

Proof Of Elements With Prior Planning In The Vina Cirebon Case Decision

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Abstract

This study aims to analyze the evidence of the element of "premeditation" in the crime of premeditation in the Vina Cirebon case decision, and assess its conformity with criminal law theory and applicable statutory provisions. This study uses a normative legal method with a statutory approach, a case approach, and a conceptual approach. The legal materials used include the Criminal Code, the Criminal Procedure Code, relevant court decisions, and the doctrines of criminal law experts such as Moeljatno, R. Soesilo, and Satochid Kartanegara. The results of the study indicate that the evidence of the element of "premeditation" in the judge's decision is based on the interpretation of evidence, especially witness testimony, clues, and the construction of events compiled in legal considerations. The judge concluded that there was planning from the series of actions of the defendants which was considered to indicate a structured intention. However, when analyzed more deeply using criminal theory, especially regarding the subjective element, the evidence still leaves a number of weaknesses. This is evident from the lack of a clear description of the time gap between intent and execution, the lack of evidence regarding the opportunity for calm thought, and the minimal indication of concrete preparation before the crime was committed. Furthermore, the use of indirect evidence such as clues to prove the element of planning indicates a reliance on the judge's interpretation, which has the potential to lead to subjectivity. This condition indicates that although formally the elements of proof have been fulfilled according to the provisions of criminal procedure law, substantively the proof of the element of "with prior planning" does not fully meet doctrinal standards in criminal law. Therefore, clear parameters and consistency in proving the element of planning are needed to ensure legal certainty and justice in criminal justice practices in Indonesia.

Keywords: *Premeditated Murder, Evidence, Premeditation, Vina Cirebon*

INTRODUCTION

In the era of modern economic development, fiduciary guarantee instruments have become Premeditated murder is a serious crime under Indonesian criminal law because it concerns the protection of the right to life. In Indonesian positive law, provisions regarding premeditated murder are regulated in Article 340 of the Criminal Code, which requires the elements of intent and "premeditation." This element is the most complex and often causes debate in criminal justice practice. This is because proof depends not only on physical actions, but also psychological aspects of behavior, such as the time lag between intention and execution and thorough preparation.

The murder case of Vina and Eky in Cirebon has attracted public and academic attention. In a 2017 ruling by the Cirebon District Court, which has become final and binding, the defendants were found guilty of premeditated murder and sentenced to serious penalties, including life imprisonment. The development of this case has sparked various controversies regarding the validity of the evidence, the consistency of the judge's reasoning, and the difficulty of proving whether the incident met the elements of premeditated murder.

This situation indicates that even though the judge has formally proven the element of "premeditation" there is still academic room to examine whether the judge's considerations have met the ideal standard of proof. Furthermore, previous research tends to only discuss the elements of Article 340 of the Criminal Code in general or in other cases, so that not many have specifically examined the proof of the element of "premeditation" in the concrete case of Vina Cirebon in depth and normatively.

Doctrinally, the element of "premeditation" (voorbedachte raad) requires not only the intent to kill, but also sufficient time for the perpetrator to think calmly before committing the act. In other words, this element requires a time lag between the emergence of the intention and the commission of the act, allowing the perpetrator to reconsider their actions. In judicial practice, proving this element is often complex because it relates to the perpetrator's mental state (mens rea), which cannot be directly observed.

Several previous studies have shown that proving the element of premeditation often depends on the judge's interpretation of the trial facts. Research by Saharuddin (2023) states that proof in premeditated murder cases is largely determined by the sufficiency of evidence as stipulated in the Criminal Procedure Code, particularly in revealing the elements of intent and planning. Meanwhile, research by Irma Hataul et al. (2025) emphasizes that the main indicators in proving premeditation include the preparation of tools, determination of time and place, and a sufficient time gap between intention and execution.

Furthermore, research by Asmak Ul Hosnah et al. (2024) suggests that the element of premeditation can be seen from the perpetrator's opportunity to think rationally before committing the crime, demonstrated through specific preparatory actions. However, the study also highlights the lack of standard parameters for determining a sufficient time limit to fulfill the element of "premeditation," leading to differing interpretations among judges.

In the context of a concrete case, the murder case of Vina and Eky in Cirebon, decided by the Cirebon District Court through Decision Number 4/Pid.B/2017/PN Cbn, is one example of a relevant case to study. In the decision, the defendants were found guilty of premeditated murder, which was then upheld at the cassation level by the Supreme Court. Even in an extraordinary legal remedy in the form of a Judicial Review, the Supreme Court still rejected the convicts' request on the grounds that there was no novum or judicial error. Nevertheless, this case has sparked polemics in the community and academic circles, particularly regarding the proof of the element of "premeditation."

Several analyses indicate that there is still debate over whether the facts revealed in court truly reflect careful planning or merely a spontaneous act that developed into a murder. Research by Candra (2024), which specifically examined this case, concluded that the evidence in the case still leaves room for interpretation, particularly regarding the consistency of the evidence and the construction of the judge's reasoning (Firman AC, 2024). From these previous studies, it is clear that although there have been many studies on premeditated murder, most are general in nature and have not specifically examined the proof of the "premeditated" element in a concrete decision in depth. Furthermore, there has not been much research that systematically compares criminal law doctrine with the judge's considerations in judicial practice.

Based on this, this research is crucial to conduct in order to normatively examine how to prove the element of "premeditation" in the Vina Cirebon case verdict, and to assess its compliance with applicable legal provisions and doctrine. Therefore, this research is expected to contribute to the development of criminal law, particularly in clarifying the parameters for proving the element of premeditation in premeditated murder.

RESEARCH METHODS

This research uses a descriptive qualitative normative legal research method. Normative legal research focuses on the study of legal norms contained in laws and regulations, court decisions, and the doctrines or opinions of legal experts. According to Achmad Ali, this research is descriptive qualitative in nature, namely research that aims to systematically, factually, and accurately describe the proof of the element of "premeditation" in the crime of premeditated murder, as well as analyzing its compliance with applicable legal provisions and criminal law

theories. This approach focuses its study by viewing law as a complete system that includes a set of legal principles, legal norms, and legal rules (written and unwritten) (H. Nur Solikin, 2021).

The approaches used in this research include:

a. Statute Approach

This approach is carried out by examining all laws and regulations related to the legal issue under study. In this research, the primary focus is the Criminal Code and the Criminal Procedure Code. This approach is used to identify norms governing the element of "premeditation" and its evidentiary system.

b. Case Approach

This approach is conducted by examining court decisions related to the legal issue under study. In this case, the research focuses on Cirebon District Court Decision No. 4/Pid.B/2017/PN Cbn and Supreme Court Decisions (cassation and judicial review). This approach aims to analyze the judge's reasoning (*ratio decidendi*) in proving the element of "premeditation."

c. Conceptual Approach

This approach is conducted by referring to legal doctrines and theories developed in legal science. This research utilizes the concepts of Moeljatno's criminal theory, Satochid Kartanegara's unlawful theory, and R. Soesilo's planning theory. This approach provides a theoretical basis for analyzing norms and decisions.

The legal material collection technique is carried out through literature study, compiling legislation, court decisions, books, and scientific journals. According to Johnny Ibrahim, literature study is the primary technique in normative legal research because the object of study is legal norms. The analysis of legal materials was conducted qualitatively, namely by examining and interpreting the collected primary and secondary legal materials. The analysis process was carried out by connecting legal norms, doctrines, and legal facts in court decisions. Furthermore, conclusions were drawn using a deductive method, namely by drawing conclusions from general matters (legal theory and provisions) to specific matters (the issues in the Vina Cirebon case).

RESULTS AND DISCUSSION

Overview of the Vina Cirebon Case Decision

The murder of Vina and Eky in Cirebon is a criminal case that has received widespread public attention. The Cirebon District Court heard and ruled on this case in Decision No. 4/Pid.B/2017/PN Cbn, which was subsequently upheld by the Supreme Court on cassation and upheld in the judicial review.

In the verdict, the defendants were found legally and convincingly proven to have committed premeditated murder as stipulated in Article 340 of the Criminal Code. The judge imposed severe penalties, including life imprisonment for some of the defendants. To understand how the element of "premeditation" was proven, it is necessary to analyze the legal construction of the facts, the evidence, and the judge's considerations in the verdict.

Construction of Legal Facts in Decisions

In his legal deliberations, the judge constructed a series of events that constituted legal facts. These facts essentially illustrated an interaction between the defendants and the victim, which escalated into a violent act that resulted in the victim's death. The judge concluded that these events did not occur in isolation, but rather were part of a series of interconnected events. In this construction, the judge observed a concerted action among the perpetrators, which was interpreted as a form of agreement or shared intention to commit the act.

However, upon closer examination, the construction of these facts is largely interpretive. This means that the judge not only describes the facts as they are, but also interprets the relationships between them. This is evident in how the judge links the joint actions with planning,

without always being supported by evidence explicitly demonstrating a prior agreement. In this context, it is important to distinguish between objective facts and legal conclusions. The objective facts in this case are the violence and the victim's death. Meanwhile, the conclusion regarding planning is the result of the judge's reasoning, constructed from his interpretation of these facts.

Analysis of the Evidence Used

Judges base their decisions on evidence as stipulated in the Criminal Procedure Code (KUHP), namely witness testimony, the defendant's testimony, letters, and clues. Witness testimony is the primary evidence used to reconstruct the events. Through witness testimony, the judge obtains a picture of the chronology of events and the roles of each defendant. However, witness testimony generally only describes what was seen, heard, or experienced and therefore cannot directly prove the perpetrator's mental state, including the presence of planning.

In addition, judges also use clues as evidence to strengthen their convictions. Clues are obtained from the correspondence between witness testimony, the defendant's testimony, and other evidence. In this case, clues are used to infer a logical connection between the defendants' actions and their consequences. Problems arise when these clues are used to prove a subjective element, namely planning. This is because clues are essentially indirect evidence, and therefore highly dependent on the judge's interpretation. Therefore, proving the element of planning in this case is heavily influenced by the judge's subjectivity in assessing and connecting the available evidence.

Analysis of the Elements of a Criminal Act and the Element of "Planning Prior"

According to Moeljatno, a crime must meet the elements of an act, a legal prohibition, a fault, and criminal responsibility. When applied to this case, the element of an act is uncontroversial because it has been proven that an action caused the victim's death. The element of a legal prohibition is also clearly met because the act violates the provisions of Article 340 of the Criminal Code.

However, the primary focus is on the element of guilt, particularly as it relates to premeditation. In Moeljatno's theory, guilt encompasses not only intent but also amplified forms of intent, such as premeditated murder. To declare someone guilty of premeditated murder, it must be proven that the perpetrator not only intended to kill but also planned the act in advance.

When analyzed more closely, the element of "premeditation" contains several important components: initial intent, a time lag, the opportunity for calm reflection, and preparation before the act is committed. First, regarding the existence of initial intent, the judge in this decision appears to conclude that such intent existed based on the defendants' actions, which were carried out jointly. However, this conclusion is more appropriate for proving intent, not premeditation. Intention indicates that the perpetrator intended the consequences of their actions, while premeditation indicates that this intention had been thought through and considered beforehand. Second, regarding the time lag between the intention and the act, this decision does not provide a clear explanation. There is no explanation as to when the intention arose and how much time the perpetrator had available to consider their actions. In fact, in criminal law doctrine, this time lag is a crucial element in distinguishing between planned and spontaneous actions. Third, regarding the opportunity for calm reflection, the judge also did not explicitly explain whether the perpetrator was in a condition that allowed him to reconsider his intentions. The lack of analysis of the perpetrator's psychological condition indicates that the premeditation element has not been thoroughly proven. Fourth, regarding preparation, this verdict does not provide strong evidence of specific preparation by the perpetrator prior to committing the act. There is no clear indication of careful planning of the means, time, or location. This raises doubts as to whether the act was truly premeditated or simply evolved from the circumstances at the time.

Considering these four aspects, it can be concluded that proving the element of "premeditation" in this decision is based more on the interpretation of the sequence of events

than on evidence directly demonstrating premeditation. R. Soesilo's view provides more concrete indicators regarding the element of premeditation, namely the presence of a time gap, preparation, and the absence of spontaneity. When these indicators are applied to this case, it is clear that not all indicators are convincingly fulfilled. The time gap is not explained in detail, the preparation is not clearly visible, and the element of spontaneity is still debatable. Therefore, using this approach, proving the element of premeditation in this case remains questionable.

According to Satochid Kartanegara, an act is considered unlawful if it violates the law, both formally and materially. In this case, there is no doubt that the defendants' actions fulfill the elements of being unlawful. However, the issue lies in the degree of culpability of the act. Premeditated murder carries a higher degree of culpability than ordinary murder, so the proof must be carried out more stringently. If the element of premeditation cannot be strongly proven, then it is possible that the act is more appropriately classified as ordinary murder.

In strengthening the analysis of the element of "premeditation," it is important to link research findings to classical criminal law doctrine. According to Moeljatno in Principles of Criminal Law, an act can be considered a crime if it meets the elements of an act, an unlawful nature, fault, and criminal responsibility. In the context of premeditated murder, the element of fault becomes more complex because it includes intent strengthened by planning. Furthermore, R. Soesilo in the Criminal Code and its Commentaries explains that the element of premeditation in Article 340 of the Criminal Code must demonstrate that there was time for the perpetrator to think calmly before committing the act. This means that planning cannot be equated with a sudden intention, but rather there must be sufficient time to consider the action. This view is reinforced by Satochid Kartanegara, who stated that the level of culpability in premeditated murder is higher because the perpetrator not only acts intentionally but also with full awareness after going through a thought process. Therefore, proving this element must be carried out more strictly than in ordinary murder.

Critical Evaluation of the Judge's Considerations

Based on the above analysis, it can be argued that the judge's reasoning in this decision has several weaknesses. First, the judge tended to generalize the facts, so that conclusions regarding premeditation were not always supported by detailed analysis. Second, the judge did not systematically outline the element of "premeditation," making it difficult to assess whether each element of this element had been fulfilled. Third, the proof of the element of premeditation relied heavily on clues, which are essentially indirect evidence. Nevertheless, it must be acknowledged that formally this decision meets the requirements for proof under the Criminal Procedure Code, namely the presence of at least two valid pieces of evidence and the judge's conviction. However, from a theoretical perspective, this proof still leaves room for criticism.

Weaknesses in proving the element of premeditation not only impact verdicts in specific cases but also have broader implications for the criminal justice system. Unclear determination of whether an act constitutes premeditated murder can lead to inconsistencies in court decisions, legal uncertainty, and potential injustice for the accused. Furthermore, because Article 340 of the Criminal Code carries very severe penalties, errors in its application can have serious consequences for the accused's rights. Therefore, a clearer and more consistent standard of proof is needed to assess the element of premeditation.

In the author's opinion, the proof of the element of "with prior planning" in Decision Number 4/Pid.B/2017/PN Cbn still raises room for debate from a criminal law perspective. Although the judge has stated that this element is proven based on the evidence presented at trial, the author believes that the argument regarding the existence of planning has not been explained in detail and comprehensively. The author believes that the element of planning should not only be based on the existence of joint actions by the defendants or the resulting consequences, but must also be proven through more concrete indicators, such as preparation before the event occurred, the existence of a pre-planned division of roles, and a sufficient time gap between the

emergence of the intention and the implementation of the act. In this case, the description of these aspects is not clearly visible in the legal considerations used by the judge.

Furthermore, the author believes that the use of indicative evidence to prove the element of planning must be done carefully. This is because indicative evidence is indirect evidence that is highly dependent on the judge's interpretation. If it is not supported by other evidence that shows real planning, it can raise doubts about the fulfillment of the element of *voorbgedachte raad* as referred to in Article 340 of the Criminal Code. However, the author also understands that the judge has the authority to assess all evidence based on the negative system of proof according to the law (*negatief wettelijk bewijs theorie*), namely by combining at least two valid pieces of evidence and the judge's conviction.

Therefore, formally the verdict has fulfilled the provisions of criminal procedural law. However, from an academic and doctrinal perspective, proving the element of "with prior planning" still requires stronger arguments in order to provide legal certainty, a sense of justice, and avoid differences in interpretation in similar cases in the future. Thus, the author is of the opinion that the proof of the element of planning in the Vina Cirebon case has been deemed legally fulfilled by the court, but theoretically there are still several aspects that need to be studied more deeply to ensure that the application of Article 340 of the Criminal Code is truly in accordance with the concept of premeditated murder in criminal law doctrine.

CONCLUSION

Element "*with prior planning*" In the crime of premeditated murder as stipulated in Article 340 of the Criminal Code, the element is subjective and complex. This element implies a thought process before the act is carried out, which is characterized by a time lag, an opportunity to consider, and the possibility of reversing the intention. In the decision of the Vina Cirebon case, the judge stated that the element of premeditation had been fulfilled. However, the proof of this element was based more on interpretation of the series of events and indirect evidence, without an in-depth description of the indicators of premeditation such as the time lag and the perpetrator's thought process.

When analyzed using Moeljatno's theory of criminal acts, proving the element of guilt in the form of planning does not fully meet doctrinal standards. This indicates a discrepancy between criminal law theory and judicial practice. The lack of clarity in proving the element of planning has the potential to lead to inconsistencies in law enforcement, necessitating clearer standards of proof to ensure legal certainty and justice.

REFERENCES

- Candra, Firman Adi, 'Research by Candra (2024) which specifically examined this case concluded that the evidence in this case still left room for interpretation, especially in terms of the consistency of the evidence and the construction of the judge's considerations.', 2024
- Feryinaldo, Raymond, 'Analysis of Article 340 of the Criminal Code Regarding the Crime of Premeditated Murder', 2 (2024), 44–49
- Hafid, Azhar, 'LEGAL STUDY OF PREPARED MURDER ACCORDING TO ARTICLE 340 OF THE KUHP', IV (2015), 86–91
- Hataul, Irma, Wenly RJ Lolong, and Marven A Kasenda, 'Legal Review of Premeditated Murder Committed in a Manner (Study of the Decision of the CIREBON District Court 4 / Pid. B / 2017 / PN CBN)', 2026, 831–46
- Hosnah, Asmak Ul, Khadziah Aliyah Shiva, Salsabila Afifany, and Susanta Putry, 'Criminal

- Responsibility of Perpetrators of Premeditated Murder Reviewed from Article 340 of the Criminal Code', 8 (2024), 25667–75
- Iriyanto, Echwan, and Halif, 'Elements of Planning in Premeditated Murder', 14 (2021), 19–35
<<https://doi.org/10.29123/jy.v14i1.402>>
- Lumbanraja, Victor Roland, 'LAW ENFORCEMENT OF THE CRIMINAL ACT OF PREDICTIVE MURDER FROM A POSITIVE LEGAL PERSPECTIVE IN INDONESIA (Analysis of Decision Number 554 / Pid . B / 2023 / PN Jkt Utr)', 4 (2024), 40–52
- Naziroh, Nyoman Fitriyatun, Faculty of Social Sciences, Faculty of Law, Ibrahimy University, East Java, and others, 'Analysis of the Element of Planning in the Crime of Premeditated Murder as Pertained to Article 340 of the Criminal Code', 1 (2024), 190–98
- Pieter, Salvadoris, Faculty of Law, Musamus University, Erni Dwita Silambi, Faculty of Law, and Musamus University, 'EVIDENCE IN THE CRIMINAL ACT OF PREDICTIVE MURDER REVIEWED FROM THE CRIMINAL CODE', 3 (2019), 75–91
- Saputri, Dini Amanda, 'THE CRIMINAL ACT OF PREPARED MURDER BASED ON POSITIVE LAW IN INDONESIA', 1 (2023), 92–96
- Solikin, H. Nur, Introduction to Legal Methodology and Research, 2021