

A Criminological Analysis of Homicide Committed by Husbands Against Their Wives

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Info Articles	Abstract
Article History Received : 2018-07-03 Revised: 2018-07-09 Published: 2018-07-30 Keywords: <i>Criminal Law, Murder, Criminology.</i>	Cases of murder committed by husbands against wives are a serious problem in society. This study aims to analyze the factors causing the murder, as well as its impact on the victim's child. The method used is descriptive research using data from observations, documentation, and interviews with AKP Abner Saragih, one of the investigative teams handling the case. The results showed that the murder occurred due to jealousy and economic problems in the household. The perpetrator used a machete that had been prepared before hand, resulting in the death of his wife and serious injuries to the victim's child. The victim's children are currently being raised by the victim's family without their biological parents. The conclusion of this study is the need for serious handling of domestic homicide cases, as well as the importance of the role of law enforcement agencies in providing justice to victims. This research also provides suggestions for increasing public awareness about the importance of peaceful conflict resolution, as well as the need for psychological support for children who have been traumatized by a murder case in the family. It is hoped that the results of this study can provide a deeper understanding of the problem of domestic murder and contribute to preventing similar cases from occurring in the future.

I. INTRODUCTION

Murder is an act that results in the death of a person. The perpetrator of murder must be held accountable for their actions, which is usually punished through a legal process called "being criminalized." When someone is criminalized, they are serving a sentence as a result of an act deemed bad and detrimental to the public interest. Furthermore, acts that damage another person's property also result in punishment.

Punishment itself is the act of imposing sanctions intended to harm or inflict suffering on someone who commits a crime. Sanctions for criminal acts vary depending on whether the act was committed intentionally or due to coercion. For example, there was a case of murder committed by a husband against his wife by repeatedly slashing her in Mandala, Medan, North Sumatra on October 22, 2022. This murder was even witnessed directly by the victim's child. According to the perpetrator's

brief statement, he committed the act out of jealousy towards his wife, although other motives are unknown. This act clearly violates the provisions stipulated in Article 338 of the Criminal Code, which states that "anyone who intentionally takes the life of another person shall be punished with a maximum imprisonment of 15 years." Although the principle of causality is not explicitly regulated in the Indonesian Criminal Code, it remains a doctrine, where a case is judged by the crime itself, not the cause that drove the perpetrator to commit the crime. In this case, Indra Syahputra was convicted of murdering his wife. Therefore, research is needed into the criminology of the murder of his wife committed by Indra Syahputra.

THEORETICAL BASIS

a. Criminology

Criminology in English is called criminology and in Dutch, criminologie. Crimen

means crime and logos means science. Thus, criminology literally means the science of crime (not the science of crime/being evil). (Ali Zainuddin, 2006).

b. Perpetrator of the crime

A criminal is a person who commits a crime, often referred to as a "criminal." Positivist criminology studies criminals with the aim of identifying the causes of crime. Therefore, positivist criminology relies on the basic assumption that criminals differ from non-criminals. These differences lie in biological, psychological, and socio-cultural aspects. Therefore, in identifying the causes of crimes committed against convicts or former convicts, biological and cultural characteristics are examined. (Chazawi Adami, 2021)

c. Individual

According to the doctrine, a perpetrator (dader) is anyone who carries out all the elements of a crime as defined in the law. The concept of a legal subject or "person" as the holder of rights and obligations holds a crucial position in legal studies. In this context, attention will be focused on this concept. Therefore, every individual is considered to have legal authority. (Hamzah Andi, 2015)

d. Victims of crime

Hans Von Hentig and B. Mendehlson, in their book "The Criminal and His Victim," demonstrated that in certain crimes, the victim plays a crucial role in the crime's occurrence. Subsequently, the study of victims developed rapidly, giving rise to victimology, a field of study that addresses the issue of victims in all its aspects. (Hamzah Andi, 2015).

e. Social reactions

Social reactions to crime and criminals can be divided into two categories: repressive and preventive. Repressive reactions are carried out by authorities to handle crimes that have already occurred, with considerations of justice and truth. Preventive reactions, on the other

hand, aim to prevent crimes from occurring. Furthermore, there are formal reactions carried out by law enforcement officials to prosecute perpetrators in accordance with criminal law. The goal of the criminal justice system is to prevent crime, resolve crimes, and prevent recurrence of criminal acts. On the other hand, informal reactions are carried out by the general public without the involvement of law enforcement officials. The public has the right to react to crime as long as it does not violate applicable regulations. (Lamintang, FAP, Lamintang Theo, 2012)

THEORY OF CAUSE OF OCCURRENCE

a. Biological Theory of Crime

This theory states that a person's physiological factors and physical structure are innate. Through genes and heredity, they can give rise to deviant behavior. Inheriting abnormal tendencies can result in deviant behavior and sociopathic behavior. Criminals possess an innate evil talent inherited from their ancestors. Criminals are born with a legacy of evil actions.

Criminals possess unique traits from birth, such as asymmetrical skulls, long jaws, flat noses, sparse beards, and a high tolerance for pain. These physical traits are not direct causes of crime, but rather indicate a personality predisposition toward criminal behavior. These inherited traits can be passed down through generations and are linked to epilepsy. Because of these personality characteristics, it is difficult for them to avoid committing crimes except in certain environments and under certain circumstances. Some proponents of this view claim that different types of criminals, such as thieves, murderers, or sexual offenders, can be distinguished by specific birthmarks or stigmas.

b. Psychological Theory

This theory states that criminal behavior

arises from factors such as intelligence, personality traits, motivation, erroneous attitudes, fantasies, rationalization, faulty self-internalization, inner conflict, conflicting emotions, and psychopathological tendencies. This means that criminal behavior is a reaction to psychological problems. Another factor contributing to crime is the perpetrator's psychological state. A person whose social interactions are disrupted will continue to engage in criminal behavior regardless of the circumstances.

c. Sociological Theory

Sociological theories of crime attempt to identify the reasons for differences in crime rates within a social environment. These theories can be grouped into three general categories: strain, cultural deviance, and social control. Strain and cultural deviance focus on the social forces that cause people to engage in criminal activity. Social control theory attempts to answer why people do not commit crimes. Furthermore, this theory examines the ability of social groups and institutions to create effective rules.

d. Substructural Theory of Delinquency

According to this theory, criminal behavior is a characteristic of the social structure with cultural patterns typical of the environment and society experienced by criminals. This occurs because of dense populations, low socio-economic status of its residents, very poor physical conditions of the village, or also because of a lot of familiar and high-level social disorganization. The geographical and geographical factors of an area can also influence the occurrence of motor vehicle theft crimes accompanied by violence, because poor roads cause motorists to reduce their speed, making it easier for perpetrators to commit these crimes.

The murder that occurred in the Percut Sei Tuan Police Station area is a form of crime. The

perpetrator, her husband, committed the murder of his wife. The victim, her wife, suffered the crime committed by her husband. The victim, her wife, lost her life as a result of her husband's crime. Interviews and physical observations will serve as sources and data to determine the reasons behind the murder.

II. RESEARCH METHODS

The research method used in this study is empirical juridical research. The research location is in the Percut Sei Tuan Police Station area, precisely at Jl. Letda Sujono No. 50, Bandar Selamat, Medan Tembung District, Medan City, North Sumatra. The research approach used is qualitative by using observation, interviews, and documentation as data collection techniques. The data sources used consist of primary data obtained directly from the field through observation and interviews, as well as secondary data derived from reading sources and other documents. Documentation is also used to track data on events that have occurred. This research method uses in-depth analysis techniques. The purpose of this methodology is not a generalization but an in-depth understanding of a problem.

III. RESULTS AND DISCUSSION

There are other factors besides jealousy that can cause a husband to murder his wife. According to Article 338 of the Criminal Code, murder is the deliberate act of taking another person's life (Marpaung Laden, 2002).

Murder is committed by someone with the intention of killing, using a tool or situation that is considered suitable for killing. (Moleong J. Lexy, 2001). The consequences of a husband killing his wife have a negative impact on various parties, such as children being neglected because they lose their core family who cares for them, the husband's family and the woman's family being disappointed by the husband's actions in killing

his wife, the relationship between the two families being strained, and the husband himself experiencing negative psychological impacts from the experience.

1. Factors causing murder by husbands of their wives

Factors contributing to husbands' murder of their wives include economic factors (Moleong J. Lexy, 2001). As society develops, economic needs continue to increase over time, and the lack of employment opportunities can trigger conflict between husbands and wives. Insufficient wages to meet household needs lead to arguments, especially if the husband is the breadwinner. These arguments can lead to acts of violence by the husband against the wife. Poverty is also considered a factor in crime, including murder.

Another factor is allegations of infidelity. Infidelity is a common issue, and in this case, the husband suspected his wife of having an affair, having been separated for a week. The husband killed his wife, who was found on Mandala Street, allegedly because he suspected she was with her lover. (Mustofa Muhammad, 2021).

2. Chronology of the incident of the slashing which hit and injured the victim's child

Based on interviews with Abner Saragih, a member of the investigative team, several factors led to the husband's murder of his wife. These factors included jealousy, a week of separation, a financial dispute, and allegations of infidelity. The incident began when the husband handed his child to his wife at the traffic post at the Aksara intersection. An argument ensued, resulting in the husband hitting his wife's pedicab and slashing her with a machete. Their child, who was in her lap, was also injured. The incident was witnessed by the public, and the husband was eventually attacked by the mob. The victim died, and the perpetrator was arrested by the police. The victim's child was cared for by the family. The perpetrator underwent legal proceedings,

including rehabilitation, detention, investigation, and the submission of case files. (R. Soesilo, Criminal Code. 1993).

3. Legal process and imposition of sanctions against perpetrators of premeditated murder

In the criminal justice system, there are stages that must be passed, starting from investigation, prosecution, court examination, and implementation of the verdict. These stages involve law enforcement agencies such as the police, prosecutors, courts, and correctional institutions. The investigation stage is carried out by the police to determine someone as a suspect. After that, the prosecution is carried out by the public prosecutor by referring the case to the court. The case examination is carried out in court based on the prosecutor's indictment, and the judge will issue a verdict on the case. The final stage is the implementation of the court decision carried out by the prosecutor, where the defendant who is found guilty will be executed according to the sentence imposed. In the case of murder committed by a husband against his wife, the case process was carried out for 2 months at the Sei Tuan Police Station and then continued at the Medan District Court. The articles applied in this case are Article 338, (R. Soesilo, Criminal Code. 1993), Article 340, and Article 351 paragraph 3 of the Criminal Code. Although the police have not yet received a court decision, researchers hope that the perpetrator will be punished appropriately for his crimes to create a deterrent effect and prevent similar cases from occurring in the future. (R. Soesilo, Criminal Code, p. 244.)

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Murder committed by a husband against his wife falls under the category of premeditated murder, although the definition and elements of premeditation are not explicitly stated in the

Criminal Code. Terms such as serious injury, treason, and conspiracy are defined in Chapter IX of the Criminal Code. However, the definition and elements of premeditation can be derived from doctrine and jurisprudence. In addition to the article on premeditated murder, the perpetrator may also be charged under other articles related to this case. There are two main conclusions from this murder. First, the perpetrator was charged with multiple articles such as Articles 340, 338, 351, and the Domestic Violence Article because the perpetrator had prepared a machete before committing the murder. Second, one of the contributing factors to this murder was economic problems and poor household conflict, including infidelity and the burden of child support. As a result, the victim died and her children suffered serious injuries, having witnessed the murder themselves. Currently, the children are being raised by the victim's family without their biological parents present, and they may be severely traumatized by the incident.

B. Suggestion

The researcher's suggestion regarding this article is to hope that the imposition of sanctions by the District Court is expected to be in accordance with the mistakes made by the perpetrator so as not to cause new problems that can lead to new victims and new wounds for children and society and it is hoped that there will be mental recovery and trauma for children from murder victims who witnessed directly how the murder process occurred.

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