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NORMATIVE JURIDICAL ANALYSIS OF JUDICIAL RULINGS IN HOMICIDE CASES

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Abstract

This study aims to analyze the application of substantive criminal law regarding the crime of murder and to evaluate the ratio decidendi of the North Jakarta District Court panel of judges in imposing a criminal sanction on the defendant, Fauzan Fahmi (Ome). The primary issues examined include the legal provisions governing murder under Articles 338 through 340 of the Indonesian Criminal Code (KUHP) and the judges' legal reasoning in determining the sanction for the defendant. The study employs a normative-juridical legal research method, utilizing statutory, conceptual, and case-based approaches. The findings indicate that the regulation of murder within the Criminal Code is structured hierarchically based on the gradation of culpability (verwijtbaarheid). The application of Article 338 of the Criminal Code in this specific case was legally sound, as the intent to kill arose spontaneously due to provocation by the victim's words, without a "cooling-off" period for reflection (in kalme beraad). The panel of judges imposed a 14-year prison sentence based on the cumulative fulfillment of all elements of Article 338, established through scientific crime investigation methods, specifically the Visum et Repertum (forensic medical report) and DNA testing. The judges' sociological and philosophical considerations incorporated the Integrative Theory of Sentencing, balancing the social impact of the crime and the defendant's status as a recidivist against the educational and corrective functions of sentencing.

Keywords: Article 388, Criminal Code, Homicide, Judicial Considerations, Proportionality of Sentencing

INTRODUCTION

Criminal law plays a crucial role as an instrument for maintaining social order and protecting the legal interests of human rights, society, and the state against acts that violate the values of justice (Permana & Rifai, 2025). In the context of criminal law enforcement, legal certainty requires highly rigid, precise, and clear indicators regarding the boundaries of acts classified as criminal offenses (strafbaar feit) (Ardiansyah & Yustrisia, 2026). This becomes particularly fundamental and sensitive when dealing with crimes that violate the most basic human right: the right to life. The right to life is a non-derogable right one that cannot be suspended under any circumstances recognized not only in Article 28A of the 1945 Constitution but also in various international legal instruments, such as the Universal Declaration of Human Rights. Ideally, criminal laws governing crimes against life are formulated to provide absolute and uncompromising protection for every individual. The Criminal Code (KUHP) applicable in Indonesia establishes strict prohibitions against the taking of a life within Book II (on Crimes), specifically, these provisions range from Article 338, concerning ordinary homicide (doodslag), to Article 340, concerning premeditated murder (Herawati et. al., 2026).

The substantive norms set forth in the Criminal Code logically require law enforcement officials at every stage from preliminary inquiry and formal investigation to prosecution and adjudication to carry out their duties with diligence, professionalism, transparency, and accountability. Fulfilling this obligation must rely on the procedures mandated by the Criminal Procedure Code (KUHAP) to uphold the rule of law a concept that should balance the three pillars of legal purpose defined by Gustav Radbruch: legal certainty (Rechtmäßigkeit), justice (Gerechtigkeit), and utility (Zweckmäßigkeit) (Besse, Pawennei & Hambali, 2022). At the apex of the judicial process, the judge stands as the final bastion for those seeking justice. As a "representative of God" on earth and a primary instrument of independent judicial power, a judge is ideally expected to possess competence, moral integrity, and robust theoretical and practical capabilities. This balance of attributes is essential to ensure that sentencing decisions are truly objective, free from intervention or discrimination, and fully grounded in the principle of geen straf zonder schuld (no punishment without fault) or the concept of mens rea (Ayomi, Rahawarin & Hammar, 2026). Judges are required to be more than mere mouthpieces for the law; they must also be capable of exploring, acknowledging, and understanding the legal values and sense of justice that exist within society (Febiola & Ismono, 2026).

However, the situation on the ground often reveals an empirical reality that starkly contradicts these ideal values and legal postulates. Social dynamics, economic pressures, moral degradation, and the psychological instability of modern society have given rise to increasingly complex and brutal forms of crime. Crimes against life specifically murder accompanied by heinous post-mortem acts such as dismemberment or mutilation, the burning of remains, and the concealment of the victim's identity remain all too frequent occurrences within society (Nabil et. al., 2026). Acts of this nature not only devastate the victims and their families but also inflict profound shock, fear, and collective trauma upon society at large.

A significant real-world instance of law enforcement regarding homicide one that has captured the attention of both the public and academia is exemplified by a case recently adjudicated at the North Jakarta District Court. In this case, the defendant, Fauzan Fahmi (Same of Ome), was charged with taking another person's life. The tragic event occurred on October 27, 2024, in the Muara Baru area of Penjaringan District, North Jakarta (Noviansah, 2024). During the incident, the defendant intentionally killed the victim; this act was followed by a series of heinous post-mortem actions, ultimately leading to the defendant facing criminal prosecution. The empirical reality of such exceptionally brutal cases presents immense analytical and evidentiary challenges for law enforcement agencies. Police and prosecutors face significant difficulties particularly in uncovering the perpetrator's true motive, gathering admissible evidence amidst a compromised crime scene, and accurately establishing the

perpetrator's subjective intent specifically by distinguishing between impulsive intent (opzet) and intent preceded by careful premeditation.

A critical legal dilemma arises regarding the element of premeditation (voorbedachte rade) when a killing occurs spontaneously yet culminates in gruesome post-mortem acts. This discrepancy frequently sparks controversy, critical debate, and public dissatisfaction concerning the consistency of legal application and the substantive justice of court rulings (Hamzah, 2010). In the social sphere, there is a confusion in public perception which sometimes even permeates the opinions of law enforcement officials themselves whereby heinous acts such as the mutilation of a victim's body are often automatically and rashly deemed absolute proof of premeditated murder (Article 340 of the Criminal Code) (Marpaung, 2005). Public pressure frequently demands the imposition of the death penalty or life imprisonment solely due to the gruesome state of the victim's remains. Yet, from the dogmatic perspective of substantive criminal law, there is a clear distinction between the criminal act that directly caused death (the crime of murder itself) and subsequent criminal acts committed after the victim had already died acts generally motivated by panic to conceal traces of the crime, destroy the body's identity, or obstruct the investigation (the spirit of which is addressed in Article 181 of the Criminal Code). Divergent interpretations regarding the time interval available to reconsider the decision to kill, and how to gauge the perpetrator's state of mind in the moments before the victim's life was extinguished, create a significant gap in discourse concerning the appropriateness of the charged article and the fairness of the imposed criminal sanctions (Hamzah, 2015).

The issue of offense qualification and the substantiation of the premeditation element is by no means new; rather, it has been dialectically supported and debated in various prior legal studies that sharply highlight the boundaries of criminal liability regarding crimes against life (Lamintang & Lamintang, 2012).

First, a robust doctrinal analysis has been presented by Ratnawati. She consistently asserts that premeditated murder cannot and should not be proven solely through the use of a lethal instrument (such as a sharp knife, poison, or firearm) or by the severity of the consequences and the extent of damage to the victim's body. An act can only be classified as premeditated murder (Article 340 of the Criminal Code) if it is established that the perpetrator had sufficient time to deliberate calmly (in kalme beraad). This timeframe must allow the perpetrator to weigh their actions, consider the risks, and ultimately execute their malicious intent while maintaining emotional control rather than acting in a sudden fit of rage triggered by provocation (Ratnawati, 2022). Second, a comparative study and reference to Kartika's fundamental insights clarify the psychological and legal boundaries of the term met voorbedachte raad (with premeditation) (Kartika, 2025). Kartika posits that this term presupposes an absence of haste. There must be proof of a genuine, rational, and objective opportunity for the perpetrator after the malicious intent has formed to retract or abandon the plan to kill, yet they choose to carry it out regardless. If the killing occurs within a very brief timeframe where the perpetrator's reasoning is clouded by emotion, the crime constitutes a spontaneous murder (Article 338 of the Criminal Code). Third, regarding procedural law and judicial practice, empirical and analytical research by Janna examines the judges' ratio decidendi. This research emphasizes that a sentencing judgment must be built upon a flawless logical structure, ensuring alignment between the public prosecutor's indictment, the strength of admissible evidence presented in court, and the established legal facts (Janna, 2026). Judges must not allow themselves to be influenced, intimidated, or swayed in their opinions solely by the heinous nature of acts committed after the victim's death or by the pressure of public opinion. Judges must steer the scales of justice back to the track of proving the elements of the criminal offense one by one. The various elaborations in this literature review clearly demonstrate that the debate regarding the classification of crimes against life specifically the

distinction between Article 338 and Article 340 of the Criminal Code and the calibration of judicial sentencing proportionality constitute real and tangible issues requiring a bold, independent, and scholarly approach to legal discovery (rechtsvinding).

As a comprehensive solution to these legal issues and gaps, this study proposes a normative juridical analysis approach to meticulously dissect and analyze the ratio decidendi of the panel of judges in the case of the defendant Fauzan Fahmi/Ome. The analytical breakthrough of this study specifically targets the deconstruction and differentiation of legal qualifications between "spontaneous malicious intent" realized instantly due to provocative emotions and the "element of premeditation," which is structured and calculated.

Furthermore, this study will evaluate the extent to which scientific crime investigation methods ranging from forensic medical examinations, Visum et Repertum, and forensic psychiatry to DNA analysis can assist judges in overcoming impasses when uncovering the perpetrator's state of mind (mens rea) at the time of the offense (tempus delicti). Additionally, the study will examine the integration of the Integrative Theory of Sentencing within the judges' sociological and philosophical considerations. This theory is relevant for assessing whether the imposed sanctions successfully synergize just retribution for the crime (retributive justice) with the rehabilitation of the offender (corrective justice) and the prevention of future crimes. Through a critical examination of these various aspects, this study ultimately aims to assess the accuracy with which the elements of Article 338 of the Criminal Code are satisfied and to recalibrate the principle of sentencing proportionality, thereby ensuring the realization of justice that balances the protection of the offender's human rights against arbitrary sentencing, the restoration of the victim's family's rights, and the assurance of legal protection for the general public.

RESEARCH METHODS

This study employs a normative-juridical legal research methodology also known as doctrinal legal research (Ediwarman, 2015). To examine the legal issues, the study utilizes the statute approach, the conceptual approach, and the case approach. Within this framework, the researcher conducts an in-depth analysis of the principles of substantive and procedural criminal law and evaluates the synchronization between statutory regulations and court rulings.

The primary focus of the analysis is the ruling by the panel of judges at the North Jakarta District Court regarding the criminal sanctions imposed on the defendant, Fauzan Fahmi (Ome). Data collection was carried out through a literature review to identify concepts, theories, opinions, and findings closely related to the crime of murder. The data collection tools involved three categories of legal materials. Primary legal materials were drawn from the Indonesian Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP). Secondary legal materials comprising textbooks, scholarly journals, newspapers, and seminar proceedings supported the analysis. Tertiary legal materials included legal dictionaries that provided supplementary definitions and explanations.

The data analysis technique applied was inductive qualitative analysis. The researcher analyzed the specific, concrete issues of the case at hand (in casu) and subsequently drew general conclusions based on the coherence of sentencing theories, criminal law principles, and criminal law doctrines (Ediwarman, 2015). This systematic process ensures that the arguments and interpretations presented are firmly grounded in methodological substantiation and consistent legal reasoning.

RESULT AND DISCUSSION

In adjudicating the murder case involving the defendant Fauzan Fahmi (Same of Ome), the Panel of Judges at the North Jakarta District Court comprehensively outlined the legal facts and dissected the elements of the criminal offense (Noviansah, 2024). Based on an analytical

review of the ruling in this case, the court did not merely consider the final outcome the loss of the victim's life but rigorously deconstructed every element of the criminal act (strafbaar feit). The substantiation of the case relied on a clear distinction between the objective and subjective elements of Article 338 of the Criminal Code (KUHP). Regarding the objective elements specifically the act of taking a life and the associated causality the Panel of Judges established the indisputable fact that the act of causing the victim's death was demonstrably and convincingly committed by the defendant. The establishment of a causal link (causaliteit) between the defendant's actions and the victim's death was not based solely on a confession but was strongly supported by a scientific approach to evidence gathering (scientific crime investigation). The Visum et Repertum report issued by forensic medical authorities provided scientific validation, confirming that the primary cause of the cessation of vital functions and thus the victim's death was unequivocally the result of physical violence inflicted by the defendant, specifically through strangulation.

Furthermore, in establishing the subjective element of intent (dolus or opzet), the Panel of Judges focused on a psychological analysis and the chronology of events leading up to the victim's death (Permana & Rifai, 2025). In criminal law, intent requires both the will and the knowledge (willens en wetens) on the part of the perpetrator. Facts revealed during the trial demonstrated that the Defendant's intent to kill arose suddenly or spontaneously. This intent emerged as an immediate reaction to provocation specifically, remarks made by the victim that offended the Defendant and triggered an instantaneous, explosive burst of anger. The sequence of events spanning the verbal provocation, the surge of emotion, and the physical act itself occurred within a very narrow timeframe. Consequently, the court ruled out the element of premeditation (voorbedachte rade), a mandatory prerequisite for the application of Article 340 of the Criminal Code. The judge carefully assessed that, amidst this whirlwind of explosive emotion, there was absolutely no interval of calm reflection (in kalme beraad) available to the perpetrator. There was no opportunity for the cognitive pause that would have allowed the Defendant to calculate the consequences of his actions, calmly contemplate the method of killing, or crucially abandon the fatal intent (Ardiansyah & Yustrisia, 2026).

The Defendant's behavior following the homicide presented a complex scenario requiring clear legal reasoning (rechtsvinding). One of the most striking and gruesome facts in this case was the dismemberment or mutilation of the victim's body, as well as the destruction of the skin on the victim's fingers. To the lay public unfamiliar with legal doctrine, such a heinous act of mutilation is often automatically assumed to constitute absolute proof of premeditated murder. However, the Panel of Judges dismissed this cognitive bias by applying the appropriate legal classification. Based on medical facts and testimony presented in court, the act of mutilation was carried out only after the victim had been confirmed dead from strangulation. Consequently, the mutilation was not an instrument or component of the murder plan; rather, it was a distinct, subsequent act driven by a different motive or intent namely, to conceal evidence of the crime.

Similarly, regarding the mutilation of the victim's fingertips, it was proven that the Defendant acted consciously and solely with the pragmatic aim of erasing the victim's biometric identity, thereby hindering the police in identifying the body and obstructing the investigation (consistent with the doctrine of obstruction of justice). There was also a recorded interval of approximately ten minutes during which the Defendant paused his actions. While the public and the prosecution might interpret this pause as an opportunity for reflection (Herawati et al., 2026), the judge's interpretation clearly established that this ten-minute window occurred after the act of killing (strangulation) had been fully consummated and the victim was already deceased. This post-mortem interval was deemed closely linked to plans for disposing of the body and destroying evidence, rather than a plan to take a life. Consequently, this series of heinous post-mortem acts cannot be retroactively applied to substantiate the

element of "premeditation" required under Article 340 of the Criminal Code.

Based on the evidence pointing to Article 338 of the Criminal Code, the Panel of Judges sentenced the Defendant to fourteen years in prison. The rationale for imposing such a severe sentence falling just one year short of the maximum fifteen-year penalty under Article 338 reflects a carefully crafted blend of legal, sociological, and philosophical arguments. From a legal standpoint, the verdict is underpinned by evidentiary standards as stipulated in Article 184 of the Criminal Procedure Code. The judges established a coherent alignment among various forms of evidence: witness testimonies, the defendant's statement, physical evidence from the crime scene, documentary evidence, and expert testimony specifically DNA test results and the Visum et Repertum (forensic medical report). The convergence of all this evidence instilled a firm conviction in the judges, leaving no room for reasonable doubt. In determining the severity of the sentence, the Panel of Judges applied the Integrative Theory of Sentencing (Verenigings Theorieen). This theory prioritizes not only a proportionate retributive response to the loss of life but also aims for the offender's correction and the prevention of future offenses. A critical aggravating factor and the foundation for the harsh sentence was the Defendant's status as a repeat offender (Besse, Pawennei & Hambali, 2022). This recidivism indicates that prior sentencing measures failed to reform the Defendant's morality and behavior (Ayomi, Rahawarin & Hammar, 2026). Furthermore, the Defendant's actions caused massive, destructive damage to the social fabric, spread fear, and inflicted deep, enduring psychological trauma upon the victim's surviving family.

An interpretation of the juridical data from this entire process reveals that the Panel of Judges at the North Jakarta District Court acted with a high degree of independence and proportionality, avoiding entrapment by public assumptions or opinions lacking a basis in material evidence. The regulation of homicide offenses in Indonesian positive law derived from the legacy of the Wetboek van Strafrecht (Criminal Code) is structured according to a hierarchy or gradation of culpability (verwijtbaarheid). The most essential and fundamental distinction between ordinary homicide (Article 338) and premeditated murder (Article 340) hinges on proving the existence of the element of premeditation. This ruling serves as an excellent precedent regarding how substantive criminal law should be applied based strictly on the internal state of affairs at the time the crime occurred (tempus delicti), rather than on events that transpired subsequently (Febiola & Ismono, 2026).

The alignment between the analysis results and the legal hypothesis of this study is also clearly evident. There is strong coherence between the dogmatic conceptual framework of criminal law and the verdict handed down. Criminal responsibility is not measured merely by the commission of the wrongful act (actus reus); rather, it must rest firmly on the pillars of the perpetrator's culpability (mens rea) and their capacity to be held accountable. The initial normative hypothesis suggesting that post-offense brutality (such as mutilation) often complicates a judge's ability to distinguish between the application of Article 338 and Article 340 of the Criminal Code was addressed with great elegance in this ruling. The judges stood steadfast like a rock on the principle of legality, proving each element of the offense individually and distinctly (Nabil et al., 2026). They successfully distinguished the act of taking a life (as a material offense) from post-mortem conduct (such as obstructing the investigation or destroying evidence). The judge treated the verbal provocation by the victim which incited the perpetrator's emotions not as grounds for excluding criminal liability (whether as an excuse or a justification), but rather as an explanatory variable confirming the spontaneous nature of the defendant's dolus (intent), consequently, the element of premeditation was legally negated.

When weighed against the analyses and doctrines found in prior legal research, this judicial decision aligns perfectly with and reinforces the views of prominent criminal law scholars. The ruling directly affirms the position of Dutch legal expert Jan Remmelink, who posited that an absolute prerequisite for proving premeditated murder is the existence of a time

interval that affords the perpetrator a rational opportunity to abandon their malicious intent. This decision by the North Jakarta District Court refutes the erroneous notion ironically still held by some law enforcement officials that a momentary pause is invariably synonymous with premeditation. Furthermore, the judge's reasoning in this case is highly consistent with the arguments of national experts such as P.A.F. Lamintang, who clearly distinguish between taking a life in a state of sudden, intense anger (falling under Article 338 of the Criminal Code) and cold-blooded murder (Lamintang & Lamintang, 2012).

From the perspective of sentencing philosophy, the ratio decidendi of the ruling fully supports the application of the Combined Sentencing Theory a concept frequently championed by Indonesia's leading criminal law scholars (Janna, 2026). The judge framed the 14-year prison sentence not merely as a tool for absolute retribution for the suffering endured by the community and the victim's family (a purely retributive view), but also as a measure that strongly incorporates the element of social defense. This severe sentence aims to forestall future dangers posed by the anti-social character of a recidivist. This approach validates the theory of special prevention (speciale preventie), intended to deter the accused and rehabilitate their mindset to prevent reoffending, while simultaneously fulfilling the function of general prevention (generale preventie) by sending a firm, educational signal to the public regarding the inevitability of harsh sanctions for anyone who dares to take another person's life.

Although the Panel of Judges achieved impressive dogmatic precision and proportionality in sentencing, a crucial and fundamental issue arises when this ruling is viewed alongside modern victimological literature and developments. While the verdict upholds the principles of legal certainty and proportionality, the judge's ratio decidendi appears to rely on traditional conventions that focus excessively on restoring the relationship between the state (public law) and the offender. Attention to the plight of the victim's family does not yet seem to have been given balanced weight. Considerations regarding protection, compensation, or redress for the non-material and material losses suffered by the family whose lives were shattered by this crime remain minimal. The family's right to recover from trauma whether through offender restitution schemes or state support mechanisms has not been extensively addressed in the judge's sociological considerations. This reality implicitly confirms that the retributive justice paradigm centered on punishing the offender continues to dominate Indonesia's criminal justice landscape, whereas the dawn of restorative justice, which places victim restoration at the heart of the process, still requires further impetus and structural reform in the future.

CONCLUSIONS

The regulation of homicide offenses under current Indonesian law (the Criminal Code/KUHP, inherited from the Wetboek van Strafrecht) is structured in a graduated manner based on the perpetrator's level of subjective culpability. The crucial distinction between ordinary homicide (Article 338) and premeditated murder (Article 340) hinges entirely on the parameters of time and the perpetrator's state of mind specifically, the presence of a calm, deliberate resolve (met voorbedachte rade) to formulate the killing. A comprehensive analysis confirms that the North Jakarta District Court's application of Article 338 of the Criminal Code to the defendant, Fauzan Fahmi (Ome), was dogmatically precise. The intent to take a life arose spontaneously as a reaction to provocation, thereby precluding any opportunity for the defendant to rationally reconsider or abandon the intent. The act of post-mortem mutilation was purely a pragmatic attempt by the defendant to destroy evidence and did not serve as an indicator of prior premeditation. The imposition of a 14-year prison sentence resulted from logical and proportionate legal reasoning. The panel of judges adequately incorporated a scientific approach to evidence utilizing DNA testing and Visum et Repertum medical records. Regarding sentencing philosophy, the judges applied an Integrative Theory of Punishment,

balancing the retributive dimension stern condemnation of the act of taking a life with the preventive dimension aimed at curbing potential recidivism. Nevertheless, the discourse within the verdict regarding victim restoration (victimology) requires further strengthening.

Law enforcement officials are advised to consistently enhance their case-analysis capabilities by utilizing state-of-the-art forensic evidence and criminal psychology. Legal practitioners must exercise extreme caution to avoid the logical fallacy of automatically equating cruel post-mortem behavior with the offense of premeditation. Furthermore, the criminal justice system should respond to modern legal developments by more broadly accommodating the voices of justice for victims' families through both restitution and psychological support in order to realize the ideals of restorative justice more fully.

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