

Implementation of Investigations and Investigations in Revealing Criminal Acts of Premeditated Murder

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ARTICLE INFO	ABSTRACT
Submitted :22-04-2023	Efforts to investigate and investigate the crime of premeditated murder is regulated in the Criminal Procedure Code (KUHAP)
Received :25-04-2023	namely Law Number 8 of 1981, Article 1 points 1 and 2 formulate the meaning of investigation. The reality on the ground shows that
Approved :05-05-2023	the implementation of investigations and investigations in uncovering cases of premeditated murder cannot be carried out
Keywords : Implementation; Investigation; Criminal act; Planned Murder.	optimally because there are obstacles to the lack of witnesses and evidence. The formulation of the problem in this study is: How is the implementation of investigations and investigations in uncovering cases of premeditated murder? The author uses an empirica juridical approach, using primary and secondary data. Data analysis using qualitative analysis. The results show that: The examination cycle should be done expertly by agents in view of regulations other than the Criminal Methodology Code which frames the legitimate reason for specialists is Police Guideline (Perpol) Number 6 of 2019 concerning the Nullification of Perkap Number 14 of 2012 concerning The executives of Criminal Examination.
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1. Introduction

Indonesia as a protected state has a few kinds of regulations to control the activities of its residents, including Criminal Regulation and Criminal Methodology Code. These two regulations have an extremely cozy relationship on the grounds that fundamentally the law of criminal strategy is remembered for the significance of criminal regulation (Mertokusumo, 2009). It's just that criminal procedural law or what is also known as formal criminal law is more focused on provisions governing how the state through its tools exercises its right to convict and impose sentences. Meanwhile, criminal law (material) is more focused on the law that regulates what crimes or actions can be punished with a crime determined by the law and against whom such punishment can be imposed (Effendi, 2011).

Criminal procedural law is the entire legal rule regarding how to implement criminal law provisions, if there is a violation of the norms referred to by this provision. So that the criminal procedural law was created as a means in the framework of law enforcement and justice in realizing an orderly and peaceful life in society. The encapsulation of Indonesia as a law and order nation is to make legal guidelines in which one of these regulations is the Criminal Technique Code which is a rule for looking for and getting material truth, in particular the total reality of a crook case by applying legitimate arrangements genuinely and unequivocally, to figure out who the culprits are who can be accused of an infringement of the law and afterward request an assessment and court choice to decide if it is demonstrated that a wrongdoing has been perpetrated and whether the denounced individual can be accused.

In the Criminal Procedure Code (KUHAP), namely Law Number 8 of 1981, Article 1 points 1 and 2 define the meaning of investigation. Investigation of criminal acts is essentially a law enforcement effort that is limited and restrains the rights of citizens, aims to restore the disruption of the balance between individual interests and public interests so that a situation of security and order is maintained and created because a criminal investigation is also part of criminal law enforcement, it must be carried out based on the provisions and regulations in force (Ali, 2022).

Regulation infringement that have been overflowing in Indonesia of late are murders. The meaning of homicide is a crook act that causes the passing of an individual's life, presently, many killings happen in different locales of Indonesia. Aside from being impacted by the intentions or foundation of the culprits, this is additionally a delineation of the ethical downfall of this country. Moral decay, financial tension, anxiety, and contempt are a portion of the variables that lead to killings. It's so natural for somebody to kill someone else, it merits examining the reason. The cruelty of life and the delicacy of strict schooling may likewise be a figure the way in which effectively one individual kills another (Gerungan, 2009).

The homicide was propelled by three intentions, in particular property or economy, power, and social relations. One of these thought processes could be the justification for the culprit to carry out murder. Murder can be brought about by things that are light and unconstrained. For instance, on the grounds that the culprit's feelings are high to the point that he has bruised eyes and carries out murder.

The expansion in criminal demonstrations requires the job and obligations of the specialists including the Police, particularly the Criminal Examination Unit, in revealing the reasons for murders carried out by culprits requiring difficult work from the Police. Aside from the Police, another authority is the Principal legal officer's Office. Participation between the Police and the Examiner's Office in settling cases assumes a significant part in criminal policing.

A crook act is a demonstration that is denied by a law and order, which restriction is joined by dangers (sanctions) as specific punishments, for any individual who disregards the preclusion (Chazawi, 2002). The effect of a wrongdoing/infringement is criminal obligation, while the meaning of criminal obligation is criminally liable for somebody who carries out a lawbreaker act or criminal demonstration (Saleh, 1981). One of the crimes in murder cases is premeditated murder. Homicide is an act of killing someone by violating the law. Premeditated murder in the Criminal Code regulated in Article 340 is:

"Whoever deliberately and with prior planning takes the life of another person, is threatened with premeditated murder, with the death penalty or life imprisonment or for a specified period, for a maximum of twenty years."

Premeditated murder is the crime of taking the life of another human being, or killing, after planning time or method, intending to ensure the success of the assassination or avoid

capture (Anwar, 1979). Planned murder in regulation is by and large the most serious kind of homicide, and the culprit is deserving of death.

The components of planned murder under Article 340 of the Lawbreaker Code are: (Moeljatno, 2021)

- 1. Whoever is a legitimate subject where a lawful subject who can be considered responsible as per criminal regulation is a characteristic individual, to be specific a person.
- 2. Deliberately, the culprit has the will and conviction to cause specific results that have been managed in regulation that is driven by the satisfaction of desire (thought process).
- 3. By preparation, it really intends that there is a slack time among arranging and activity which takes into consideration deliberate arranging first and afterward followed by activity.

The problem in this paper is how is the investigation carried out in the crime of premeditated murder

2. Materials and Methods

The strategy utilized recorded as a hard copy this applied paper is the distinct scientific technique, specifically by utilizing information that obviously depicts the issues straightforwardly in the field, then the examination is completed and finished up to tackle an issue. Strategies for information assortment through perception and writing study to acquire critical thinking in the planning of this paper(Purwati, 2020). In line with the research objectives to be achieved, the realm of this research is included in the actual qualitative examination, a qualitative approach method will be used. According to Petrus Soerjowinoto et al., a qualitative method is a method that emphasizes the process of understanding researchers on the formulation of problems to construct a complex and holistic legal phenomenon (Soerjowinoto, 2006).

Regularizing juridical methodology, specifically the juridical methodology technique used to look at issues from a lawful and legal viewpoint, namely rules that can be used as a basis for studying problems and their legal consequences, in this case namely the Criminal Code (KUHP) and the Criminal Code. The Criminal Methodology Code (KUHAP), as well as Police Guideline (Perpol) Number 6 of 2019 concerning the Cancelation of Perkap Number 14 of 2012 concerning the Administration of Criminal Examination (Atikah, 2022).

The normative juridical approach is carried out on certain statutory regulations or written laws related to the implementation of investigations into criminal acts of premeditated murder (Soemitro, 1990). This study depicts the state of the article under study, which focuses on regulation and the implementation of an investigation into the crime of premeditated murder in practice.

3. Results and Discussions

3.1. Conducting Investigations in Exposing the Crime of Premeditated Murder.

The definition of an investigation is an effort made by the police as an investigator to seek and reveal information or information about an event that is suspected of being a crime or an event of a crime that is allegedly committed by someone whose identity is unknown, in the case of an investigation, the investigator collects data or information that must be able to reveal the actual perpetrators of law violators (Hartono, 2010).

According to Andi Hamzah, regarding investigations, the efforts of investigators to find information and evidence of perpetrators of crimes that must be by laws and regulations, the

sections of criminal procedural law that concern investigations are as follows:(Hamzah, 2010)

- a. Provisions on investigative tools.
- b. Provisions regarding knowing the occurrence of offenses.
- c. Examination at the scene.
- d. Summons of suspects or defendants.
- e. Temporary detention.
- f. Examination or interrogation.
- g. Official report (search, interrogation, and on-site inspection).
- h. Foreclosure.
- i. Case aside.
- j. Delegation of cases to the public prosecutor and returns to investigators for completion.

The investigation is carried out immediately after there is a report or complaint of a criminal act or knowing that a criminal act has occurred. Investigations by civil servant investigators are given instructions by investigators from the Indonesian National Police.

situations need to be considered before investigation by members of the police because, in the investigation of criminal acts of theft with violence, the efforts are different. This situation, among other things, is if the identity of the perpetrator is unknown and the perpetrator is caught red-handed. The following is the handling of a criminal act in its jurisdiction:

- a. The identity of the perpetrator is unknown.
 - 1) Receiving reports about the occurrence of criminal acts.

Reports are divided into 2 types, namely, model A reports, reports submitted by members of the police who know themselves about a crime, and model B reports, namely reports made by members of the police based on what has been submitted by a person, both a witness and a victim. The complainant is asked for information such as how the incident started when it happened (tempus delicti), where it happened (locus delicti), and what about the proof of ownership so that it is clear whether it meets the elements of a crime.

2) Carry out the processing of the crime scene or TKP.

TKP processing is one of the investigative activities carried out for identification, looking for witnesses who were at the TKP, looking for clues, and making sketches of the circumstances at the TKP, so that it is clear what happened. Identification is assisted by the reporter or victim. In this stage, investigators are assisted by technological assistance or assistance.

3) Finding out how the modus operandi was carried out by the perpetrator.

After processing the TKP, members of the police then find out the modus operandi used by studying the statements given by victims and witnesses and also asking for statements from detainees and former detainees, especially detainees and former detainees for premeditated murder.

4) Carry out investigations within the framework of investigations.

This investigation was carried out by a car detective or called a remove. At this stage, the investigation is aimed at finding evidence of the investigation to find and arrest the perpetrators of the crime of premeditated murder. These investigative activities include observing, interviewing, stalking, undercover, and recording conversations whether with permission or not. This activity was carried out to gather information material. The search was carried out with the assistance of an information network managed by Resmob. The information

network managed by the Resmob consists of a network of inter-Polres or police stations, a network of informants, and a network of the community.

5) The stage of the forced effort.

If during investigative activities within the framework of investigation members of the police obtain initial evidence and find the perpetrators, then forced measures are taken such as arrests, followed by searches and confiscation of evidence related to premeditated murder.

Deliberate killing of someone else by the Lawbreaker Code is alluded to as murder. To kill someone else's life, an entertainer should follow through with something or a progression of activities that outcome in the passing of someone else on condition that the opzet (purposeful) of the culprit must result as the demise of the other individual.(P.A.F Lamintang dan Djisman Samosir, 2010)

From the description above, it can be seen that the crime of murder is a material offense, meaning that a new offense can be considered as having been completed by the perpetrator with the emergence of consequences that are prohibited or unwanted by law. Thus, it cannot be said that a criminal act of murder has occurred if the result in the form of the death of another person has not arisen.

Premeditated murder is regulated in the Criminal Code Article 340 which reads:

"Whoever deliberately and with prior planning takes the life of another person, is threatened with premeditated murder, with the death penalty or life imprisonment or for a specified period, for a maximum of twenty years."

As far as utilizing the term examination, the term analyst is all the more frequently utilized where the significant errand is to get reports and sort out and stop individuals associated with being analyzed. So it implies that this examination goes before the examination. An examination is a demonstration that goes before an examination. In the event that it is associated with the hypothesis of criminal procedural regulation as expressed by Van Bemmelen, then this examination is the primary stage in the seven phases of criminal procedural regulation, and that implies looking for reality.[11]

The investigation is an integral part of the field of investigation. As per the KUHAP Execution Rules, an examination is one of the ways or techniques or sub-elements of an examination that goes before different activities, as indicated by M. Yahya Harahap, an examination can be likened with the idea of "analytical activity" as an endeavor to find follows as data and proof of an occasion unendingly. which is suspected of being a crime.

The powers given by the Criminal Strategy Code to specialists are exceptionally enormous, however close to the Criminal Technique Code, Police Guideline (Perpol) Number 6 of 2019 concerning the Nullification of Perkap Number 14 of 2012 concerning The executives of Examination of Criminal Demonstrations likewise directs matters concerning examinations that are specialized in nature and just applies inside to the police, and isn't controlled by the Criminal System Code, so the Police Guideline (Perpol) Number 6 of 2019 Concerning the Nullification of Perkap Number 14 of 2012 Concerning The board of Criminal Examination can be supposed to be a specialized aide for agents in doing examinations. In light of Article 11 Section (1) Letter a says that an examination can be done before there is a Police report/Objection and after there is a Police Report/Grumbling or in the structure of an Examination so the examination capabilities to find out and figure out what occasions occurred and is entrusted with making official reports and report which will frame the premise of the underlying examination,

The examination is completed before the examination or can be done along with the examination. Polri authorities responsible for completing examinations should conform to the standards contained in Polri Guideline (Perpol) Number 6 of 2019 concerning the Annulment of Perkap Number 14 of 2012 concerning the Administration of Examination of

Criminal Demonstrations to be specific Legitimateness, Proficient, Corresponding, Procedural, Straightforward, Responsible, Powerful, and Productive, and that implies that agents should have the option to do their obligations properly and rapidly, every examiner does their obligations as per their separate lawfulness and authority, specialists in doing their obligations can't be mediated by anybody, each activity of the specialist focuses on the rule of straightforwardness and is educational for the gatherings concerned, and specialists can be considered responsible for their activities juridically, authoritatively and in fact.

The examination is the phase of settling a crook case after an examination which is the underlying phase of looking for whether a wrongdoing has happened in an occasion. At the point when it is realized that a wrongdoing has happened, then, at that point, that is the point at which an examination can be done in view of the consequences of the examination. In insightful activities, the accentuation is put on the demonstration of "looking and finding" an "occasion" that is thought of or thought to be a crook act. While in examinations the accentuation is put on the demonstration for and gathering proof".

The law gives unique honors or honors to specialists to do analytical capabilities like calling, looking at, capturing, confining, seizing, and laying out an individual associated with having carried out a wrongdoing as a suspect, however in completing these exceptional freedoms and powers one should comply and dependent upon the guideline of the right of fair treatment, specifically that everybody has the option to be endlessly examined on a legitimate premise.

Article 109 of the Criminal Technique Code expresses that the continuous examination process should be informed to the Public Examiner (hereinafter alluded to as the Investigator) by sending a Notification of Initiation of Examination (SPDP). Examiners in completing examinations should be founded on the law, implying that each move made by agents should be founded on the law as has been specified in the Criminal Technique Code and different regulations and guidelines.

The examination interaction should be completed expertly by agents in light of the Criminal System Code which is the lawful premise and Police Guideline (Perpol) Number 6 of 2019 concerning the Cancelation of Perkap Number 14 of 2012 concerning the Administration of Criminal Examination. One of the standards contained in the Police Guideline (Perpol) Number 6 of 2019 Concerning the Annulment of Perkap Number 14 of 2012 Concerning The board of Criminal Examination is the Rule of Lawfulness, specifically the course of examination and examination did by legal arrangements, examinations depend on police reports and Examination Warrant.

Investigations in Perkap Number 14 of 2012 are divided into 4 (four) levels, namely:

1. Easy Things.

Simple cases have the qualities of adequate observers, adequate proof, the suspect has been known or captured and the dealing with process is moderately quick taken care of by the Sectoral Level Police (Polsek).

2. Medium Case

The moderate case has the qualities of adequate observers, there is proof prompting the suspect's inclusion, the character and whereabouts of the suspect are known and simple to capture, the suspect isn't important for a coordinated wrongdoing bunch, the suspect's wellbeing isn't upset, doesn't need master declaration yet assuming that essential specialists are not difficult to get a hold of. Taken care of by police at the Hotel Police level (Polrest) and Polsek.

3. Difficult Matters.

Troublesome cases have the qualities of the observer not knowing straightforwardly about the wrongdoing that happened, the suspect's personality

being obscure or his wellbeing being debilitated or having a specific position, the suspect is safeguarded by a specific gathering or part of the culprits of coordinated wrongdoing, proof straightforwardly connected with the case is hard to get, important master declaration can uphold exposure of cases, extraordinary gear is required in taking care of cases, violations carried out happen in a few places and require adequate examination time. Case dealing with is hard to do by police at the Polrest and Provincial Police (Polda) levels.

4. Very Difficult Case.

Truly challenging cases have the qualities of not having found observers who are straightforwardly connected with the wrongdoing, whereabouts of witnesses are obscure, witnesses or suspects are abroad, crime locations are in a few nations/cross nations, suspects are abroad and there is no removal understanding, merchandise the proof is abroad and can't be seized, the suspect's personality is obscure or his wellbeing is weakened or has a specific position and requires a generally lengthy examination time. The examination was done by the Polda-level police and the Indonesian Public Police Central command (Mabes Polri).

Police authorities who complete examinations should do case titles, case titles are partitioned into two, specifically:

- 1. Title of Ordinary Case.
 - a. Case titles are generally completed at the underlying phase of an examination to decide if the situation with a crook case is, figuring out an examination plan, forming the components of the article formed, deciding observers, suspects, and proof, deciding time targets, and insightful strategies and strategies.
 - b. Case titles are normally done at the mid-phase of the examination cycle which expects to assess and tackle issues experienced in the examination, figure out the advancement of the examination accomplished and endeavors to speed up the fruition of the examination, decide plans for additional activity, guarantee similarity between witnesses, suspects, and proof with the articles being referred to. thought, guaranteeing that the execution of the examination is by the objectives set as well as creating plans and targets of the examination.
 - c. Case titles are usually carried out at the final stage of an investigation to evaluate the investigative process that has been carried out, solving problems or obstacles to investigations, ensuring compatibility between witnesses, suspects, and evidence, completing case files, determining whether or not the case files are transferred to the public prosecutor or terminated and or compliance with the prosecution's instructions.
- 2. Title of Special Case.

Unique case titles are completed to answer reports/grumblings or objections from prosecutors or their legitimate guides after a request has been gotten from the examiner's bosses as specialists, returning an examination that has been suspended subsequent to getting new proof, deciding explicit police activities or resuming an examination in view of a choice pretrial with super durable lawful power.

Exceptional title cases are completed for specific cases with the thought that they require the composed endorsement of the President/Priest of Home Undertakings/Lead representative, are of broad public concern, and are in line with specialists.

Directing a case title at the last stage is a specialist's step prior to presenting the case document to the Public Examiner or it is an agent's move toward arranging moves toward satisfy the Public Investigator's Guidelines with the goal that the case can be pronounced finished by the Public Investigator.

The process of investigative investigation and investigation in uncovering cases of premeditated murder is as follows:

a. Receiving Reports.

By their obligations and commitments, the specialist should get a report in regards to the event of a lawbreaker demonstration of planned murder. With this report, the Police promptly inspected the journalist of the wrongdoing of planned murder.

b. Take Action First.

In the wake of getting a report from the complainant, the specialist really looks at the reality of the report or objection by checking at the scene. If indeed a criminal occurrence has happened, then, at that point, assuming the suspect is currently at that spot, the specialist might deny the suspect from leaving the scene. Besides, the agent conducts important examinations including checking the personality of the suspect or requesting individuals associated with perpetrating the wrongdoing of planned murder to prevent and denying individuals from entering and leaving the scene. Then, at that point, the agent should attempt to find and gather data and proof used to carry out the wrongdoing.

In the event that the assessment at the location of the occurrence has been finished and the proof has likewise been gathered, then, at that point, a temporary end should be drawn up. After the occurrence has been finished up, the exploring official/examiner coordinates the proof that has been gathered with one another. The matching of these pieces of evidence is very critical because these pieces of evidence are very important in determining the proof of the suspect's actions in court.

c. Arrest and Detention.

After the examiner/specialist gets a report or grumbling about the event of a lawbreaker demonstration of planned murder, then, at that point, as a continuation of a demonstration committed by somebody, assuming that the examiner has some strong inclinations joined by adequate introductory proof, the specialist might capture the suspect. In such manner, the examiner can drive the type of capture and detainment, it should be founded on the conviction that there is an assumption of culpability. It implies that the specialist should have adequate starter proof and a solid claim that a wrongdoing has been carried out before they choose to capture/confine.

Captures can't be done with no obvious end goal in mind, on the grounds that doing so abuses basic freedoms. To capture somebody, the specialist should give a capture warrant joined by the explanations behind the capture and a concise portrayal of the idea of the wrongdoing being thought. Without a capture warrant, the suspect can decline the official concerned. During detainment, examiners from the police have worries that the suspect will take off, harm, or vanish proof and decrease carrying out a wrongdoing (arranged murder). For examination, assuming it just so happens, the suspect is truly perpetrated the wrongdoing of planned murder in light of the proof adequate starting proof or within the sight of bringing about conditions dread of the suspect getting away from will obliterate and dispose of proof and will rehash. d. Foreclosure.

The motivation behind the seizure is important to give certainty to the adjudicator that the suspect has carried out the wrongdoing. At the point when an examiner is going to seize a thing of proof, he should initially show a letter of verification of character, a letter of task, etc to the proprietor of the thing. e. Examination of Suspects and Witnesses.

The assessment of suspects and witnesses is the main part or stage in the examination cycle. From the suspect and witness, data will actually want which will actually want to uncover everything about the wrongdoing that happened. In such manner, before the assessment starts, the specialist needs to get ready all that is required whether the analyst suspects or witnesses have been designated, where the suspects or witnesses will be analyzed, and whether the suspects or observers to be inspected have been brought under material guidelines. In the event that the suspect is gathered, he should focus on the sensible time span between the receipt of the request and the day of the assessment. The individual who is gathered whether to hear his assertion as a suspect or an observer should come. In the event that he doesn't come, he will be gathered in the future with orders for the official/agent to be brought to him.

For a suspect, before an assessment starts against him, the specialist should inform him of his entitlement to get lawful help. The suspect's assertion was heard without strain from anybody or in any structure. An observer is an exceptionally conclusive piece of proof in the legal cycle. Since the observer is somebody who can give data about wrongdoing that has happened, where he heard, saw, and encountered the occasion himself. Witnesses are analyzed independently however might be united with each other and they are obliged to give genuine data.

f. End of Investigation.

In the wake of finishing every one of the expected minutes, the examiner presents the case record to the public investigator which is an accommodation in the main stage, in particular just the case document. Assuming the examination led by the Polres is viewed as complete, the agent will surrender liability regarding the suspect and proof to the examiner's office. Assuming the Investigator's Office feels that the aftereffects of the examination end up being inadequate, the Examiner's Office promptly returns the case document.

4. Conclusion

The examination of the culprits of the wrongdoing of planned murder alludes to Article 7 of the Criminal Methodology Code (KUHAP), and Police Guideline (Perpol) Number 6 of 2019 concerning the Annulment of Perkap Number 14 of 2012 concerning The executives of Criminal Examinations. The investigation process can only be carried out if the investigator himself knows or has received the report. The process of investigation into the crime of premeditated murder is as follows: a) Receiving Reports; b) Take the First Act; c) Arrest and Detention; d) Foreclosure; e) Examination of Suspects and Witnesses; f) End of Investigation.

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