must reflect a balance between the faults of the perpetrators and the protection of the community. However, in

In this decision, the judge actually emphasized the subjective factors that make the punishment of the perpetrator more important than the objective impact of the act, namely the loss of life as a person's right to life that cannot be restored. Then this is also reinforced by research (Hasana & Islahuddin, 2025) which states that the excessive use of mitigating factors in premeditated murder cases can cause criminal imbalances. If you look at it more deeply, the principle of proportionality not only emphasizes the balance between the wrongdoing of the perpetrator and the crime imposed, but the judge is also required to be more consistent in using the basis of his consideration. This is important so that subjective considerations, such as the perpetrator's remorse and having never been punished, are not more dominant than the real impact of the criminal act, namely the loss of a person's life. In the case of premeditated murder, conditions like this show that there is an imbalance between the seriousness of the act and the crime imposed. In addition, the absence of a clear measure in assessing the balance can cause judges' decisions to be inconsistent and tend to depend on the judgment of each judge. Therefore, the main problem in the application of the principle of proportionality lies not only in the theory, but also in how to apply the principle in judicial practice, especially in placing appropriately between subjective and objective factors in criminal sentencing (Situmorang et al., 2025). Furthermore, the effectiveness of indictments and verdicts in criminal law is not solely on the fulfillment of the elements of criminal acts, but also seen from the extent to which the verdict is able to reflect a sense of justice in society. In this case, justice is not only related to legal certainty, but also concerns the suitability between the severity of the act and the crime imposed (Hardini¹ et al., 2026). So when associated with this case, the imposition of a criminal sentence against the defendant has not fully reflected this effectiveness, because there is still an imbalance between the acts committed and the sanctions imposed by the judge.

In the comparison of criminal law, criminal liability in the old Criminal Code basically focuses more on the fulfillment of the elements of guilt (*schuld*), the ability to be responsible, and the absence of justification and forgiveness, but it has not been followed by a clear regulation regarding its relationship with the purpose of the crime. As a result, in practice such as in Decision Number 1100/Pid.B/2024/PN.Mdn, criminal liability tends to only stop at proving the perpetrator's guilt, without ensuring that the crime imposed is really proportional to the level of error and the consequences caused. In contrast to the new Criminal Code (Law Number 1 of 2023), which not only maintains the basic concept of criminal responsibility, but also links it directly to the purpose of criminalization, the balance of interests between perpetrators, victims, and the community, and the principle of proportionality. Thus, the fundamental difference between the two lies in their orientation, where the old Criminal Code is still formal and focuses on whether the perpetrator can be convicted or not, while the new Criminal Code leads to a more substantive approach by emphasizing how crimes are handed down in a fair, proportionate manner, and reflecting more comprehensive justice.

CONCLUSION

Based on the results of the research, it can be concluded that the elements of the crime of premeditated murder as stipulated in Article 340 of the Criminal Code have been fulfilled in the Medan District Court Decision Number 1100/Pid.B/2024/PN.Mdn. The element of intentionality can be seen from the will of the perpetrator to eliminate the victim's life, the element of planning is shown through the time gap and preparation before the act is committed, and the element of eliminating life is proven through the real consequences in the form of death victims equipped with valid evidence. Thus, juridically, the defendant's actions have fulfilled all the elements of premeditated murder.

Criminal liability against the perpetrator in this case can be declared fulfilled because the perpetrator has the ability to be responsible, where the perpetrator commits the act with direct intention or can be called *dolus directus*, and no justification or forgiving reason is found. However, when viewed from the principle of proportionality, the imposition of a prison sentence of 12 years still shows the possibility of an imbalance between the high level of offender error and the sentence imposed. In addition, although the motive for infidelity is normatively not a justifying or forgiving reason, its existence as a background to the event shows that in criminal practice there is still room for considerations outside the juridical aspect that can affect the balance in criminal imposition. This condition shows that the application of the principle of proportionality in the criminal justice system has not fully had a clear and consistent measure.

Suggestions

There is a need for clearer and measurable criminal guidelines in the criminal justice system in Indonesia, especially in premeditated murder cases. With these guidelines, it is hoped that judges will have a more objective reference in assessing the balance between the level of offender and the crime imposed, so that the application of the principle of proportionality can run more definitely or consistently.

In passing the verdict, the judge should emphasize more on objective factors, such as the level of error and the consequences arising from the act, rather than the subjective factors of the perpetrator. This is very important so that there is no imbalance in the punishment and still maintains a sense of justice, legal certainty and benefits for all parties.

LIMITATION

The scope of this study is limited to a normative juridical analysis centered on Medan District Court Decision Number 1100/Pid.B/2024/PN.Mdn using statutory, conceptual, and case approaches, together with primary, secondary, and tertiary legal materials as described in the research method.

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