



Criminological Analysis of The Crime of Murder Female College Students in Pandeglang Conducted by Ex-Girlfriend Using the Toilet

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ABSTRACT

This journal discusses the crime of murder, particularly in the context of femicide in Indonesia. A murder case occurred in Pandeglang Regency, where Elisa, a 22-year-old university student, was murdered by her ex-boyfriend, Riko. Riko felt hurt and jealous after finding out Elisa had a new lover, so he was obsessed with getting back together with Elisa. This act is an example of femicide, a gender-based violence that often occurs in Indonesia. This research uses a combined theory of criminal acts and empirical legal research methods. The results of this study explain that femicide is one of the causes of the crime of murder against young women. The purpose of this research is to understand the application of the law to the crime of murder and how the judge decided on the sanctions against the perpetrator, in accordance with the Criminal Code.

Keywords: murder, student, toilet

ABSTRAK

Jurnal ini membahas tentang tindak pidana pembunuhan, khususnya dalam konteks femicide di Indonesia. Sebuah kasus pembunuhan terjadi di Kabupaten Pandeglang, di mana Elisa, seorang mahasiswa berusia 22 tahun, dibunuh oleh mantan pacarnya, Riko. Riko merasa sakit hati dan cemburu setelah mengetahui Elisa memiliki kekasih baru, sehingga ia terobsesi untuk kembali bersama Elisa. Tindakan ini adalah contoh dari femicide, kekerasan berbasis gender yang sering terjadi di Indonesia. Penelitian ini menggunakan teori gabungan tindak pidana dan metode penelitian hukum empiris. Hasil penelitian ini menjelaskan bahwa femicide menjadi salah satu penyebab tindak pidana pembunuhan terhadap wanita muda. Tujuan penelitian ini adalah untuk memahami penerapan hukum terhadap tindak pidana

pembunuhan dan bagaimana hakim memutuskan sanksi terhadap pelaku, sesuai dengan Kitab Undang-Undang Hukum Pidana.

Kata Kunci: murder, student, toilet

INTRODUCTION

Humans are social creatures who in their daily lives will interact with people around them. Sometimes in the process of interaction there is conflict with others. These conflicts are sometimes related to the law, such as persecution, murder, theft, insults and others. Legal problems that occur in society are generally resolved by criminal law through the process of investigation, detention and court decisions.

A crime is an act that violates criminal law and is punishable by law. the definition of a crime according to several experts:

1. Wirjono Prodjodikoro: Criminal offenses are violations of norms in three fields: civil law, constitutional law, and criminal law.
2. Simons: A criminal offense is an act that violates the criminal law that has been committed intentionally or unintentionally by a person who is accountable for his or her actions and has been declared by the criminal law as a punishable act.
3. Moeljatno: Criminal acts are acts that are prohibited by a rule of law accompanied by threats (sanctions) in the form of certain punishments for those who violate these rules.
4. Mezger: Criminal law is the rule of law, which binds to an act that meets certain conditions and gives rise to an effect in the form of punishment.
5. Van Hamel: Criminal law is the overall basis and rules adopted by the state in its obligation to enforce the law, namely by prohibiting what is contrary to the law and imposing a penalty (suffering) on those who violate the prohibition.

From these definitions, it can be concluded that a criminal offense is an act that violates criminal law and is punishable by law. Criminal acts can be committed intentionally or unintentionally by someone who can be held accountable for their actions. Criminal law is a rule of law that binds to an act that meets certain conditions and causes an effect in the form of punishment.

The application of criminal sanctions against perpetrators of murder is carried out by judges based on considerations stipulated in the Criminal Code. The judge will consider the elements of the crime of murder committed intentionally such as intent, action, consequences, and so on. In addition, the judge will also consider other factors

such as the circumstances of the perpetrator, the circumstances of the victim, and the interests of society.

In Islamic law, the criminal sanction for intentional murder is *qishas*, which is the same punishment as the act that has been committed. However, the application of criminal sanctions in Islamic law is not the same as the application of criminal sanctions in the Criminal Code.

While what is meant by criminology is the science that studies crime, etymologically criminology comes from the word "Crime" which means crime and "logos" which means knowledge or science, so criminology is the science of crime or criminals. The term criminology itself was first used by a French anthropologist, P. Topinard. Stephen Hurwitz

So etymologically, Crime is defined as an evil act or action, where an act is considered a crime based on the nature of the act, if the act harms society or individuals either materially, for example killing, stealing, robbing, raping and others.

The Criminal Code (KUHP) has regulated sanctions or penalties for people who commit the crime of murder. The threat of punishment is regulated in the Criminal Code Articles 338-348 in Chapter XIX on Crimes Against Life. Article 338 of the Criminal Code explains that the act of taking the life of another person is punishable by imprisonment for fifteen years. Meanwhile, Article 340 of the Criminal Code explains that the act of taking life through an effort of preparation or prior planning is punishable by twenty years or life imprisonment. Criminal threats that have been contained in the formulation of the law, do not guarantee that a criminal act does not occur in the community.

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¹ Mohammad Hifni dkk "Tindak Pidana Pembunuhan Dalam Hukum Islam dan Hukum Pidana Positif", Vol.3 No. 2 (Juli, 2023), 480

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METHODS

This research is an internal language and empirical research with an approach using a descriptive-quantitative research form. In this study we focus on the chronological aspects of the murder of a student in Pandeglang killed by an ex-girlfriend with a toilet.

RESULTS AND DISCUSSION

A student named Elisa Siti Mulyani who died was killed by her ex-boyfriend named Riko ariska 21 years old, a 22-year-old girl from Pandeglang Banten district was slaughtered in a heinous way, the victim was killed on the rhino stadium road on Wednesday, February 8, 2023 who took Elisa's life, it turns out that they had a relationship for 5 years, then their relationship ran aground. because of that, Riko felt

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³*ibid*

⁴ Reza Amarullah, Kajian Kriminologi terhadap Pelaku Tindak Pidana Pembunuhan yang Dilakukan oleh Anak, Studi di Wilayah Polres Metro Jakarta Timur, Jurnal Recidive, Vol.3, No.1, Tahun 2014, hal.97

hurt when he found out that Elisa had a new lover even though she had just broken up with him, said Riko.

The chronology of this case begins with Riko living in the same neighborhood as Elisa so that Riko feels difficult to move on from Elisa then Riko's evil intentions crossed when he happened to see Elis or his ex-girlfriend passing in front of his house, on February 8, 2023 at 22.00 Riko was about to return home after fishing in the balapuna river.

Before finishing off the victim AKAP Shilton revealed that the perpetrator and the victim met accidentally. The two of them had an argument, the perpetrator got angry, then strangled the victim and was hit by the perpetrator with a toilet at the scene. Elisa's body was first found lying on the side of the road near SMK Muhammadiyah Pandeglang, Banten, on Wednesday (8/2/2023) at around 22.00 WIB.⁵

the latest facts from the figure of elisa, the woman who was killed by her ex-boyfriend in pandeglang, the victim is the backbone of the family, the family revealed elisa is the backbone of the family, the victim's uncle razid said that elisa is a diligent figure and works and becomes the hope of the family he said in addition to studying at one of the campuses in the city of serang elisa worked as a bridal makeup elisa is the last child of 6 siblings.

Elisa's confidences the day before her life was snuffed out by Elisa's ex-boyfriend were frightening, it turned out that this student had poured out her fears to her office colleagues. According to Riko Arizka Elisa had betrayed him even to the police kesastreskrim polres padeglang AKP Shilton silitonga said according to Riko, Elisa had cheated on him with another man. On Tuesday, February 7, 2023 they met for Riko to give Elisa a birthday present, apparently Elisa also celebrated her birthday with her friends. A colleague said, that day Elisa was indeed teased by colleagues, they hid her cellphone as if it was lost. Even so, Elisa Siti Mulyani still treated her office colleagues. On the way to the restaurant, Elisa did not stop crying because she thought about her cellphone. Until then she was given a surprise and her cellphone was back.

⁵ Accessed <https://regional.kompas.com/read/2023/02/11/150500478/fakta-pembunuhan-elisa-di-pandeglang-dibunuh-mantan-kekasih-karena-punya?page=all> On October 27, 2023

While on the road, according to Nuraeni through her social media account. Elisa had told him about Riko Arizka in her conversation, Elisa was afraid that Riko would be desperate to propose to her. In fact, according to Elisa, Riko intended to sell his motorcycle to marry Elisa. Elisa Siti Mulyani also poured out her heart to another coworker, Medi Humaedi. According to Medi, Elisa felt tired at that time. However, he could not guess the cause. According to Medi, Elisa also said that she would not work at BPS Pandeglang again the next day. Six (6) facts about Elisa's murder in Pandeglang:

1. The perpetrator named Riko works as an online motorcycle taxi driver (ojol).

The perpetrator took the life of his ex-girlfriend because he refused to be asked back by the victim.

2. Elisa and Eko R are known to have had a relationship as lovers for 5 years.

Because they had been in a relationship for a long time, Elisa chose to break up. However, Eko R did not accept this.

3. The victim died after being hit by the perpetrator with a broken toilet bowl.

4. From the information circulating, the victim is the daughter of a Pandeglang businessman. The daughter of the deputy chairman of the Membership Cadre Organization (OKK) of Kadin Banten Province, Tubagus Hadi Mulyana.

5. A wide neck wound. The victim who was hit and strangled quite hard by the perpetrator.

6. After killing Elisa, the perpetrator also took the victim's cellphone and laptop, while the motorcycle used by the victim was hidden in the bushes with the intention of eliminating evidence.

a. Application of criminal sanctions for murder under the Criminal Code

The application of criminal sanctions for intentional homicide is regulated in the Indonesian Criminal Code (KUHP). The articles that regulate the criminal sanction of intentional homicide are contained in Book Two Chapter XIX Article 338 to Article 350. Article 338 of the Criminal Code states that "Any person who intentionally takes

the life of another person, shall be punished for murder". The crime of intentional homicide consists of the following elements:

1. The perpetrator intentionally takes the life of another person.
2. The perpetrator committed the act willfully.

The following are the criminal sanctions for intentional murder according to the Criminal Code:

1. Imprisonment of up to 15 years (Article 338 of the Criminal Code).
2. Life imprisonment or death penalty (Article 340 of the Criminal Code).

In addition to the main punishment in the form of imprisonment, perpetrators of murder can also be subject to additional criminal sanctions.

Additional criminal sanctions that can be given to perpetrators of intentional murder are regulated in Article 77 of the Criminal Code, namely:

- Revocation of the right to receive awards, titles, or honors (Article 77 paragraph 1 letter a of the Criminal Code).
- Revocation of the right to obtain awards, titles, or honors granted by the state (Article 77 paragraph 1 letter b of the Criminal Code).
- Revocation of the right to obtain awards, titles, or decorations granted by international organizations (Article 77 paragraph 1 letter c of the Criminal Code).
- Revocation of the right to obtain awards, titles, or service marks given by a social organization (Article 77 paragraph 1 letter d of the Criminal Code).
- Deprivation of the right to receive awards, titles, or decorations granted by private organizations (Article 77 paragraph 1 letter e of the Criminal Code).
- Deprivation of the right to receive awards, titles or honors granted by the family (Article 77 paragraph 1 letter f of the Criminal Code).
- Revocation of the right to receive awards, titles, or honors given by the community (Article 77 paragraph 1 letter g of the Criminal Code).
- Revocation of the right to receive awards, titles, or honors granted by religion (Article 77 paragraph 1 letter h of the Criminal Code).

The additional criminal sanctions can be given simultaneously or separately with the main punishment.

b. Relevance of Elisha's Case to Femicide

This case is categorized as femicide because there was hatred and revenge towards Elisa (the victim). According to the UN Human Rights Council, femicide is the killing of women motivated by hatred, revenge, subjugation, control, enjoyment and the view of women as property so that they can do as they please.

In this case, it was an intimate femicide committed by Riko, who was someone known to the victim. It is directly interpreted that the perpetrator had intended to commit this murder from the beginning as a result of gender-based violence that was not intended from the beginning. And the victim is mistreated before being killed. In Elisa's case, the victim was abused by smothering and strangling before being hit hard with a toilet bowl.

Femicide is also defined as the direct or indirect killing of women due to their sex or gender driven by the prioritization of dominance segregation, aggression, hegemony, desogyny, possessiveness towards women, then there is also the inequality of power relations and statistical complacency. It should be stated that these killings can be direct or indirect.

If murder is considered Femicide, violence without loss of life cannot be categorized as Femicide. Femicide is categorized into several categories:

1. There is cultural femicide
2. Femicide defenders of honor
3. Femicide in the context of social conflict
4. Sex industry femicide
5. Femicide in female hetability
6. Femicide with sexual orientation and identification of gender facilities
7. Femicide of women human rights defenders

The reason is that many things that are supposed to be protectors but become perpetrators must have something to do with a culture or culture that is still based on patriarchy, such as ownership, unequal power relations, and statistical power. That is the cause of this femicide. So far in the commissioner of the National Commission on Violence Against Women in Indonesia, how many cases of pesticides are suspected to have occurred in Indonesia and it turns out that there is no classification of pesticides

in Indonesia and the National Commission on Violence Against Women encourages the state's attention to pesticide cases in the context of this country, there must be special categorization related to pesticide cases, there is no direct legal article that regulates pesticides.

c. The judge's decision in imposing sanctions on the perpetrator

Riko Arizka, the defendant in the murder of Elisa Siti Mulyani in Pandeglang, was sentenced to 15 years in prison by a panel of judges at the Pandeglang District Court. Prosecutors appealed the verdict. Riko was found guilty of violating Article 338 of the Criminal Code on murder. However, the panel of judges considered Riko not guilty of violating Article 340 of the Criminal Code on premeditated murder.

In imposing sanctions on Riko, the judge considered various factors, such as existing evidence, witness testimony, and applicable legal considerations. In addition, the judge also considered Article 338 of the Criminal Code which regulates the punishment for murderers. In this article, the perpetrator of murder is threatened with a maximum prison sentence of 15 years.

Although the victim's family was disappointed with the judge's decision and filed an appeal, the judge's decision must still be respected and implemented.

CONCLUSIONS

In Indonesia, intimate femicide is the most common type. Intimate femicide is the killing of women by husbands, ex-husbands, lovers, and ex-lovers. One of them, experienced by Elisa, is currently being discussed. The perpetrator's crime displays aspects of gender inequality and is influenced by a patriarchal culture that causes women to be seen as objects. The victim is mistreated before being killed. In Elisa's case, the victim was abused by smothering and strangling before being hit hard with a toilet.

Actions femicide is the most extreme form of discrimination against women in general. Unfortunately, the lack of sex-disaggregated homicide laws is a barrier to identifying femicide cases that are treated as general crimes rather than gender-based crimes. Judges' decisions and considerations in Article 338 of the Criminal Code which regulates the punishment for perpetrators of murder. In this article, the perpetrator of murder is punishable by a maximum imprisonment of 15 years.

BIBLIOGRAPHY

Amarullah, Reza Kajian Kriminologi terhadap Pelaku Tindak Pidana Pembunuhan yang Dilakukan oleh Anak, Studi di Wilayah POLres Metro Jakarta Timur, Jurnal Recidive, Vol.3, No.1, Tahun 2014

Hurwitz, Stephen 1982, Kriminologi, Disadur Oleh Ny.L.Moeljatno, Bina Aksara, Jakarta,

Hifni, Mohammad dkk "Tindak Pidana Pembunuhan Dalam Hukum Islam dan Hukum Pidana Positif", Vol.3 No. 2 (Juli,2023)