The Role of Motive in Premeditated Murder

Lalu Muhammad Rukanda¹, Rina Rohayu Harun², Ufran Ufran³

rina@ummat.ac.id

¹,²Master of Law Study Program, Universitas Muhammadiyah Mataram, Indonesia
³Faculty of Law, Universitas Mataram

Keywords:
Role of Act; Criminal Act; Premeditated Murder

Abstract

The motive behind a crime is contingent upon the perpetrator’s mens rea, or their inner attitude and intention, to carry out an actus rea, or the actual commission of a wrongful act. This study seeks to offer a comprehensive examination and evaluation of the significance of discerning the purpose as a means for courts to ascertain the underlying circumstances of planned homicide, so enabling judges to render suitable and equitable judgments. This study employs a normative juridical methodology, which centers on doing literature and legislation research with analytical descriptive research parameters. The research findings indicate a lack of comprehensive elucidation on the motives outlined in Article 340 of the Criminal Code. Hence, the utilization of motive is constrained to the principles of law and the personal judgment of the presiding judge in the trial. As there is no analysis of the underlying intention, the Panel of Judges is not obligated to establish a motive for the homicide based on the information presented. Consequently, a range of conclusions were rendered, with some resulting in acquittal and others in conviction, as the judge did not establish any reason for the murder based on the evidence presented. Nevertheless, according to the Indonesian edition of the Criminal Code, Law no. 1 of 2023, the motive mentioned in Article 54 Paragraph (1) Sub B of the Criminal Code must be present prior to the verdict.
I. Introduction

Criminal law is a component of the broader legal system that governs society or a country. It sets forth the principles and regulations that determine which behaviours are forbidden, and imposes penalties, such as pain or hardship, on those who infringe upon these prohibitions (Chiu, 2005; Novitasari et al., 2022). Murder is the deliberate or accidental act of causing the death of another person. Regarding homicide, there exist various classifications, such as: involuntary manslaughter, first-degree murder, and serial killing.

The distinction between murder and manslaughter is in the premeditation involved. Murder, as defined in Article 338 of the Criminal Code, is committed promptly upon the formation of intent, whereas manslaughter is committed haphazardly after the intent has been formed. Possesses a "motive" and employs meticulous strategizing in order to execute the murder of their intended target. According to Article 340 of the Criminal Code, intentionally and with prior planning causing the death of another person is considered premeditated murder (moord), and is punishable by either the death penalty or life imprisonment, or a maximum of 20 years in jail. Motive is not a requirement under Article 340 of the Criminal Code (Habermeyer et al., 2010). Motive is merely one of the causal factors, serving as a single component among many others. The motive lies in the perpetrator's deliberate purpose to carry out a criminal act (Irawadi et al., 2019; Issa, 2022; Rosenberg, 2007). All acts stem from the motive, hence it is crucial to investigate the motive in order to ascertain the intent. If there is no reason, there will be no intention, and hence, no crime can be committed. This is the underlying objective.

The purpose must be pertinent to the act, as the provisions of Article 340 of the Criminal Code do not necessitate a motive and hence cannot establish certainty regarding it. The term "not mandatory" does not imply the absence of a requirement for a motive; thus, a motive is still necessary. The reason why motive is still necessary is because it is an integral component of the intention or mental state that leads to acts resulting in the loss of life. In addition, Article 340 of the Criminal Code mandates the presence of a motive. This article deals with a tangible offence, where the resulting outcomes of deliberate actions are forbidden. The inclusion of motive in Article 340 of the Criminal Code is essential, as this article pertains to intentional conduct. Therefore, it is necessary to demonstrate the extent of deliberate planning undertaken by the individual. Article 340 of the Criminal Code mandates the presence of a motive for the acts described in this provision, which involve intentionally and premeditatedly causing the death of another person. The penalty
for such acts can range from the death penalty to life imprisonment or a specified term of up to twenty years (Ginting et al., 2018; Hood & Hoyle, 2009; Leechaianan & Longmire, 2013).

Deliberate actions invariably possess a motive or rationale behind the perpetrator’s aim to plan and execute the act of ending another individual’s life. It is legally irrational for someone to commit murder, including premeditated murder, without a strong motive. According to the grammatical structure of Article 340 of the Criminal Code, it is evident that this article necessitates the presence of a motive. In addition to employing grammatical interpretation, the interpretation of this article also necessitates the application of legal reasoning. Hence, it is imperative to use prudence when using it, taking into account the potential consequences of severe punishment such as the death penalty or life imprisonment. The punishment options include either life imprisonment or a 20-year prison sentence.

Article 340 of the Criminal Code contains specific components. Initially, the occurrence was unintentional. The initial requirement necessitates him to articulate the location of his purpose. The primary impetus behind the planned execution of an act is the absence of a discernible motive, as it is highly improbable for an individual to engage in premeditated murder (a physical act), particularly by employing poison, without a clear motive. The second one. Uncertain regarding premeditation. Uncertain if it is necessary to elucidate the planning procedure.

Crimes against life are addressed in chapter XIX of the Criminal Code, titled "crimes against people’s lives." These crimes are governed by Articles 338 to 350 of the Criminal Code. This study centres on the stipulations outlined in Article 340 of the Criminal Code, which states that anyone who deliberately and with prior planning causes the death of another individual is subject to charges of premeditated murder. The potential penalties for this offence include capital punishment, life imprisonment, or a maximum term of twenty years.

Article 340 of the Criminal Code consists of the element of intentional conduct. The initial factor necessitates an elucidation of the specific location of the objective. The primary impetus behind purposely carrying out an act is the motive, as it is highly unlikely for someone to perform planned murder (a deliberate act) without a discernible motive, particularly when employing poison. Secondly, the inclusion of proactive planning. An elucidation of the planning process is necessary for this element.

The Criminal Code includes offences against human life under chapter XIX titled "crimes against people’s lives," which are governed by Articles 338 to 350 of the Criminal Code. This research centres on the stipulations outlined in Article 340 of the Criminal Code, which states that anyone who deliberately and with prior...
planning causes the death of another individual is liable to face charges of premeditated murder. The potential penalties for this offence include the death penalty, life imprisonment, or a maximum term of twenty years.

The stipulations outlined in this article give rise to intellectual challenges. The primary concern revolves around the necessity of proving the motive stated in the Article. Consequently, both theoretical and practical discussions develop within law enforcement circles, leading to frequent debates among legal scholars and practitioners. One can find evidence of this in diverse literary sources and observe it in discussions among legal scholars across different forms of print and digital media. A notable example is the case of Jesica Kumala Wongso, who was found guilty of premeditated murder of Mirna, as defined in Article 340 of the Criminal Code.

During the trial, the Public Prosecutor and the legal advisor from Jesica Kumala Wongso presented legal experts to seek academic validation regarding criminal liability. This included seeking expert opinions on whether it was necessary to prove motive in order to establish that the defendant had committed premeditated murder or not. Consequently, the experts who testified during the trial held divergent perspectives.

Ruba'i argues that Article 340 of the Criminal Code requires the expression or proof of motive. According to Ruba'i, the term "intentionally" in Article 340 encompasses the motive, intention, and actuality of the conduct. Rubai explained that premeditated murder involves a deliberate intention followed by a period of time during which the illegal act is planned and executed, involving various stages of planning. Premeditated murder is predicated upon motive. Motive can serve as evidence to establish the occurrence of deliberate murder.

Ruba'i contends that the presence of witnesses is not an indispensable requirement for the existence of clues (Ruba'i, 2016). If there exist witness statements that are interconnected and offer indications regarding a crime, then these indications can be utilized as evidence in the context of a criminal investigation. If the defendant's statement alone is insufficient to establish the defendant's guilt, it must be corroborated by additional evidence. Masrukin's viewpoint aligns with Van Bemmelen's perspective, asserting that understanding the reason is highly advantageous in persuading the judge to reach a verdict.

Unlike Professor Eddy O. S. Hiariej, a faculty member of the Gadjah Mada University Law School in Yogyakarta, who stressed that motive is not necessary to establish guilt under Article 340 of the Criminal Code. Article 340 of the Criminal Code defines dolus premeditatus, which outlines three key elements of premeditated murder. Initially, when the wrongdoer determines their course of action, they exhibit a state of tranquilly. Furthermore, there is an ample amount of time between
making judgements and executing activities. Furthermore, the action is executed in a tranquil state. Through an examination of the historical development of Article 340 of the Criminal Code, Eddy cited the perspective of Jan Remmelink, a distinguished academic and former Attorney General of the Netherlands, who argued for the exclusion of motive in the construction of the offence. According to Remmelink, the author of Article 340 of the Dutch Criminal Code intentionally positioned the motive of the perpetrator as distant as possible from the definition of the offence. If the motive is still being sought, it will only be found in the presence of mitigating or aggravating circumstances.

The divergent perspectives articulated by the two legal scholars have ramifications for real-life scenarios, such as the trial involving the offence of premeditated homicide of Jesica Kumala Wongso with Cyanide-laced coffee.

The objective of this article is to determine whether motive can be utilized as a factor in cases involving planned murder, based on the provided background information.

2. Research Method

According to the definition of normative legal research, which is defined as a research that is oriented to processing legal principles, legal doctrine, and law that applies at the moment (Indriati & Nugroho, 2022). This type of research falls within the category of normative legal research. For the purpose of this investigation, primary legal documents, secondary legal materials, and tertiary legal materials are also utilized. An analytical and prescriptive study that makes use of statutory and conceptual regulatory methodologies is used to elaborate on these three legal materials. This legal research investigates legal issues with a variety of constructive arguments and analyses in order to gain answers to legal concerns that were raised in line research. The results of the studies that were conducted for this research are arranged in a systematic manner using a syllogism plot.

Primary legal materials and secondary legal materials are the two categories of legal resources that are utilized. The method that is utilized in the process of gathering primary and secondary legal documents is the technique of taking an inventory of positive law and research that is related to the issue that is being researched. This inventory is then arranged and categorized according to the problem definition that was presented before. The following step is to perform an analysis and/or interpretation of the data in the hopes of finding solutions to the legal research issues or providing answers to them.
3. Results and Discussion

3.1. Motive in Criminal Act

According to the Indonesian Dictionary, motive is defined as the underlying reason or cause that drives someone to take a particular action. With regard to the definition of motive as stated in Black’s Law Dictionary: Reason. Motive is the impetus that drives the will and initiates action. A concept, conviction, or sentiment that motivates or provokes one to behave in accordance with their mental or emotional conditions. Motive refers to the underlying cause or motive that drives and propels an action. A concept, conviction, or sentiment that motivates or provokes an individual’s cognition to respond in accordance with prevailing conditions or feelings. Eldar & Laist define motive as the underlying cause or psychological state that compels an individual to engage in illegal behavior. Put simply, a motive is the underlying cause that drives an action.

In criminal law, the prevailing belief is that the motive behind a criminal act, regardless of whether it is positive or negative, does not play a role in assessing criminal liability. This perspective is founded on the premise that analyzing the perpetrator’s motives in order to establish criminal liability will result in challenges and ambiguity. While motive is generally seen insignificant in establishing the criminal liability of the offender, in reality, prosecutors may take motive into account to assess the gravity of the charges, and judges may examine motive to decide the seriousness of the offense. Historically, Cesare Beccaria emphasized that considering the motive of a perpetrator of a criminal act is unnecessary in determining their criminal responsibility. Beccaria argued that if motive were to be taken into account, it would result in the application of different criminal laws for each perpetrator, due to the potential variation in motives (Rauzi et al., 2023).

Motive can be defined as the impetus that compels an individual to engage in, exhibit the intention for, and perpetrate a criminal act in alignment with their desires and objectives (Dweck & Leggett, 1988; Lerner, 1977; Veresha, 2016). Nevertheless, the motive in this instance will serve as a fundamental factor for the judge in determining criminal penalties, in accordance with the relevant legislation. Motives are inherent urges within an individual that are expressed through actions. These actions typically contravene relevant regulations. When an individual engages in an action, motivation refers to an internal state that is influenced by several variables and prompts them to perform that specific action. Motive is employed to elucidate the underlying reason for an individual’s
engagement in a criminal act. Motive and intention are distinct concepts. Deliberate intention is a fundamental component found in nearly all criminal activities. Nevertheless, motive typically does not constitute an element of a criminal act. The burden of proof for the prosecution in criminal trials does not require establishing the defendant's motive to commit the offense. The public prosecutor typically establishes the motive in order to bolster the judge's conviction of the defendant's guilt.

In criminal law, the perspective on motive is that the perpetrator's intention, regardless of whether it is positive or negative, is not significant in determining criminal liability. This perspective is predicated on the premise that taking into account the perpetrator's objectives will pose challenges in executing the crime. The rationale behind the assertion that motive does not require proof or consideration is based on the fact that motive is not explicitly specified as a component of a criminal act. According to this perspective, the omission of motive as a component of a criminal act would contradict the norm of legal certainty.

The term "non-criminal" is a translation of strafbaarfeit. Strafbaarfeit typically refers to a criminal act that is synonymous with delict, derived from the Latin term delictum. Law (criminal conduct). The criminal act, known in Dutch as strafbaarfeit, is made up of three syllables: straf, which means criminal and legal, baar, which means can and may, and feit, which means action, event, violation, and deed. Tien S. Hulukati believes that a criminal conduct in Dutch known as strafbaarfeit is behavior that is banned by law from being carried out by a person and is accompanied by criminal threats (sanctions) that the State can impose on any person or offender who engages in such behavior. is prohibited. The term strafbaarfeit is used in the criminal law book (KUHP) to define a criminal act, and delict is frequently used in criminal law literature, whereas lawmakers construct laws using the phrases criminal event, criminal act, or criminal act.

According to Moeljatno, criminal law is a branch of the law that establishes the foundation and rules for determining which actions must not be carried out and which are prohibited, accompanied by the threat of sanctions in the form of a specific crime for anyone who violates the prohibition, when and in what circumstance (Moeljatno, 2008). Violating these prohibitions can result in or lead to a criminal term, as has been threatened, and how the enforcement of criminal law can be carried out if people violate these prohibitions. Van Bemmelen defines criminal law in two terms: material criminal law and criminal law. Formal Criminal. According to him, Material Criminal Law consists of criminal acts that are referred to in succession as general regulations that can be applied to those acts, whereas Formal Criminal Law governs the manner in which criminal
proceedings should be carried out and establishes the rules of conduct that must be followed on that occasion.

Sudarto, another criminal law specialist, defines criminal law as a set of legal norms that impose criminal consequences on behaviors that match particular criteria. Sudarto further claims that criminal law can be viewed as a system of negative consequences that are used when alternative options are unavailable. is insufficient, criminal law is considered to serve a secondary function (Adiyaryani et al., 2017; Purnamasari et al., n.d.).

The concept of criminal law according to specialists depending on their origin, specifically criminal law experts from the West and Indonesian criminal law experts:

1) According to Apeldorn, criminal law has two meanings: material criminal law, which refers to criminal acts that have two parts: objective and subjective. And formal criminal law, which governs how material criminal laws are executed.

2) According to Hazewinkel Suringa, criminal law is divided into two categories: objective law (iuspoenali), which includes authorized orders and prohibitions, and provisions that regulate measures that can be used if the norm is violated, which is known as penetrative and subjective law, which is the state's legal right to prosecute offenses and impose and carry out criminal penalties.

3) According to Satchid Kartanegara, criminal law can be regarded from different perspectives, including: criminal law in an objective sense, which is a set of laws that contain prohibitions or requirements, violations of which are punishable by law. Criminal law, in a subjective meaning, is a set of regulations that govern the State's right to penalize someone who commits a banned crime.

Within the Criminal Code, criminal activities are categorized into two distinct types: violations and crimes. These categories are specifically outlined in book III and book II of the Criminal Code, respectively. Violations incur less severe penalties compared to crimes. Various phrases are employed to signify the definition of strafbaarfeit. The diverse terminology and interpretations employed by experts are grounded in logical justifications and deliberations, in accordance with the unique perspectives of each expert.

Simons categorizes the components of criminal acts into two distinct categories. The objective element and subjective element are the two components that constitute a criminal conduct. The objective elements encompass the individual's behaviors, the observable outcomes resulting from those behaviors, and sometimes the specific conditions that coincide with the behaviors. On the
other hand, subjective factors encompass individuals who possess the capability to assume accountability as well as errors. Actions that must be rectified due to an error, which may be attributed to either the outcomes of the activity or the circumstances in which it was performed. Lamintang claimed that subjective factors pertain to the culprit and encompass all that resides within their heart. Lamintang provides a detailed explanation of the subjective and objective parts of a criminal conduct, specifically in relation to the conditions in which the perpetrator’s activities are carried out.

Subjective main elements:
  a. On purpose:
     1). Deliberately intended
     2). Deliberately with certainty
     3). Be intentional with awareness of the possibilities
  b. Omission:
     1). Not careful
     2). Can predict the consequences of the action

Main objective elements:
  a. Human actions, in the form of:
     1). Act is an active action/passive action
     2). Omission is not actively doing negative actions. In other words, let it go, leave it alone
  b. The result of human actions
     The consequences in question endanger or damage/eliminate interests defended by law, for example: life, body, independence, property rights/honourary possessions and so on.
  c. Circumstances
     In general, these conditions are distinguished as follows:
     1). The circumstances at the time the act was committed
     2). The situation after the unlawful act
     d. The nature of being punishable and the nature of being against the law
     This punishable nature relates to the binding reasons for not being free from punishment. The nature of unlawfulness is contrary to the law, namely in relation to or orders.

3.2. Types of Criminal Act

The Criminal Code (KUHP) categorizes criminal acts into two main groups, referred to as the Second Book and the Third Book. Each group consists of various crimes and violations, which are further organized based on the specific targets that the Criminal Code aims to safeguard against (Elda & Santoso, 2018; Harahap et al., 2017)
1) Criminal Offenses and Infractions

The legal framework establishes the classification of criminal activities into crimes and breaches. The Criminal Code categorizes crimes in Book Two and offenses in Book Three, however, it fails to provide a clear definition of what constitutes a crime and a violation. Nevertheless, there exist two perspectives that endeavor to discern distinctions and standards between transgressions and crimes.

One viewpoint is that there are qualitative distinctions between the two categories of transgressions. There are two categories of offenses: Rechtdelicten and Wetsdelicten. Rechtdelicten refers to actions that are in opposition to justice, irrespective of whether they are legally criminal or not. These actions are widely perceived by society as being fundamentally unjust, such as murder and theft. These types of transgressions are referred to as "crimes". Wetsdelicten refers to acts that are considered criminal offenses by the public due to their classification as delicts under the law. For instance, parking a car on the right side of the road is deemed a criminal offense because it is prohibited by law. Offenses of this nature are referred to as "violations".

The second opinion asserts that there are measurable distinctions between the two categories of transgressions. This position alone establishes criteria based on distinctions observed from a criminological standpoint, specifically that the transgression is less severe than a criminal act.

2) Formal Offenses, also known as Formalities, refer to violations of established rules, procedures, or protocols.

Material Offenses, on the other hand, pertain to violations that involve the substance or content of a particular matter. A formal offense is defined as an offense that centers around banned actions, and is considered complete after the act described in the offense formulation has been committed. A formal offense is defined as an offense that is considered complete once the act is committed, regardless of whether the act was really carried out. The focus is just on the act itself, while any resulting repercussions are considered incidental. A material offense is an offense that is defined based on its unwanted and banned consequences. This offense is only considered complete if the undesirable effects have occurred. Otherwise, it is considered an attempted offense at most.

3) Deliberate Offense and Careless Offense

Intentional criminal acts, also known as dolus delicten, refer to criminal acts that are deliberately committed or involve an element of intent. Meanwhile, the criminal act of culpa (culpose delicten) is a type of criminal act that has an element of negligence in its definition.
Intention and carelessness are occasionally combined in the formulation of certain criminal offenses, resulting in the possibility of criminal acts being categorized as both intentional and negligent. The exception to the general rule that an error in purpose is more serious than an error in negligence is when a deliberate criminal act is considered equivalent to a negligent criminal act. A culpa crime is a type of criminal offense characterized by the presence of negligence, a lack of care, and the absence of intent.

4) Offenses committed by the Commissioner and Offenses committed by the Omissionist.

An active criminal act, also known as delicta commissionis, refers to a criminal act that involves a positive and intentional action. Active actions, also known as material actions, involve the physical movement of the bodily parts of the individual doing the activity. By engaging in proactive behavior, individuals contravene prohibitions. This active act encompasses both formal and substantive criminal conduct. A passive criminal conduct (delicta omisisis) occurs when a person is legally obligated to perform a given activity due to a specific condition or event. Failure to fulfill this obligation would result in a violation of the law. This criminal offense can also be referred to as a criminal act of legal duty negligence.

3.3. Crime Prevention

Crime prevention policies, often known as criminal politics, encompass a wide range of measures and strategies. The strategies employed to address crime can be categorized into two main approaches: penal channels, which involve the use of criminal law, and non-penal channels, which operate beyond the realm of criminal law (Mulyadi et al., 2023).

In broad terms, it can be discerned that endeavors to address crime through the criminal approach primarily emphasize repressive features following the occurrence of the crime, whereas the non-penal approach places greater emphasis on preventative measures before the commission of the crime. The distinction is considered to be somewhat vague, as repressive acts can potentially be interpreted as preventive efforts in a broader context.

Given that non-penal approaches to crime focus on preventing its occurrence, the primary objective is to address the underlying issues that contribute to its happening. These contributing elements, among others, pertain to social issues or circumstances that might directly or indirectly lead to or promote criminal behavior.

Currently, there are ongoing endeavors to diminish crime rates by the implementation of stricter penalties, notwithstanding the acknowledged inefficiency of these approaches. Therefore, criminal policy leans towards
rehabilitating prisoners and preventing the occurrence of crime through effective traditional social education. In this context, understanding criminogenic factors in the society is crucial. Understanding the determinants of crime empowers us to effectively address criminal behavior, so safeguarding society. Multiple initiatives are being undertaken to mitigate the incidence of criminal activities. The measures employed by law enforcement officers to counteract this crime are as follows:

1) Preventive: Preventive measures refer to the earliest actions taken by law enforcement to deter the occurrence of criminal activities. Preventive crime prevention efforts aim to inculcate positive values or norms in individuals, ensuring their internalization. If there is an opportunity to commit a violation or crime, but no purpose to do so, a crime will not be committed. Therefore, despite the presence of an opportunity, the intention aspect is disregarded in preventive attempts.

2) Preventive: Preventive measures are implemented as a continuation of preemptive actions, which are taken to prevent a crime before it happens. The focus of preventive measures lies on eradicating circumstances that facilitate the occurrence of criminal activities.

3) Repressive: This approach is implemented in response to the occurrence of a criminal act, when law enforcement takes action by imposing penalties.

3.4. The Premeditated Murder

Premeditated murder refers to a deliberate act of killing where the defendant has carefully planned and prepared for the crime (Larkin Jr & Canaparo, 2020; Oktatianti et al., 2023; Tirtaraharja et al., 2023). This may involve discussions with others or meticulous consideration of the methods to be employed in executing their malicious objectives well in advance of the actual act. Preplanned homicide is typically executed for financial motives or the personal interests of the culprit, such as harboring resentment and plotting to terminate the victim’s life. Alternatively, the perpetrator may receive compensation to carry out the act of murder for specific causes. Premeditated murder, as defined by Article 338 of the Criminal Code, refers to a deliberate act of killing that is executed after careful deliberation and consideration. Premeditation refers to the deliberate planning and contemplation that occurs between the formation of the intention to kill and its execution. During this period, the perpetrator has adequate time to calmly consider various aspects, such as the method of murder.
The distinction between murder and premeditated murder lies in the timing of the execution. Murder, as defined in Article 338, is committed promptly upon the emergence of the intention. In contrast, premeditated murder involves a delay between the formation of the intention and the actual execution, allowing for the planning and organization of the murder's method and strategy.

The act of premeditated murder encompasses the following components:

Subjective components:
- Intentionally
- Preemptively

Key Components:
- Action: causing someone's death.
- The subject matter: the existence of other individuals

In order for premeditated murder to occur, the offender must engage in deliberate and calculated planning, requiring a state of calm and rational thinking. In conventional homicide, the act of deciding to end someone's life and carrying it out occur simultaneously. However, in premeditated homicide, these two actions are distinct, with a period of time allocated for quiet contemplation of the execution and the possibility of canceling it. Pre-planning occurs when someone decides to eliminate someone's soul due to their desires and makes preparations to carry out this decision under the influence of those desires. According to the previously stated definition and requirements for pre-planned elements, the process of pre-planning is distinct from the process of deliberate action. The formation process is designed to necessitate and undergo specific conditions. However, the creation of intention does not necessitate the prerequisites needed for the formation of elements "with premeditation". Furthermore, while examining the process of creating an element with a premeditated design, it is evident that the element inherently possesses intentionality, but the reverse is not true. Therefore, it can be inferred that intentional volition is a component of premeditated strategizing.

CONCLUSION

According to this research, the author can infer that there are divergent viewpoints within the legal domain about motives. According to certain criminal law experts, it is not necessary to establish motive beyond the formulation of the offense. This is because the Public Prosecutor only needs to prove the essential elements of the offense itself. Conversely, there is an alternative viewpoint that posits a connection between motive and the establishment of a criminal act. Although the current version of the Criminal Code in the Netherlands, known as the Wetboek van Straftrecht, does not clearly state whether motive is required for proof, the Indonesian version, which will be in effect for three more years, explicitly states that motive is essential for the Panel of Judges to consider when making criminal decisions against individuals who
commit the crime of bloody murder. In order to ensure a comprehensive comprehension of the law, it is imperative to regularly revise and update it, particularly with regards to achieving an unbiased interpretation of legal laws. This is done to prevent law enforcement officials from interpreting various reasons during the implementation process, particularly when it comes to demonstrating that the purpose of enforcing the law is in line with the principles of justice.

References


Islam, 5(2), 1551–1566.
https://doi.org/10.26555/novelty.v14i2.a25954