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Murder in Central Aceh: Criminal Law Analysis of Decision 9/Pid.B/2025/PN Tkn

Pembunuhan di Aceh Tengah: Kajian Hukum Pidana atas Putusan Nomor 9/Pid.B/2025/PN Tkn

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Abstract

This article examines the murder of Risdian by the defendant Ridwan bin Kamaludin in Central Aceh, as decided in Decision Number 9/Pid.B/2025/PN Tkn of the Takengon District Court. Using normative juridical research with statute and case approaches, supported by an interview with a judge of the deciding court, the study analyses the elements of the offence, the defendant's criminal liability, the law enforcement process, and the considerations underlying the sanction. The findings show that the defendant's conduct fulfils every element of premeditated murder under Article 340 of the former KUHP, as intent, the taking of life, and premeditation were proven through witness testimony, evidence, and the visum et repertum. The defendant bears full criminal liability, and the death sentence was intended to secure legal certainty, justice, and deterrence. However, the reasoning for the death penalty should be articulated more explicitly under the sentencing guidelines of Law Number 1 of 2023.

Abstrak

Artikel ini mengkaji perkara pembunuhan terhadap Risdian oleh terdakwa Ridwan bin Kamaludin di Aceh Tengah pada 16 November 2024 sebagaimana diputus dalam Putusan Pengadilan Negeri Takengon Nomor 9/Pid.B/2025/PN Tkn. Dengan metode penelitian yuridis normatif melalui pendekatan perundang-undangan dan pendekatan kasus, serta didukung wawancara dengan hakim pengadilan yang memutus perkara, penelitian ini menganalisis unsur-unsur tindak pidana, pertanggungjawaban pidana terdakwa, proses penegakan hukum, dan pertimbangan hakim dalam menjatuhkan sanksi. Hasil kajian menunjukkan bahwa perbuatan terdakwa memenuhi seluruh unsur pembunuhan berencana menurut Pasal 340 KUHP lama, karena unsur kesengajaan, hilangnya nyawa orang lain, dan perencanaan terbukti melalui keterangan para saksi, barang bukti, dan visum et repertum. Terdakwa dapat dimintai pertanggungjawaban pidana sepenuhnya, dan pidana mati dijatuhkan guna mewujudkan kepastian hukum, keadilan, dan efek jera bagi pelaku maupun masyarakat. Namun, pertimbangan penjatuhan pidana mati seharusnya diuraikan secara lebih eksplisit dengan memperhatikan pedoman pemidanaan dalam Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana.

A. INTRODUCTION

1. Background

Murder is a form of crime against life regulated in the Indonesian Criminal Code (*Kitab Undang-Undang Hukum Pidana*, hereinafter KUHP). It is a grave offence because it takes a human life and produces social consequences within the community. Murder cases frequently attract public attention, as they can provoke fear and unrest and disturb public order. Law enforcement against murder must therefore be carried out fairly and in accordance with the applicable legal provisions.[1]

The killing of Risdian, for which Ridwan bin Kamaludin stood trial as the defendant, is a criminal case that warrants examination from the standpoint of criminal law. In this case, the law enforcement authorities had to prove the elements of murder, including intent and the criminal liability of the defendant. The examination of evidence at trial also formed an essential part of determining the judgment against the defendant.[2]

This study seeks to understand how criminal law is applied to the offence of murder and how law enforcement is conducted in a criminal case. It is expected to provide insight into the importance of legal certainty, justice, and the protection of the right to life within the Indonesian criminal justice system.[3]

Previous studies have examined the element of premeditation in judicial practice, including a decision of the Banjarbaru District Court in which a dissenting judge regarded the killing as spontaneous, the disparity of sentences imposed for premeditated murder, and the conditional death penalty under Article 100 of the National Criminal Code.[4] These studies, however, have not combined an analysis of a

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[1] Kitab Undang-Undang Hukum Pidana (Wetboek van Strafrecht), as enacted by Law of the Republic of Indonesia Number 1 of 1946 concerning Criminal Law Regulations (hereinafter KUHP), arts. 338–350; Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code (State Gazette of 2023 Number 1, Supplement to the State Gazette Number 6842), arts. 458–461; Adami Chazawi, *Kejahatan terhadap Tubuh dan Nyawa* (Jakarta: RajaGrafindo Persada, 2016).

[2] Takengon District Court, Decision Number 9/Pid.B/2025/PN Tkn, March 17, 2025; T. Samsul Bahri, "Pertama di PN Takengon, Hukuman Mati Dijatuhkan dalam Kasus Pembunuhan Berencana," *Dandapala*, May 24, 2025, https://www.dandapala.com/article/detail/pertama-di-pn-takengon-hukuman-mati-dijatuhkan-dalam-kasus-pembunuhan-berencana; Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure (State Gazette of 1981 Number 76, Supplement to the State Gazette Number 3209), arts. 183–184.

[3] The 1945 Constitution of the Republic of Indonesia, arts. 28A and 28I(1).

[4] Yudo Lelyano Prasetyo and Emmilia Rusdiana, "Analisis Putusan Hakim Nomor 203/Pid.B/2019/PN Bjb terkait Unsur Berencana dalam Tindak Pidana Pembunuhan," *Indonesian Journal of Contemporary Law* 3, no. 1 (2026): 1–15, https://journal.unesa.ac.id/index.php/ijcl/article/view/51163; Cornelius Dikae Zolohefona Gulo et al., "Disparity in Sentencing in Premeditated Murder Crimes to Provide Justice in Indonesia," *Jurnal Penegakan Hukum dan Keadilan* 5, no. 2 (2024): 117–26, https://doi.org/10.18196/jphk.v5i2.21629; Parhan Muntafa and Ade Mahmud, "Penerapan Hukum

recent death sentence for premeditated murder with an assessment of how the same case would be treated under Law Number 1 of 2023, drawing on the views of a judge of the deciding court. This article addresses that gap. It finds that the defendant's conduct fulfils every element of premeditated murder under Article 340 of the former KUHP, that the defendant bears full criminal liability, and that the reasoning for the death penalty should be articulated more explicitly in light of the sentencing guidelines of the National Criminal Code.

2. Research Questions

In light of the foregoing, this study pursues four objectives: (1) to analyse the elements of the offence of murder in the Risdian case under the KUHP; (2) to identify the form of criminal liability borne by the defendant Ridwan bin Kamaludin; (3) to examine the law enforcement process in the murder case; and (4) to identify the legal considerations underlying the criminal sanction imposed on the defendant.

3. Research Methods

This article employs normative juridical research, that is, research conducted by examining statutory regulations, legal theory, and literature relating to the offence of murder.[5] It adopts a statute approach and a case approach to analyse the murder of Risdian by the defendant Ridwan bin Kamaludin under the provisions of the KUHP. The study relies on secondary data obtained from journals, the former and the new Criminal Codes, and other scholarly references. The data were analysed descriptively and qualitatively to explain the elements of the offence, the criminal liability of the defendant, and the application of the law in the case.

B. DISCUSSION/ ANALYSIS

1. Punishment and the Offence of Murder in Indonesian Criminal Law

a. The Concept of Punishment (*Pidana*)

Punishment (*pidana*) is a sanction or suffering imposed by the state on a person proven to have committed a criminal offence on the basis of a court judgment that has acquired legal force. In criminal law scholarship, punishment is understood as a legal

Pidana Mati Bersyarat dalam KUHP Baru Dihubungkan dengan Asas Kepastian Hukum," *Jurnal Preferensi Hukum* 4, no. 2 (2023): 130–36, https://doi.org/10.55637/jph.4.2.6918.130-136; M. Arief Amrullah, "Paradigm Shift of Death Penalty Regulation in the New Criminal Code (KUHP) of Indonesia," *Lentera Hukum* 11, no. 1 (2024): 24–55, https://doi.org/10.19184/ejlh.v11i1.45809.

[5] Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Kencana Prenadamedia, 2023); Sugiyono, *Metode Penelitian Kualitatif* (Bandung: Alfabeta, 2023).

instrument for upholding norms and maintaining order in social life. It is imposed as a form of accountability for conduct that violates the law and as a means of protecting society against acts that harm others.[6]

Theoretically, punishment serves not only to exact retribution from the offender but also as a means of prevention within the sentencing system. The imposition of punishment is expected to deter the offender and to discourage other members of society from committing similar acts. In the Indonesian criminal law system, the types of punishment are set out in the KUHP, including imprisonment, confinement (*kurungan*), and additional penalties, which are imposed according to the degree of culpability and the consequences of the offender's conduct.[7]

b. The Concept of Murder as a Criminal Offence

Murder is an offence that takes human life and is regulated by criminal law. In juridical terms, murder is understood as conduct by which a person, intentionally or otherwise, causes the death of another. It is classified as a serious crime because it directly concerns the right to life protected by law. Under the KUHP, murder is regulated in several provisions, depending on the element of intent, premeditation, and the circumstances accompanying the act.

Murder is regarded not only as a violation of legal norms but also as conduct contrary to moral, social, and humanitarian values. The state therefore imposes firm criminal sanctions on perpetrators of murder in order to protect society and maintain public order. The application of punishment in murder cases aims to deter, to deliver justice, and to prevent similar offences within society.[8]

c. Definition and Elements of Murder

Article 338 of the KUHP provides: "Any person who intentionally takes the life of another shall, being guilty of murder, be punished by imprisonment for a maximum of fifteen years." Article 458 paragraph (1) of the new KUHP provides: "Any person who takes the life of another shall be punished for murder by imprisonment for a maximum

[6] Moeljatno, *Asas-Asas Hukum Pidana* (Jakarta: Rineka Cipta, 2015); Andi Hamzah, *Asas-Asas Hukum Pidana* (Jakarta: Rineka Cipta, 2019).
[7] Teguh Prasetyo, *Hukum Pidana* (Jakarta: RajaGrafindo Persada, 2022); KUHP, art. 10.
[8] Leden Marpaung, *Tindak Pidana terhadap Nyawa dan Tubuh: Pemberantasan dan Prevensinya* (Jakarta: Sinar Grafika, 2017); P.A.F. Lamintang and Theo Lamintang, *Delik-Delik Khusus: Kejahatan terhadap Nyawa, Tubuh, dan Kesehatan*, 2nd ed. (Jakarta: Sinar Grafika, 2012).

of 15 (fifteen) years."[9] The offence under Article 458 paragraph (1) comprises several elements. The subjective element is intent, which the provision does not state explicitly. Intent is governed by Articles 36 and 54 of the new KUHP, and the judge assesses it on the basis of motive, method, means, and consequences. The objective elements are: (a) taking the life of another person (*actus reus*); (b) the death of the victim, which is intended by the offender; and (c) a causal relationship between the conduct and the death, proven through a *visum et repertum* or an autopsy.[10]

2. The Murder of Risdian in Central Aceh and Decision Number 9/Pid.B/2025/PN Tkn

a. The Parties and Chronology of the Case

The murder of Risdian in Central Aceh is an instance of murder committed by the defendant Ridwan bin Kamaludin, who took the life of Risdian, a 50-year-old man residing in Kampung Remesen, Silih Nara District, Central Aceh Regency. The defendant, aged 52, lived in the same village as the victim, Kampung Remesen, Silih Nara District, Central Aceh Regency, and was the person who caused the victim's death.[11]

The chronology of the case is as follows. The premeditated murder was committed by Ridwan bin Kamaludin in the yard of the victim's house on Saturday, 16 November 2024, at approximately 07:30 Western Indonesian Time. The motive was jealousy and resentment, as the defendant suspected that the victim often winked at his wife, Rasidah. The defendant first rode his motorcycle carrying a machete (*parang*), ostensibly to repair an irrigation channel. At the scene, the defendant's wife saw the victim drying coffee beans in the yard of his house. The defendant then saw Rasidah approach the victim and heard her say, "Why do you wink at me?" The victim replied, "I never did." Rasidah returned to the defendant and said, "I have already reprimanded him." She then approached the victim again and asked, "Why do you wink at me?", to which the victim answered, "I never did, ma'am; I have a wife of my own." On hearing this, the defendant immediately carried the machete towards the victim, who was then in the yard of the

[9] KUHP, art. 338; Law Number 1 of 2023, art. 458(1); R. Soesilo, *Kitab Undang-Undang Hukum Pidana (KUHP) serta Komentar-Komentarnya Lengkap Pasal demi Pasal* (Bogor: Politeia, 2018).

[10] Law Number 1 of 2023, arts. 36 and 54; Eddy O.S. Hiariej, *Prinsip-Prinsip Hukum Pidana*, rev. ed. (Yogyakarta: Cahaya Atma Pustaka, 2016); Chazawi, *Kejahatan terhadap Tubuh dan Nyawa*; Thasya Novianna and Indra Yudha Koswara, "Keberadaan Visum et Repertum sebagai Pendukung Proses Penyelesaian Kasus Tindak Pidana Penganiayaan yang Mengakibatkan Kematian," *Pandecta* 16, no. 2 (2021): 291–99, https://doi.org/10.15294/pandecta.v16i2.31816.

[11] Decision Number 9/Pid.B/2025/PN Tkn; Bahri, "Pertama di PN Takengon."

coffee warehouse he owned, and said, "These past few days, at the gathering at your in-laws' house, you kept winking at my wife, didn't you?" The victim replied, "No, brother." Enraged by this answer, the defendant drew his machete and struck the victim's face, causing him to fall on his back to the ground. While the victim lay helpless, the defendant struck his head and face again, repeatedly and indiscriminately. The witness Rasidah, who saw the attack, screamed for help; the defendant then bent over the victim and slashed his throat, leaving the neck open and almost severed. Wildan, who was at his house not far from the scene, heard the cries for help, ran towards the location, and saw the defendant cutting the victim's throat. Sabri, who was in his garden, likewise heard the cries; on reaching the scene, he saw Risdian lying covered in blood with the defendant still beside him and shouted, "Brother, please think clearly!" The defendant then laid the machete beside the victim, walked to where his motorcycle was parked, and left the scene. Residents and the victim's family, including the witnesses Sabri and Wildan and the village head (*reje*) of Remesen, Hamka, arrived and found that the victim had died. The body was covered with a tarpaulin before being taken by the police and local residents in an ambulance to Datu Beru Hospital in Takengon.

b. The Judgment and Items of Evidence

Following the killing in Kampung Remesen, Silih Nara District, Central Aceh Regency, the defendant Ridwan bin Kamaludin was found guilty by the Takengon District Court in a judgment of 17 March 2025 of premeditated murder under Article 340 of the KUHP, in accordance with the public prosecutor's indictment, and was sentenced to death. The court ordered that the defendant remain in detention and determined the following items of evidence: (1) one long-sleeved blue shirt bearing bloodstains; (2) one pair of brown training trousers bearing bloodstains; and (3) one machete, 50 cm in length, with a rattan handle and traces of dried blood on the blade.[12]

c. Findings of the *Visum et Repertum*

The *visum et repertum* issued by the Central Aceh Health Office through the Technical Implementation Unit (UPTD) of Datu Beru Regional General Hospital, Number 4411.6/174/2024, dated 16 November 2024, recorded the findings set out in Table 1.[13]

Table 1. Findings of the *Visum et Repertum* Number 4411.6/174/2024

No.	Body Region	Findings

[12] Decision Number 9/Pid.B/2025/PN Tkn; Bahri, "Pertama di PN Takengon".
[13] Decision Number 9/Pid.B/2025/PN Tkn; Law Number 8 of 1981, art. 187(c); Novianna and Koswara, "Keberadaan *Visum et Repertum*".

1	Head	Laceration from behind the left ear to the back of the neck, approx. 25 cm × 3 cm, circular, irregular base, reaching bone; laceration on the front of the neck, approx. 20 cm, exposing neck muscles, blood vessels, and bone; laceration on the top of the head, approx. 12 cm × 2 cm, base reaching bone; laceration on the top of the head, 16 cm × 0.5 cm; irregular laceration on the left forehead, approx. 10 cm × 3.5 cm, extending above the left eye, base of muscle and bone; laceration on the right side of the head, approx. 7 cm × 1 cm, exposing muscle and bone fragments; laceration above the right eye, approx. 10 cm × 2 cm, base of muscle and bone
2	Face	Irregular lacerations on the left cheek, approx. 4 cm × 1 cm and 3 cm × 1 cm; laceration from the left lip to the left cheek, approx. 4 cm × 0.5 cm; irregular laceration below the left eye, approx. 3 cm × 2 cm
3	Ear	Laceration on the left ear, approx. 2 cm × 0.5 cm
4	Right hand	Irregular laceration on the right arm, approx. 3 cm × 2 cm, base of muscle and bone
5	Left hand	Abrasion on the left thumb, approx. 3 cm × 0.5 cm
6	Genitals	Clear yellowish fluid discharged from the genitals

Source: Decision Number 9/Pid.B/2025/PN Tkn, processed by the author.

The report concluded: "The body of a male has been examined, with the findings set out above. Based on the physical examination, the wounds were caused by sharp-force trauma."

d. Application of the Elements of Premeditated Murder under Article 340 of the KUHP in Decision Number 9/Pid.B/2025/PN Tkn

Murder is the unlawful killing of a person. The taking of life is regulated in the KUHP, and its most serious form is a capital offence. Premeditated murder is governed by Article 340 of the KUHP, which provides: "Any person who intentionally and with premeditation takes the life of another shall, being guilty of premeditated murder, be punished by death or by life imprisonment or by imprisonment for a fixed term of at most twenty years." It follows that the legislature framed premeditated murder as a distinct offence.[14]

1. Elements of Premeditated Murder

Premeditated murder is the crime of taking another person's life after planning its timing or method, with the aim of ensuring that the killing succeeds or of avoiding arrest.

[14] KUHP, art. 340; Soesilo, *KUHP serta Komentar-Komentarnya*; Chazawi, *Kejahatan terhadap Tubuh dan Nyawa*.

It is generally treated as the most serious type of homicide, and its perpetrator may be sentenced to death. Under Article 340 of the KUHP, the elements of premeditated murder are: (1) *any person* (*barang siapa*), namely a legal subject who can be held criminally liable, that is, a natural person (*natuurlijk persoon*); (2) *intentionally*, meaning that the offender has the will and awareness to bring about a particular consequence; (3) *with premeditation*, meaning that there is an interval between the decision and the act that allows systematic planning before the plan is carried out through the killing; and (4) the intensity of the acts, repeated against vital areas of the body after the victim had been rendered helpless, which shows a strong and directed intention to take life and forms the structure of the offence of premeditated murder.[15]

These elements establish that the defendant Ridwan bin Kamaludin committed premeditated murder, as reflected in the judgment of the Takengon District Court, which declared the defendant legally and convincingly proven guilty of premeditated murder for taking the life of a person named Risdian, sentenced him to death, ordered that he remain in detention, and determined the items of evidence listed above.

An interview with a judge of the Takengon District Court indicated that the panel of judges regarded the case as fulfilling every element of premeditated murder under Article 340 of the former KUHP. Had the case been examined under Law Number 1 of 2023 concerning the Criminal Code, the applicable provision would have been Article 459.[16]

According to the judge, the element of premeditation (*voorbedachte raad*) was satisfied because there was an interval that gave the defendant an opportunity to reflect calmly before committing the killing. Although the defendant initially carried the machete on the pretext of repairing an irrigation channel, after hearing the quarrel between the victim and his wife he chose to take up the machete, approach the victim, confront him verbally, and then consciously attack him until he died. This interval was considered sufficient to show an opportunity for reflection before the act was carried out.

The judge further emphasised that all elements of criminal liability had been met,

[15] Matthew A. Pauley, "Murder by Premeditation," *American Criminal Law Review* 36, no. 2 (1999): 145–70; Lamintang and Lamintang, *Kejahatan terhadap Nyawa, Tubuh, dan Kesehatan*; Chazawi, *Kejahatan terhadap Tubuh dan Nyawa*; Moeljatno, *Asas-Asas Hukum Pidana*.

[16] Gusti Muhammad Azwar Iman, Judge of the Takengon District Court, interview by the author, Takengon, May 21, 2026; Law Number 1 of 2023, art. 459.

since the defendant was a legal subject capable of bearing responsibility, was in a sound mental condition, acted intentionally, and could rely on no ground of justification or excuse that would exclude his criminal liability. The defendant was therefore bound to answer for his conduct under criminal law.[17]

As regards sentencing, the judge explained that under the National Criminal Code (Law Number 1 of 2023), the imposition of punishment must observe the sentencing guidelines set out in Articles 51 to 54. In addition to the gravity of the offence, the judge also weighs mitigating factors, such as the defendant's cooperative attitude after the incident.[18]

With regard to the death penalty, the judge explained that if it were imposed under the National Criminal Code, the ten-year probation mechanism under Article 100 of Law Number 1 of 2023 would apply. In the judge's view, this mechanism does not mean that the death sentence is automatically annulled, because any change to the sentence depends on an evaluation of the convict's conduct and requires approval in accordance with the procedure prescribed by statute.[19]

The judge also stated that the purpose of punishment is not merely retribution; it is also to prevent members of the public from taking the law into their own hands, to restore a sense of security in the community, and to encourage the offender to recognise his wrongdoing and return to society as a law-abiding member. Asked whether the death penalty is just, the judge declined to give a personal opinion in view of the duty to preserve judicial independence and the code of judicial ethics. The judge nevertheless considered the National Criminal Code more appropriate to apply, as it is a national legal product adapted to the development of Indonesian criminal law.[20]

e. The Law Enforcement Process in the Case

The law enforcement process in this case followed the stages laid down in Law Number 8 of 1981 concerning Criminal Procedure (KUHAP), namely inquiry

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17 Azwar Iman, interview; Hamzah, *Asas-Asas Hukum Pidana*.

18 Law Number 1 of 2023, arts. 51–54.

19 Law Number 1 of 2023, art. 100; Iftitahsari, Adhigama Andre Budiman, and Erasmus A.T. Napitupulu, *Report on the 2023 Situation of Death Penalty Policy in Indonesia: Automatic Commutation of the Death Penalty Mandated by the New Criminal Code* (Jakarta: Institute for Criminal Justice Reform, 2024), https://icjr.or.id/wp-content/uploads/2024/06/ICJR_Death-Penalty-Report-2023_EN.pdf.

20 Azwar Iman, interview; Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power (State Gazette of 2009 Number 157, Supplement to the State Gazette Number 5076), art. 3; Joint Decree of the Chief Justice of the Supreme Court and the Chairperson of the Judicial Commission of the Republic of Indonesia Number 047/KMA/SKB/IV/2009 and Number 02/SKB/P.KY/IV/2009 concerning the Code of Ethics and Code of Conduct for Judges.

(penyelidikan), investigation (penyidikan), prosecution (penuntutan), and examination at trial. The inquiry began after residents, the victim's family, and the village head (reje) of Remesen found the victim dead at the scene and the police took the body to Datu Beru Hospital in Takengon. At the investigation stage, the investigators gathered the testimony of the eyewitnesses Rasidah, Wildan, and Sabri, secured the bloodstained clothing and the machete that the defendant had left beside the victim, and requested a visum et repertum from Datu Beru Regional General Hospital. These measures are essential, since investigation under the KUHAP is directed at collecting evidence that makes the offence clear and identifies the suspect.

At the prosecution stage, the public prosecutor drew up an indictment in alternative form, with premeditated murder under Article 340 of the KUHP as the first alternative. This structure allowed the panel of judges to examine first whether the most serious qualification had been proven before turning to the other alternative. The case was examined by a panel chaired by Rahma Novatiana, with Bani Muhammad Alif and Chandra Khoirunnas as member judges, and the judgment was pronounced in a hearing open to the public on 17 March 2025. It was reported as the first death sentence in the long history of the Takengon District Court.

Under Article 183 of the KUHAP, a judge may not impose a sentence unless at least two valid items of evidence give rise to the conviction that the offence occurred and that the defendant committed it. Article 184 recognises five types of evidence: witness testimony, expert testimony, documents, indications, and the statement of the defendant. In this case, the testimony of eyewitnesses who saw the attack, the visum et repertum as documentary evidence within the meaning of Article 187(c), and the physical evidence seized from the scene together exceeded that statutory minimum. The visum et repertum was particularly important because it established the causal link between the defendant's conduct and the victim's death, an objective element that witness testimony alone could not prove with medical certainty.[21]

f. Criminological Factors Behind the Offence

The facts of the case also invite a criminological reading. As set out in the chronology, the attack was triggered by jealousy and resentment: the defendant suspected that the victim had repeatedly winked at his wife and answered the victim's

[21] Law Number 8 of 1981, arts. 1(2), 1(5), 137, 183, 184, and 187(c); Bahri, "Pertama di PN Takengon"; Novianna and Koswara, "Keberadaan Visum et Repertum."

denial with immediate and extreme violence. Criminal law literature identifies emotional triggers of this kind, together with personal conflict, opportunity, and the ready availability of a weapon, as recurring factors in killings within small rural communities, where disputes are personal and the parties know each other well. The defendant was carrying a machete, a tool in daily agricultural use in the coffee-growing highlands of Central Aceh, so that an instrument capable of inflicting fatal injuries was at hand when the confrontation took place.

Reports of the trial indicate, however, that the motive presented at the outset did not fully reflect the facts revealed in court. According to a release from the Takengon District Court, the defendant's wife testified under oath that his real aim was to extort money from the victim and that he had engaged in similar conduct more than once. If accepted, this testimony recasts the killing from an impulsive act of jealousy into conduct that grew out of a pattern of intimidation, which is relevant both to the element of premeditation and to the assessment of the defendant's culpability. It also shows why the reasoning of a judgment should expressly address the motive found proven, since motive is among the matters that Article 54 of Law Number 1 of 2023 requires judges to consider in sentencing.[22]

From a preventive standpoint, the case underlines the importance of early intervention in interpersonal conflicts. Village institutions in Gayo society, including the reje and customary leaders, play a significant role in mediating disputes before they escalate. Strengthening these mechanisms, together with legal outreach on the consequences of violent crime, can complement the deterrent function of criminal sanctions and reduce the likelihood that private grievances end in bloodshed.

3. Analysis of the Judgment

a. Qualification of the Offence

From a juridical standpoint, the application of Article 340 of the KUHP to the defendant rests on a sound legal basis, provided that the element of "with premeditation" is proven. In criminal law doctrine, this element does not require any particular length of time; rather, it requires that the offender had an opportunity to (a) reflect calmly, (b)

[22] Bahri, "Pertama di PN Takengon"; Marpaung, *Tindak Pidana terhadap Nyawa dan Tubuh*; Law Number 1 of 2023, art. 54(1).

consider the consequences of the act, and (c) abandon the intention.[23]

On the judge's account, the interval between the quarrel, the taking up of the machete, the approach to the victim, and the verbal confrontation demonstrates the existence of such an opportunity. The judge's reasoning that the element of premeditation was fulfilled is therefore doctrinally justifiable.

b. Criminal Liability

The judge applied the theory of criminal liability correctly. Criminal liability requires (a) a criminal act; (b) fault (*dolus*); (c) an offender capable of bearing responsibility; (d) the absence of any ground of justification; and (e) the absence of any ground of excuse.

In this case, all of these requirements were fulfilled. The offender was aware of his conduct, was able to distinguish right from wrong, did not suffer from a mental disorder, was not acting under duress, and was not acting in self-defence (*noodweer*).[24] Consequently, the defendant can be held fully criminally liable.

c. Sentencing

Notably, the judge did not rely solely on the theory of retribution (retributive justice) but also related the judgment to the sentencing paradigm of the National Criminal Code. This is evident from the judge's explanation of the purposes of punishment, which comprise protecting society, preventing crime, resolving social conflict, restoring balance, and rehabilitating the offender.[25]

This approach is consistent with the modern paradigm of Law Number 1 of 2023, which no longer regards punishment solely as retribution but also as a means of protecting society and achieving social reintegration.

d. The Death Penalty

Normatively, the death penalty could still be imposed on the defendant, because Article 340 of the KUHP provides alternative penalties: death, life imprisonment, or

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[23] Chazawi, *Kejahatan terhadap Tubuh dan Nyawa*; Lamintang and Lamintang, *Kejahatan terhadap Nyawa, Tubuh, dan Kesehatan*; Prasetyo and Rusdiana, "Unsur Berencana dalam Tindak Pidana Pembunuhan"; Pauley, "Murder by Premeditation."

[24] Moeljatno, *Asas-Asas Hukum Pidana*; Hiariej, *Prinsip-Prinsip Hukum Pidana*; KUHP, arts. 44, 48, and 49; Muhamad Chanif, "Implementasi Pasal 44 KUHP sebagai Alasan Penghapus Pidana dalam Proses Pemeriksaan Perkara Pidana," *MAGISTRA Law Review* 2, no. 1 (2021): 60–77, https://doi.org/10.35973/malrev.v2i1.2067.

[25] Law Number 1 of 2023, art. 51; Muchlas Rastra Samara Muksin, "Tujuan Pemidanaan dalam Pembaharuan Hukum Pidana Indonesia," *Jurnal Sapientia et Virtus* 8, no. 1 (2023): 225–47, https://doi.org/10.37477/sev.v8i1.465; Amrullah, "Paradigm Shift of Death Penalty Regulation."

imprisonment for a maximum of twenty years.

The panel of judges explained that the death penalty was chosen in view of the considerable social impact of the killing. From an academic perspective, however, the reason of "considerable impact" ought to be elaborated in greater detail in the reasoning of the judgment, for instance by addressing (a) the degree of cruelty of the killing; (b) the manner in which it was carried out; (c) its consequences for society; (d) the offender's degree of culpability; and (e) the prospects of rehabilitating the offender.[26] The heavier the sentence, the higher the standard of argumentation that the judge's legal reasoning must meet.

e. Article 100 of Law Number 1 of 2023

The judge's view of Article 100 of Law Number 1 of 2023 is largely accurate. Under the National Criminal Code, the death penalty is no longer an absolute principal penalty but a penalty of a special nature, with the possibility of a ten-year probation period where certain conditions are met. The provision balances (a) legal certainty, (b) protection of the right to life, (c) the aim of rehabilitation, and (d) the protection of society.[27]

Concern about possible abuse of this mechanism may legitimately be raised as an academic critique, but normatively a change of sentence does not depend solely on the assessment of the head of the correctional institution. There is a procedure of evaluation and approval under statutory provisions, so that the change cannot be made unilaterally.[28]

f. The Author's Critical Analysis

From an academic perspective, several observations can be made about the judgment.

First, the judge's consideration of the element of "with premeditation" accords with

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[26] Gulo et al., "Disparity in Sentencing"; Roger Hood and Carolyn Hoyle, *The Death Penalty: A Worldwide Perspective*, 5th ed. (Oxford: Oxford University Press, 2015); Law Number 48 of 2009, art. 50(1).

[27] Law Number 1 of 2023, arts. 64, 67, and 100; Amrullah, "Paradigm Shift of Death Penalty Regulation"; Wahyu Lukman Yuniyanto, "Progressive Legal Perspective on the Death Penalty in Criminal Law Reform in Indonesia," *Ratio Legis Journal* 3, no. 1 (2024): 937–47, https://jurnal.unissula.ac.id/index.php/rlj/article/view/36677; Dean Christoforus Montolalu, Wenly R.J. Lolong, and Yoan B. Runtunuwu, "Kepastian Hukum Eksekusi Pidana Mati dalam Perspektif Pasal 100 KUHP 2023," *Wajah Hukum* 10, no. 1 (2026): 88–103, https://doi.org/10.33087/wjh.v10i1.2012.

[28] Muntafa and Mahmud, "Pidana Mati Bersyarat"; Iftitahsari, Budiman, and Napitupulu, *Report on the 2023 Situation of Death Penalty Policy*; Dwi Ariawan, "Discourse on Conditional Death Penalty through Probationary Period of Imprisonment Under the New Criminal Code in Perspective of Restorative Justice," *Ius Poenale* 5, no. 2 (2024): 91–100, https://doi.org/10.25041/ip.v5i2.3587.

criminal law theory, but it should have described more comprehensively the time span and the process by which the offender's intention was formed, so as to leave no doubt as to whether the case constituted premeditated murder or ordinary murder.

Second, the reasoning for choosing the death penalty should not rest only on the magnitude of the impact caused; it should also set out the aggravating factors explicitly and explain why life imprisonment was considered insufficient to achieve the purposes of punishment.

Third, if this case were examined under the National Criminal Code, the judge would be required to apply the sentencing guidelines in Articles 51–54 of Law Number 1 of 2023 more systematically. This reflects a paradigm shift from a retribution-oriented approach towards one that gives greater weight to balancing the interests of the victim, the offender, and society.[29]

4. The Case under Law Number 1 of 2023: A Comparative Assessment

Law Number 1 of 2023 entered into force on 2 January 2026, three years after its promulgation, whereas Decision Number 9/Pid.B/2025/PN Tkn was rendered under the former KUHP. A comparison of the two regimes is nonetheless important. Article 3 of the new Code applies the new law to offences committed before a change in legislation unless the former law is more favourable to the offender, so that the new provisions may become relevant for cases still pending after that date. More broadly, the new Code reflects the direction of Indonesian sentencing policy against which future judgments in comparable cases will be assessed.

a. Qualification under Article 459

Article 459 of Law Number 1 of 2023 provides that any person who, with premeditation, takes the life of another shall be punished for premeditated murder by death, life imprisonment, or imprisonment for a maximum of twenty years. The formulation no longer contains the word "intentionally", because intent is now governed by the general part of the Code: Article 36 provides that punishable conduct is conduct committed intentionally, whereas negligent conduct is punishable only where the statute expressly so provides. The elements to be proven therefore remain substantively the same as under Article 340 of the former KUHP, namely a legal subject, the taking of another person's life, and premeditation, with intent established through the general

[29] Law Number 1 of 2023, arts. 51–54; Muksin, "Tujuan Pemidanaan"; Gulo et al., "Disparity in Sentencing"; Prasetyo and Rusdiana, "Unsur Berencana dalam Tindak Pidana Pembunuhan."

provisions.

Applied to the present case, the facts found by the court would satisfy Article 459 in the same way as Article 340. The defendant took up the machete after hearing the exchange between his wife and the victim, approached the victim, confronted him verbally, and then attacked him repeatedly, ending with a cut to the throat after the victim had fallen. Like the former Code, the new Code does not define premeditation, so its content continues to depend on doctrine and case law, including the three conditions of a calm decision, sufficient time between the decision and the act, and the calm execution of that decision. The repeated blows directed at vital areas after the victim was helpless strongly indicate the third condition, while the interval before the attack supports the first two.[30]

b. Sentencing Guidelines under Articles 51 to 54

The most significant change concerns the sentencing framework. The former KUHP contained neither a statement of the purposes of punishment nor sentencing guidelines, leaving the weighing of aggravating and mitigating circumstances largely to judicial practice. Law Number 1 of 2023 fills this gap. Article 51 sets out the purposes of punishment; Article 52 states that punishment is not intended to degrade human dignity; Article 53 requires judges to uphold both law and justice and to give priority to justice where the two conflict; and Article 54 lists the matters that must be considered, including the form of fault, the motive and purpose of the offence, the offender's state of mind, whether the offence was planned, the manner in which it was committed, the offender's conduct after the offence, the offender's background, the effect of the punishment on the offender's future, the effect of the offence on the victim and the victim's family, forgiveness from the victim or the victim's family, and the legal values and sense of justice in society.

Studies of sentencing disparity in Indonesia show that the absence of such guidelines has produced markedly different sentences for comparable conduct, which undermines public confidence in the courts. The guidelines in Article 54 are designed to make the reasoning behind a sentence transparent and reviewable. Where the death penalty is imposed, they require the judgment to explain how each relevant factor was

[30] Law Number 1 of 2023, arts. 3, 36, and 459; E. Agusta et al., "A Juridical Study of the Death Penalty for Premeditated Murder in the Perspective of Indonesian Criminal Law Reform," *Jurnal Pembangunan Hukum Indonesia* 7, no. 1 (2025): 98–117, https://doi.org/10.14710/jphi.v7i1.98-117; Chazawi, *Kejahatan terhadap Tubuh dan Nyawa*.

weighed: the cruelty and repetition of the blows, the motive found proven, the impact on the victim's family and the community, and any mitigating circumstances, such as the defendant's conduct after the event. The judge interviewed for this study acknowledged that the defendant's cooperative attitude was a factor to be weighed, which illustrates that even in a grave case the guidelines call for a balanced and explicit assessment rather than a sentence justified solely by the seriousness of the harm.[31]

c. The Death Penalty as a Special Penalty and the Probation Mechanism

Under Law Number 1 of 2023, the death penalty is no longer a principal penalty. Article 64 classifies it as a special penalty, Article 67 provides that it is always threatened in the alternative, and Article 98 states that it is imposed as a last resort to prevent offences and protect society. Article 100 then requires the judge to impose the death penalty with a probation period of ten years, having regard to the defendant's remorse and prospects for self-improvement or to the defendant's role in the offence. The probation must be stated in the judgment, and if the convict shows commendable attitude and conduct during that period, the sentence may be commuted to life imprisonment by Presidential Decree after consideration by the Supreme Court.

Had the present case been decided under the new Code, the panel would therefore have had to address the probation mechanism and record it in the judgment. Commentators observe that the criteria in Article 100 are framed in general terms and that indicators for assessing "commendable attitude and conduct" have yet to be laid down in implementing regulations, which may produce legal uncertainty and opportunities for abuse. Comparative studies further show that Indonesia has adopted a middle path between retention and abolition, preserving the death penalty while conditioning its execution. In a case such as this, the more appropriate course would be for the judgment to state why the defendant does or does not show prospects for improvement, so that the later evaluation during probation rests on a clear judicial record.[32]

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[31] Law Number 1 of 2023, arts. 51–54; Nimerodi Gulo, "Disparitas dalam Penjatuhan Pidana," *Masalah-Masalah Hukum* 47, no. 3 (2018): 215–27, https://doi.org/10.14710/mmh.47.3.2018.215-227; Faisal et al., "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code," *Cogent Social Sciences* 10, no. 1 (2024), https://doi.org/10.1080/23311886.2023.2301634; Azwar Iman, interview.

[32] Law Number 1 of 2023, arts. 64, 67, 98, and 100; Ariawan, "Discourse on Conditional Death Penalty"; Indana Zhulfa Innova and Luthfillah Arrizqi Zainsyah, "Reform of the Death Penalty Regulations in the New Criminal Code: A Comparative Study of Three Abolitionist Countries," *Yurispruden* 8, no. 2 (2025): 266–85, https://doi.org/10.33474/yur.v8i2.24572.

5. The Death Penalty, Human Rights, and the Local Context of Central Aceh

a. Constitutional and Human Rights Dimensions

The death sentence in this case must also be read against the constitutional guarantee of the right to life. Article 28A of the 1945 Constitution guarantees every person the right to live and to defend his or her life, and Article 28I(1) lists the right to life among the rights that cannot be limited under any circumstances. Article 28J(2), however, permits restrictions determined by law for the purpose of respecting the rights of others and meeting just demands based on morality, religious values, security, and public order. In Decision Number 2-3/PUU-V/2007, the Constitutional Court relied on this provision in holding that the death penalty for serious offences is not contrary to the Constitution, while recommending that future criminal law reform moderate its use, including through a probation period.

Human rights scholarship remains divided. Some authors argue that the death penalty is incompatible with the non-derogable character of the right to life and should be replaced by life imprisonment, while others accept its constitutionality provided that it is reserved for the most serious crimes and surrounded by strict procedural safeguards. The probation mechanism of the new Code can be understood as an attempt to bridge these positions. For the courts, the practical implication is that a death sentence demands the highest standard of reasoning, since an error cannot be corrected once the sentence has been carried out.[33]

b. Islamic Law, Public Perception, and the Gayo Community

The case arose in Central Aceh, a region that applies Islamic law in certain fields under its special autonomy. Qanun Aceh Number 6 of 2014 concerning Hukum Jinayat, however, does not regulate homicide, so murder in Aceh remains subject to the national Criminal Code and to the jurisdiction of the district courts. Islamic criminal law nonetheless shapes local perceptions of justice. Under the doctrine of qisas, a killing may be punished by death, but the victim's family may instead forgive the offender in return for compensation (diyat). Some scholars propose this idea as an inspiration for national criminal law reform, because it gives a meaningful role to the victim's family and

[33] The 1945 Constitution of the Republic of Indonesia, arts. 28A, 28I(1), and 28J(2); Constitutional Court of the Republic of Indonesia, Decision Number 2-3/PUU-V/2007, October 30, 2007; La Sina, "Implementation of the Death Penalty in the Perspective of Human Rights in Indonesia," *Hasanuddin Law Review* 2, no. 3 (2016): 385–97, https://doi.org/10.20956/halrev.v2i3.695; Hood and Hoyle, *The Death Penalty*.

balances attention to the offender with attention to the victim.

Empirical research shows that a large proportion of the Indonesian public supports retaining the death penalty, although a significant minority favours its abolition. Public sentiment of this kind helps to explain why the court emphasised the considerable social impact of the killing and the need to restore a sense of security in the community. At the same time, Article 54 of Law Number 1 of 2023 expressly includes forgiveness from the victim or the victim's family among the matters to be considered, which resonates with both the local religious culture and the restorative orientation of the new Code. Future judgments in similar cases in Central Aceh would benefit from recording the views of the victim's family and the community explicitly, so that the sentence reflects not only the gravity of the offence but also the social context in which justice must be felt.[34]

C. CONCLUSIONS

The killing of Risdian by Ridwan bin Kamaludin in Central Aceh Regency fulfils every element of premeditated murder under Article 340 of the KUHP, as intent, the taking of another person's life, and premeditation were proven through the facts revealed at trial, the testimony of witnesses, the items of evidence, and the *visum et repertum*, which attributed the victim's death to severe sharp-force injuries. The defendant can be held fully criminally liable, since he was physically and mentally sound, understood the consequences of his conduct, and could rely on no ground of justification or excuse. Law enforcement proceeded through inquiry, investigation, prosecution, and trial in accordance with criminal procedural law, and Decision Number 9/Pid.B/2025/PN Tkn imposed the death penalty because the act was conscious, premeditated, and extremely violent, with the aim of securing legal certainty, a sense of justice, and deterrence for the offender and others. It is therefore recommended that communities resolve conflicts peacefully and lawfully rather than resort to vigilantism, that law enforcement officials uphold professionalism, objectivity, and integrity, that the government and related institutions expand legal outreach on the consequences of murder and on lawful and deliberative conflict resolution, that scholars further examine

[34] Qanun Aceh Number 6 of 2014 concerning Hukum Jinayat, art. 3; Muhyidin, Yuli Prasetyo Adhi, and Triyono, "Contribution of Islamic Law Concerning the Death Penalty to the Renewal of Indonesian Criminal Law," *Indonesian Journal of Advocacy and Legal Services* 4, no. 1 (2022): 73–90, https://doi.org/10.15294/ijals.v4i1.55226; Prija Djatmika, Milda Istiqomah, and Heru Kurniawan, "Discourse on the Death Penalty: A Study of Public Perceptions in Indonesia," *Yustisia* 13, no. 1 (2024): 38–63, https://doi.org/10.20961/yustisia.v13i1.81938.

the death penalty and probation under Law Number 1 of 2023, and that judges continue to balance legal certainty, justice, and utility so that judgments also meet society's sense of justice and protect human rights.

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