

IMPLEMENTATION OF CRIMINAL LAW PROVISIONS AGAINST SERIAL MURDERS IN INDONESIA

Cindy Oktaviany Pepa

Universitas Hasanuddin

Jln. Perintis Kemerdekaan Km.10, Tamalanrea, Makassar, South Sulawesi, 90245, Indonesia

Email: cindyokt@gmail.com

Abstract

This study analyzes the implementation of criminal law provisions and sentencing for serial killers in Indonesia, addressing critical gaps in the existing legal framework. Applying a normative legal research approach—employing statute, conceptual, and case analyses—the study identifies two key issues. First, Indonesian courts predominantly rely on Article 340 of the Criminal Code, which pertains to premeditated murder, owing to the absence of specific provisions for serial murders. This reliance induces inconsistencies in sentencing, as serial murders, owing to their unique characteristics, do not neatly align with existing legal definitions. Second, the study highlights the lack of explicit guidelines in the Criminal Code regarding the classification of serial murder and the minimum punishment for such crimes. Judges typically apply Article 340 in conjunction with other relevant articles. However, because of the absence of a standardized framework for determining the severity of serial murders, sentences vary, often leading to unjust outcomes. This study underscores the urgent need for legislative reforms in Indonesia to address these gaps, proposing the development of specific legal provisions for serial murders. By defining serial murder more accurately and setting unambiguous sentencing parameters, the law could ensure more consistent and just rulings. This study contributes to the ongoing discourse on criminal law reform in Indonesia, emphasizing the importance of adapting legal frameworks to better address emerging and complex criminal behaviors such as serial murder. The findings necessitate immediate attention to legal clarity and consistency in adjudicating severe crimes.

Keywords: Implementation; Criminal Law; Serial Murder.

Introduction

The implementation of criminal law in serial murder cases depends upon how the perpetrator has taken the victim's life as well as the impact caused. Khan viewed in punishment "a categorical imperative which means that a judge must punish a person because he has committed a crime."¹ Individuals convicted of serial murders will be sentenced to death or life imprisonment and considered for imprisonment for a specific time. This cannot be taken lightly because there are no standard guidelines explaining why the serial murder convictions often result in sentencing disparities.

The Act of Serial murder refers to a behavior that deviates from normative rules and injures moral values in society. One way to control it is to conduct deterrence through criminal sanctions. This method aims to render social conditions safe, provide retaliation to the perpetrator(s), and constitutes a form of protection for society from potential criminals. Thus, such actions can be subject to severe sanctions because law guarantees survival as an inherent human right. However, Indonesia lacks a regulation on serial murders.

To realize a state of law with social justice, a court decision serves as an authority for the judiciary to

perform its constitutional duties to enforce the law. In the judicial process, the judge makes decisions based on the case under review. Two judges may deliver different judgments for the same type of crime. This is because judgments are influenced by ratio and intuition. "Each judge's feeling of fairness is not the same because of the influence of their lives in the social world or the surrounding environment."²

Murder is a severe crime because the consequences are significant—the loss of someone's lives. Furthermore, it is a heinous, inhuman act. Especially, serial murder cases create fear and a sense of insecurity in the community.

Life, which is considered a union among the soul, body, and spirit, is God's gift to human beings. Criminal acts can cause "the loss of a person's life or the death of another person referred to as murder, and the consequences are absolute provisions."³ Thus, humans require legal protection for this gift from God.

Yogo Tri Hendrianto, a criminologist from the University of Indonesia, discussed elements of serial murders.

¹ Mutia Khanadita E, *Prospek Pidana Kerja Sosial Sebagai Sanksi Pidana Bagi Pelaku Kejahatan Serius Tertentu Dalam Pembaharuan Kuhp Indonesia* (UII, 2016).

² Thaufik Amirullah, *Pertimbangan Hukum Hakim Dalam Memutus Perkara Pembunuhan Berencana Dengan Motif Persembahan Upacara*

Adat Oleh Suku Noaulu Maluku Tengah (Studi Terhadap Putusan Nomor 87/Pid. B/2005/PN. Msh Dan Putusan Nomor 25/PID/2006/PT. MAL) (Brawijaya University, 2014).

³ Ismu Gunadi and Jonaedi Efendi, *Cepat Dan Mudah Memahami Hukum Pidana, Kencana* (Jakarta, 2014).

These include “planning, targeting victims, repeating patterns from one murder to another, and strategies to eliminate evidence so that it is not quickly revealed.”⁴

Steven Egger stated, “a homicide can be classified as a serial murder when one or more individuals have committed two consecutive murders.”⁵ Thus, several killers, such as Ed Gein, have been classified as serial killers even though they killed only two individuals. This act is usually committed with psychological motivations. One hypothesis is that all serial killers have personality disorders—for example, all of them are antisocial. The term serial killer was coined by a Michigan State University alumnus and FBI agent named Robert Ressler in the 1970s. “Daily talk of the murders committed by Ted Bundy, and David Berkowitz in the middle of the decade.”⁶

Various factors underlie the motivations of serial killers—from psychological issues caused by power or sexual deviations, to classical reasons such as money. Usually, the perpetrator has childhood experiences of violence, neglect, poverty, etc. It is not surprising that economic problems are a major factor for this phenomenon.

From the formal legal perspective, the judge, in deciding the case, has fulfilled the qualifications for the premeditated murder offense as formulated in Article 340 of the Criminal Code. Judges operate under complex conditions—they are expected to independently decide cases while aligning with the existing social values as mandated by Article 5 Paragraph (1) of the Law (Law Number 48 of 2009 regarding Judicial Power). In the tradition of the legal-positivism thought, widely adopted by democratic countries, the law is conceptualized as a product of legislation. Laws are statutory regulations produced via a national legislative process.

The law applies solely because it has been stipulated in legislation, regardless of whether its contents contain the values of justice or not. In this system, legal actors, such as judges and bureaucracy, only serve as trumpets or mouthpieces of the law, as emphasized in the doctrine of analytical jurisprudence. Likewise, from the perspective of the fundamental values of Pancasila, especially the second principle: “just and civilized humanity,”⁷ in the construction of positive law, the judge’s decision from the formal legal perspective has been appropriate in applying the law as a form of juridical

⁴ TB Ronny R. Nitibaskara, *Analisa Pembunuhan Berantai di Batam*, (diakses: 31 Desember 2021). https://www.academia.edu/19091073/Analisa_Pembunuhan_Berantai_di_Batam.

⁵ Hermawan Aksan, *Jejak Pembunuh Berantai: Kasus-Kasus Pembunuhan Berantai Di Indonesia Dan Dunia* (PT Grafindo Media Pratama, 2008).

⁶ Aksan, *Jejak Pembunuh Berantai*.

⁷ Aksan, *Jejak Pembunuh Berantai*.

argumentation for criminal liability for the actions that have been committed.

Several studies that are relevant to this research have explored the accountability of the actors of the crime of a premeditated murder committed together, which discusses the factors beyond the mental state of the perpetrator. These include revenge due to humiliation and internal family factor. The perpetrator's criminal liability is related to the defendant's guilt, where the defendant intentionally committed the crime of premeditated murder according to Article 340 of the Criminal Code in conjunction with Article 55 Paragraph (10 to 1 of the Criminal Code). Based on the judge's consideration, it is viewed that the defendant did not commit the murder directly. The defendant also played a key role as an inactive factor in realizing the intention of taking the victim's life. Therefore, the panel of judges stated that the defendant had been legally and convincingly proven guilty of committing the crime of premeditated murder, which was committed jointly, and sentenced the defendant to a prison sentence of 15 years. Then, further research on the judge's consideration of the criminal imposition of the criminal acts of premeditated murder examined "the basis of the judge's consideration in imposing a prison sentence for the defendant of the crime of murdering

⁸ Widharma Jaya Sentosa, *Tinjauan Pertimbangan Hakim Atas Penjatuhan Pidana Bagi Pelaku Tindak Pidana Pembunuhan Berencana*

Jessica Kumala Wongso in the decision Number 777/Pid.B/2016/PN.Jkt.”⁸ A day or two before committing the murder, the perpetrator planned how and where to commit the act. Especially, if the perpetrator provided such information, the defendant's actions—including the criminal acts as stated in Article 340 of the Criminal Code and other relevant regulations—led to the conviction of Jessica Kumala Wongso, who was found legally and convincingly guilty of committing premeditated murder and was sentenced to 20 years in prison.

Based on the data collected, the researcher identified at least 15 serial murder cases in Indonesia over more than three decades. A few of them were exceptional cases and garnered significant public attention. All articles in the case only refer to one potential article: Article 340 of the Criminal Code on premeditated murder. The penalties vary because usually there are other crimes as well before or after the murder. This is because of the lack of benchmark regarding the number of victims. Additionally, no parameters could be applied as indicators in measuring the level of sadism and cruelty of perpetrators. This research aims to fill this gap.

(Studi Putusan Nomor 777/Pid. B/2016/PN. Jkt. Pst)
(Universitas Pembangunan Nasional Veteran Jakarta, 2019).

Research Problem

The serial murder article is not regulated in the Criminal Code, and it causes gaps in its implementation because there exist few explicit provisions in imposing a sentence. Therefore, this study aims to discuss: 1) the state of implementation of criminal law provisions against serial killers in Indonesia, and 2) the punishment for serial murder cases in Indonesia.

Methodology

The normative legal research method is applied, which examines a norm or applicable provision. It can also be called “research conducted by examining library materials or secondary data.”⁹ This type of research consists of a statutory approach, a conceptual approach, and a case approach. In this study, a qualitative–inductive analysis was performed. Serial murder cases in Indonesia were collected and processed to conclude that the same article was applied to these cases: Article 340 of the Criminal Code on premeditated murder, even though the perpetrators received different sentences.

⁹ Irwansyah, *Penelitian Hukum; Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus (Yogyakarta: Mirra Buana Media, 2020).

Analysis and Discussion

A. Implementation of Criminal Law Provisions against Serial Murder Perpetrators in Indonesia

The criminal law constitutes guidelines for the manifestation of social life under a system of justice. The Criminal Code (KUHP) forms a solid basis for determining the actions that ought to be prohibited, with strict sanctions against violators. According to the Criminal Code, criminal acts are divided into crimes (*misdrijven*) and violations (*overtredingen*). Crime is regulated in the second book of the Criminal Code, while the third book regulates violations. This research solely focuses on crime as an act that can injure the values of justice, especially in the case of murder.

An act is termed as murder when an individual loses their life. There exists no general definition for the term serial murders—the main issue discussed in this study. Nevertheless, Egger argues that:

“A serial murder occurs when one or more individuals commit a second murder and/or commit murder in a row where there is no relationship between the victim and the perpetrator of the murder (where the victim does not know the perpetrator); occurred at a different time and had nothing to do with the previous murder, and this often happens in different locations or places.”¹⁰

¹⁰ Aksan, *Jejak Pembunuh Berantai*.

Although the definition states that two serial murders are sufficient to meet the criteria for serial murders, “most sources use a higher homicide rate of 4-5 or more.”¹¹

The term serial murder is not included in the Criminal Code. However, the elements of the offense refer to premeditated murder as contained in Article 340 of the Criminal Code, which reads: “Anyone who deliberately and with a plan in advance takes the life of another person, is threatened with premeditated murder, with a criminal sanction. Death or imprisonment for life or a period of not more than twenty years.”

Regarding the application of the criminal law, it is unavoidable to have an interpretation because of the following:¹²

- 1) Written law is static and cannot immediately respond to the flow of community development.
- 2) When written law is enacted, it may omit certain matters that are not specifically addressed, often because they did not capture the attention of the legislators.
- 3) Explanation of the meaning of several terms or words in the law itself (Chapter IX Book I of the Criminal Code) may not contain all crucial terms

or words in the articles of criminal legislation, given the many formulations of criminal law provisions.

- 4) Often an extremely general norm is briefly formulated, so that its meaning remains vague.

Legal provisions that perpetually lag behind the needs of the community require a comprehensive legal study by judges, called legal interpretation. Based on Ahmad Rifai’s theory, the conception of judges interpreting the law could be divided under two theories: the heteronomous law discovery theory and the autonomous law discovery theory. The fundamental difference between the two theories lies in how written legal provisions bind judges. The theory of heteronomous law discovery “places judges as the mouthpiece of the law, while the theory of autonomous law discovery places judges in the freedom to understand and relate the law according to the development of society.”¹³ To facilitate the identification of serial murder cases in Indonesia, the researchers present the data in the form of the table below :

¹¹ Forensik Klinik, *Definisi* (diakses: 8 Februari 2022).<https://forensikklinik.wordpress.com/2006/07/16/definisi/>

¹² Andi Sofyan and Nur Azisa, *Hukum Pidana, Pustaka Pena* (Makassar, 2016).

¹³ Bambang Hartono and Aprinisa, “Implementasi Sanksi Pidana Pelaku Tindak Pidana Kejahatan Terhadap Nyawa Orang Lain Yang Direncanakan (Pembunuhan Berencana),” *Jurnal Penelitian & Pengkajian Ilmiah Mahasiswa (JPPIM)* 2, no. 4 (2021): 31–44.

Table 1. List of Serial Murder Cases in Indonesia

No:	Case	Year	Total Victims:	Modus Operandi:	Verdict:	Execution:
1.	Ahmad Suradji	1986-1997	42 women	Mutilating and sucking the victim's saliva	Death penalty	2008
2.	Astini	1992-1996	3 women	Mutilating	Death penalty	2005
3.	Baekuni (Babeh)	1993-2010	14 boys	Harassing and mutilating the victim	Death penalty	Not executed yet
4.	Siswanto (Robot Gedek)	1994-1996	12 boys	Harassing, mutilating, and drinking the victim's blood	Death penalty	Died 2007 before being executed
5.	Antonius Rio Alex Bulo (Rio Martil)	1997-2005	5 people	Hitting the victim's head with a hammer	Death penalty	2008
6.	Garibaldi Handayani	1999-2004	7 people	Shoot and burn victims	Life imprisonment	Died in custody
7.	Prakash Agung Nugraha	1999-2009	2 boys	Poisoning and robbing victims	Life imprisonment	Serving prison time
8.	Very Idham Henyansyah (Ryan)	2006-2008	11 people	Mutilating and burying the bodies of victims	Death penalty	Not executed yet
9.	Tubagus Yusuf Maulana (Dukun Usep)	2007	8 people	Deceiving and poisoning the victim	Death penalty	2008
10.	Yulianto	2010	7 people	Poisoning and slashing the victim's body	Death penalty	Not executed yet
11.	Mujianto	2011	15 people (4 die)	Poisoning and sodomizing the victim	Imprisonment	9 Years
12.	Wisnu Sadewa	2013	2 people	Strangling, raping, and stealing the victim's property	Death penalty or life imprisonment	Suicide in 2013 in custody
13.	Muhammad Delfian, Dita Desamala, Supiyan	2013-2014	7 people	Kidnapping, committing sexual violence, mutilating, dismembering, and selling the victim's flesh	Death penalty	Not executed yet
14.	Nurma Andika Fauzy (NAF)	2021	4 women (2 die)	Robbing and poisoning victims	Life imprisonment	Serving prison time
15.	Muhamad Rian (MRI)	2021	2 women	Robbing and strangling the victim	Imprisonment	13 Years

Data Sources: Judge's decision, KontraS, and dari from several online pages

Table 1 reveals the continuing occurrence of serial murders in Indonesia. The time interval between cases ranges from less than 10 years to one year and even the same year. The perpetrators targeted various victims—children, adults, men, women, regular people, persons with intellectual disabilities, civilians, and

military personnel.

Serial murders in Indonesia target victims according to their underlying motives. Regarding the perpetrator-victim association, in a few cases, they only knew each other briefly, while some were mutual strangers. Most serial

murders in Indonesia have specific characteristics; a few aspects stand out in determining the victim. As in the case of pedophilia, perpetrators choose children as their victims, for example, in Babeh/Baekuni and Siswanto. Furthermore, certain perpetrators harbor fantasies or ideas that they believe can only be achieved by murder someone. For example, the idea that murder someone would bring them supernatural powers through shamanism, as in the case of Ahmad Suradji and Muhammad Delfi. Dita Desamala and Supiyan assisted them. Additionally, a few cases have revenge and hurt as underlying motives. This could be divided into several parts, namely revenge induced by jealousy—for example, in the case of Mujianto and Fery Idham Henyansyah; revenge induced by debt—for example, the case of Yulianto, Prakash Agung Nugraha, and Astini; and cases motivated by economic factors.

The motives discussed above indicate that an abnormal mental condition could induce someone to kill. This agrees with one of the hypotheses that all serial killers have personality disorders, that is, they are antisocial. Understanding human behavior related to psychological problems reveals weaknesses in the decision-making process of judges. This could occur because there exists no standardized determination mechanism for how a person who commits a crime can be free from all

charges—after all, these individuals are psychologically disturbed.

Psychological errors contain several weaknesses, and in them, there are also various variants of the meaning of the error. Therefore, the concept of normative error (*normative Schuldbegrip*) appears as a correction for the psychological error. According to normative error, an error is defined as a criminal act that can be reproached because, from the perspective of society, the individual could have done something else if they did not intend to commit the act. A person could be said to have erred if, at the time of committing a crime, from the perspective of the community, they could be blamed for it, namely “why do you do an act that harms the community even though you can know the meaning of the act and therefore you can even have to avoid such an act.”¹⁴

Roeslan Saleh stated that the component of can be blamed for criminal acts affirms the normative assessment of wrongdoing. In the subject of human law, whether or not there is an error is not determined by how, in reality, the defendant’s mind is, but it depends on whether it is judged to be there or not. Therefore, the point of emphasis lies in “a normative assessment of the maker’s mental state and the relationship between that mental state and his criminal act so that the person can be reproached for his actions.”¹⁵

¹⁴ Lukman Hakim, *Asas-Asas Hukum Pidana Buku Ajar Bagi Mahasiswa* (Yogyakarta:

Deepublish, 2020).

¹⁵ Hakim, *Asas-Asas Hukum*, 51

Briefly, what is judged is not the person's inner guilt, but how the judge assesses their inner state and the facts on record. Thus, "as long as it is against the subject of human law, the normative understanding of error stems from the legal assessment of the maker's psychology."¹⁶ Thus, it does not reflect the actual psychological state of the perpetrator while committing the act, but the normative assessment of their psychological state when committing the crime that really matters. The normative sense of error therein has a psychological implication on whether the defendant will be convicted or acquitted. If the person is convicted, it must be proven that "the act committed was against the law and the defendant is capable of being held accountable."¹⁷

To ascertain the truth to determine a person's guilt, a judge must know what is right and what is wrong. So, there must be a standard or criterion. When applying the law, it must be proven that there exists a relationship between a person's actions and an action or event to establish the element of premeditated murder in a serial murder case.

The discussion above indicates a criminal disparity in the application of criminal law to serial killers. This is because, in a few cases, they also take the victim's property in addition to murder them. Additionally, in several cases,

sexual violence and cruel and sadistic acts in the form of mutilation were identified.

Muladi and Barda Nawawi argued that criminal disparity has the following meanings:

1. "Unequal criminal application of the same crime;
2. The application of unequal punishments to crimes of comparable severity;
3. The application of unequal punishment to those who jointly commit a crime."¹⁸

Rusli Muhammad suggested that judges' considerations can be divided into two categories: juridical and non-juridical considerations. Juridical considerations are judges' considerations based on "juridical facts that are revealed in the trial and by law are determined as things that must be included in the decision."¹⁹ For example, the indictment of the public prosecutor, criminal charges, statements of the defendant, the testimony of witnesses, evidence, and articles in criminal law regulations.

In addition to considering juridical matters, judges, in making decisions, make non-juridical considerations. Non-juridical considerations encompass the adverse impacts and damages to the social order and the State. Non-juridical considerations, according to Lilik Mulyadi, are as follows:

¹⁶ Hakim, *Asas-Asas Hukum*, 51.

¹⁷ Hakim, *Asas-Asas Hukum*, 39-40.

¹⁸ Irfan Ardiansyah, "Pengaruh Disparitas Pidanaan Terhadap Penanggulangan Tindak Pidana Korupsi Di Indonesia," *Jurnal Hukum Respublica* 17, no. 1 (2017): 76-101

¹⁹ Deti Rahmawati, Ketut I. Siregig, and Zainudin Hasan, "Pertimbangan Hakim Dalam Menjatuhkan Pidana Terhadap Pelaku Tindak Pidana Pembunuhan Berencana," *Widya Yuridika: Jurnal Hukum* 4, no. 1 (2021): 207-18.

- a) "The defendant's condition can be held accountable for his actions in the sense that he is mature and aware (not crazy);
- b) the motive and purpose of committing a criminal act;
- c) how to commit a criminal act;
- d) the inner attitude of the perpetrator of the crime;
- e) curriculum vitae and socioeconomic conditions;
- f) the attitude and actions of the perpetrator after committing a crime;
- g) criminal influence on the perpetrator's future."²⁰

There exist issues regarding crime in law enforcement in Indonesia. Efforts must be made to minimize the criminal disparity in society. The most critical effort is the need for judges to "appreciate the principle of proportionality between the interests of the community, the interests of the state, the interests of the perpetrators of crimes and the interests of victims of criminal acts."²¹

Proportionate punishment is a sentence that is appropriate to the seriousness of the crime committed. Essentially, proportionality requires a value scale to weigh and assess the severity of the crime associated with the crime. Values and norms prevailing in society and culture tend to be the determinants in

determining the ranking of sanctions that are deemed appropriate, particularly, in historical contexts. "Judges' discretion is likely to be misused, so sentencing guidelines are considered the best way to limit judges' freedom."²²

The implementation of a legal provision in Article 340 of the Criminal Code and the defendant being proven to have violated the article impact the realization of a legal certainty where the defendant can be held accountable for their actions. Additionally, the decision could be for delivering justice to the victim and facilitating the maintenance of order and peace in the community.

B. Sentencing in Serial Murder Cases in Indonesia

Sentencing can be interpreted as the stage of determining and imposing sanctions in criminal law. The term "criminal" is generally associated with law, and it also refers to punishment. Sentencing as an act against a criminal can be justified typically, not mainly because the punishment contains positive consequences for the convict, the victim, and the community. Therefore, this theory is also called the theory of consequentialism. "Criminals are imposed not because they have done evil, but so that the perpetrators of crimes no longer

²⁰ Rahmawati, Siregig, and Hasan, "Pertimbangan Hakim," 211.

²¹ Himawan Putra Pradipta, "Disparitas Pidana Terhadap Pelaku Pembunuhan Berencana Dengan Mutilasi (Studi Kasus Putusan Nomor: 1036/Pid/B/2008/PN. DPK Dan 44/Pid.

B/2014/PN. Srp)" (Mataram: Universitas Mataram, 2020).

²² Nimerodi Gulo, "Disparitas Dalam Penjatuhan Pidana," *Masalah-Masalah Hukum* 47, no. 3 (2018): 215-27.

do evil and other people are afraid to commit similar crimes.”²³

According to Ruben Achmad, the essence of criminal sanctions to punish them is centered on modern schools. Modern schools look at the maker (the perpetrator of the crime) and require criminal individualization, that is, “in sentencing, pay attention to the characteristics and circumstances of the maker.”²⁴

Roeslan Saleh stated, “criminal responsibility is defined as the continuation of objective reproach that exists in a criminal act and subjectively fulfills the requirements to be punished for that act. More simply is that the basis for the existence of a criminal act is the principle of legality. In contrast, the basis for criminal prosecution is the principle of no crime without error (abbreviated as the principle of error). This means that the perpetrator will only be punished if he has a mistake in committing the crime.”²⁵

The criminal proceedings in cases punishable by death (Article 340 of the Criminal Code) and other types of murder have the same procedure, with little differences or different qualifications.

In serial murder cases in Indonesia, it is often found that other criminal acts were committed either before or after the perpetrator killed the victims. This makes

the panel of judges impose a sentence by juxtaposing Article 340 of the Criminal Code with concurrent articles such as Article 65 of the Criminal Code in the Baekuni/Babeh and Muhammad Delfi cases.

The definition of *concursum* (concurrent), according to Aruan Sakidjo and Bambang Poernomo, is someone who commits an act that violates several criminal law regulations or commits several acts, each of which is a stand-alone act that will be tried at once. One of the acts has not been sentenced by a judge.²⁶

The teaching of concurrent criminal acts is essential for judges in terms of wanting to impose a sentence on perpetrators who are proven to have committed a series of criminal acts, which, in this case, is to determine the type of crime (*strafsoort*) and the size/light weight of the crime (*strafmaat*).²⁷

Essentially, everything that is decided depends on various factors considered by the judge, such as the manner and basis of the murder. Other considerations can also be determined based on personality indicators displayed by the perpetrator, that is, whether the perpetrator is a sadistic killer, whether there is any remorse

²³ Amir Ilyas and Maulana Mustamin, *Asas-Asas Hukum Pidana: Memahami Tindak Pidana Dan Pertanggungjawaban Pidana Sebagai Syarat Pemidanaan: Disertai Teori-Teori Pengantar Dan Beberapa Komentar* (Kerjasama Rangkang Education Yogyakarta & PuKAP-Indonesia, 2012).

²⁴ Azalea Zahra Baidlowi, “Kajian Yuridis Tentang Perbarengan Melakukan Tindak Pidana Pembunuhan Berencana Berdasarkan Pasal 340 KUHP,” *LEX ET SOCIETATIS* 5, no. 9 (2017): 89.

²⁵ Ilyas and Mustamin, *Asas-Asas Hukum Pidana*.

²⁶ Sofyan and Azisa, *Hukum Pidana*, 210.

²⁷ Sofyan and Azisa, *Hukum Pidana*, 211.

shown, or whether research and observation indicates that the perpetrator experienced a feeling of pleasure. Assessment of the perpetrator's personality depends on the method employed to kill the victim as well as the crimes committed before and/or after the murder. This could reveal whether the perpetrator is a hazardous person and deserves the death penalty or a life sentence. Imprisonment is considered inappropriate for such perpetrators because the murders were committed frequently and after careful planning. It is wise to immediately execute death row convicts—or, they should be sentenced to life in prison without parole.

Conclusion

1. In implementing the provisions of the criminal law against serial murders in Indonesia, the panel of judges always refers to Article 340 of the Criminal Code regarding premeditated murder owing to the absence of standardized regulation provisions, which causes sentencing disparities.
2. The punishments for serial killers in Indonesia include death, life imprisonment, and imprisonment for a certain period. In convicting perpetrators, the Criminal Code does not recognize any particular minimum limit and also does not explain what conditions could be categorized as serial murders. The judges only adjudge Article 340 of the Criminal Code with concurrent articles if, after being

examined at trial, it is proven that such an act was committed that satisfied the elements of the article.

Suggestion

1. The government should adopt firm steps in laying the political basis for a total codification of the criminal law. One of those is the regulation of serial murders. Explicitly, this crime could be added to Article 340 of the Criminal Code or as an independent article, which is in order after Article 340 of the Criminal Code in the chapter on crimes against life provisions. This is required so that the application of criminal law does not become ambiguous, as found in this study.
2. The government should make provisions regarding sentencing guidelines, especially regarding the severity of the sentence, namely the death penalty. Alternatively, it should include a minimum limit provision, namely life imprisonment for serial killers in Indonesia. This is because it is a more severe crime than murder, which is usually punishable with imprisonment. These efforts will ensure justice for victims and their families and restore a sense of security and order in society.

References

Books:

Amir, Ilyas, and Maulana Mustamin. *Asas-Asas Hukum Pidana: Memahami Tindak Pidana Dan Pertanggungjawaban Pidana Sebagai Syarat Pemidanaan: Disertai Teori-Teori Pengantar Dan Beberapa Komentar*. Kerja sama Rangkang Education Yogyakarta & PuKAP-Indonesia, 2012.

Andi, Sofyan, and Nur Azisa. *Hukum Pidana, Pustaka Pena*. Makassar, 2016.

Hermawan, Aksan. *Jejak Pembunuh Berantai: Kasus-Kasus Pembunuhan Berantai Di Indonesia Dan Dunia*. PT Grafindo Media Pratama, 2008.

Irwansyah, *Penelitian Hukum, Pilihan Metode, and Praktik Penulisan Artikel*, ed. Ahsan Yunus. Mirra Buana Media, 2020.

Ismu, Gunadi, and Jonaedi Efendi. *Cepat Dan Mudah Memahami Hukum Pidana, Kencana*. Jakarta, 2014.

Lukman, Hakim. *Asas-Asas Hukum Pidana Buku Ajar Bagi Mahasiswa*. Deepublish, 2020.

Mutia Khanadita E. *Prospek Pidana Kerja Sosial Sebagai Sanksi Pidana Bagi Pelaku Kejahatan Serious Tertentu Dalam Pembaharuan Kuhp Indonesia*. UII, 2016.

Thesis:

Himawan Putra Pradiptha. "Disparitas Pidana Terhadap Pelaku Pembunuhan Berencana Dengan Mutilasi (Studi Kasus Putusan

Nomor: 1036/Pid/B/2008/PN. DPK Dan 44/Pid. B/2014/PN. Srp)" Mataram: Universitas Mataram, 2020.

Thaufik, Amirullah, "Pertimbangan Hukum Hakim Dalam Memutus Perkara Pembunuhan Berencana Dengan Motif Persembahan Upacara Adat Oleh Suku Noaulu Maluku Tengah (Studi Terhadap Putusan Nomor 87/Pid. B/2005/PN. Msh Dan Putusan Nomor 25/PID/2006/PT. MAL)" (Malang : Brawijaya University, 2014).

Widharma Jaya Sentosa. "Tinjauan Pertimbangan Hakim Atas Penjatuhan Pidana Bagi Pelaku Tindak Pidana Pembunuhan Berencana (Studi Putusan Nomor 777/Pid. B/2016/PN. Jkt. Pst)" (Jakarta: Universitas Pembangunan Nasional Veteran Jakarta, 2019).

Journals:

Azalea Zahra Baidlowi. "Kajian Yuridis Tentang Perbarengan Melakukan Tindak Pidana Pembunuhan Berencana Berdasarkan Pasal 340 KUHP," *LEX ET SOCIETATIS* 5, no. 9 (2017): 89.

Bambang, Hartono, and Aprinisa, "Implementasi Sanksi Pidana Pelaku Tindak Pidana Kejahatan Terhadap Nyawa Orang Lain Yang Direncanakan (Pembunuhan Berencana)," *Jurnal Penelitian & Pengkajian Ilmiah Mahasiswa (JPPIM)* 2, no. 4 (2021): 31-44.

Deti, Rahmawati, Ketut I. Siregig, and Zainudin, Hasan, "Pertimbangan Hakim Dalam Menjatuhkan Pidana Terhadap Pelaku Tindak Pidana Pembunuhan Berencana," *Widya Yuridika: Jurnal Hukum* 4, no. 1 (2021).

Irfan, Ardiansyah. "Pengaruh Disparitas Pidana Terhadap Penanggulangan Tindak Pidana Korupsi Di Indonesia," *Jurnal Hukum Respublica* 17, no. 1 (2017)

Nimerodi Gulo, "Disparitas Dalam Penjatuhan Pidana," *Masalah-Masalah Hukum* 47, no. 3 (2018)

Website :

Forensik Klinik. *Definisi* (diakses: 8 Februari 2022).
<https://forensikklinik.wordpress.com/2006/07/16/definisi/>,

TB Ronny R. "Nitibaskara, *Analisa Pembunuhan Berantai di Batam.*" (diakses: 31 Desember 2021).
https://www.academia.edu/19091073/Analisa_Pembunuhan_Berantai_di_Batam