

## THE ROLE OF THE POLICE IN DISCLOSING THE CRIMINAL ACTS OF PREDICTIVE MURDER: CASE STUDY OF BELAWAN HARBOR POLICE

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### Abstract

*Murder is one of the most serious crimes that not only violates criminal law provisions but also constitutes a fundamental violation of human rights, particularly the right to life that is inherent in every individual from conception and cannot be revoked by anyone except by God as the giver of life. The phenomenon of murder occurring in society, whether committed intentionally or unintentionally, is often triggered by motives of revenge or disputes between parties, thus requiring more serious and in-depth investigative handling compared to other criminal acts to thoroughly uncover cases. In the specific context of the legal jurisdiction of Belawan Port Police Resort, this normative legal research with a descriptive analytical and prospective approach examines the role of police in handling premeditated murder crimes, identifies inhibiting factors including the complexity of legal jurisdiction covering two jurisdictions (Medan City and Deli Serdang Regency), limited investigator experience, minimal operational budget, lack of facilities and infrastructure, and low public awareness in maintaining crime scenes, while analyzing efforts made by police to overcome these obstacles through preemptive activities in the form of legal counseling to the community, coordination with related activities, agencies for budget and infrastructure assistance, and capacity building for investigators through specialized training in handling criminal cases.*

**Keywords:** Police Role, Investigation, Premeditated Murder Crime.

### INTRODUCTION

The 1945 Constitution states that the Unitary State of the Republic of Indonesia is a state of law. All citizens are required to uphold the existence of the law, and all citizens have equal standing before the law. Thus, the law is placed in the highest position, where all citizens must behave to the limits permitted by law. The law has the aim of achieving a peaceful state in society, where peace as defined by Soerjono Soekanto is the existence of a certain level of harmony between order and provisions (regulations), thus the main purpose of implementing the law is to create an orderly social order according to the rules of the law itself and to provide protection for individual rights in the life of a country's society.

No citizen is allowed to act on their own will by committing a violation of the law, likewise no citizen is allowed to punish another person on their own will or in other words called taking the law into their own hands, even though the other person has committed a serious mistake against them, as an act of retaliation. No citizen is also allowed to commit murder to cover up traces of a crime committed such as in robbery or theft with violence, even murder that is committed accidentally is also a violation of the law, so as a country of law, everyone must consciously obey the applicable law.

In reality, there are still many incidents or criminal acts of murder or taking the lives of others that occur in society, whether done intentionally or unintentionally. Intentional murder can occur as a result of a dispute or motive of revenge between the parties. Some of them also occur because of the perpetrator's efforts to cover up traces of other crimes

committed, either at the same time or at a different time, or as an effort to facilitate control of the victim's property, while other incidents can also occur unintentionally, such as in traffic accidents. Whatever the reason, the crime of murder is not only against the law, but also a violation of universally applicable human rights. Based on human rights, humans have the right to life inherent in themselves since they are in the womb. This right cannot be revoked by anyone and for any reason, except by the giver of this life, namely God. Therefore, it is obligatory for fellow human beings to respect life itself so that no one tries to take the life of another person, and so that everyone tries to save others from losing their lives.

Mistakes generally refer to the fact that mistakes are the core of a crime, the content of which is the psychological state of the perpetrator, when committing a crime. The crime of murder is regulated in the Criminal Code in Article 338 - Article 350. In these legal regulations, the crime of murder is categorized as a serious crime, with a penalty of between 4 years and life imprisonment. Law enforcement against the crime of murder is based on the serious criminal aspect which is based on psychological or abnormal mental elements or mental disorders, so that the investigation process of the crime tends to be accompanied by special pressure on the perpetrator. Likewise, the investigation of the crime must be carried out with more serious efforts or extra efforts than other crimes, in order to be able to reveal the case thoroughly. Such handling or investigation can of course only be carried out by the police as an institution that has the authority and expertise in the profession of criminal law enforcement. Every member of the police must have received training so that they have the competence to handle all crimes properly, including the crime of murder, in order to realize law enforcement.

Criminal acts that result in the death of a person often occur. Proving death in this type of crime is generally not difficult, because the death of a person can be proven from the existence of medical information stating that a person is dead. In medical science, death is defined as when the heart stops working, some also say when death occurs in the brain stem or when a person stops breathing. Abdul Mun'in Idries stated that in determining death (moment of death) the medical indicators used are the nervous system, respiratory system, and cardiovascular system (heart and blood vessels). When one of the three systems is disturbed so that it cannot function properly, it will disrupt the other two systems because the three systems are interconnected with each other, and if it is in such a state, human survival can no longer be maintained, he is dead.

Based on article 13 of the Republic of Indonesia Law Number 2 of 2002 concerning the Republic of Indonesia National Police. states that the Republic of Indonesia National Police aims to realize the enforcement of law. This means that the state police as a government apparatus carries out the function of enforcing the law against all criminal acts, in order to maintain public security and order and provide protection, shelter and service to the community.

Murder is no longer a new thing in society. Murder is so common that people are no longer surprised to hear, see, and witness it. It cannot even be denied that there are members

of society who have been perpetrators and victims of murder. Human life is priceless, therefore only God has the authority to take it. Before being included in a law, at least murder and premeditated murder were crimes for nations that at a certain time reached written law.

Premeditated murder is a form of deviant behavior against social norms that underlie social order. Based on the Criminal Code which has been regulated in article 340, "Anyone who intentionally and with prior planning takes the life of another person, is threatened because of premeditated murder (moord), with the death penalty or life imprisonment or for a certain period, a maximum of twenty years".

Premeditated murder according to Article 340 of the Criminal Code is a common murder like Article 338 of the Criminal Code, but is carried out with prior planning. The crime of premeditated murder occurs starting with the plan of "intention" to take someone's life before the execution of the murder. Which the perpetrator can do in various ways. In the case of premeditated murder there are two elements, namely:

1. Subjective elements, namely those carried out intentionally and planned in advance.
2. Objective elements, namely taking another person's life.

Law enforcement in the criminal justice system aims to combat every crime. One of them is the police as investigators who conduct investigations according to the methods regulated by law to search for and collect evidence containing criminal acts that have occurred and to find the suspect. In the investigation process there is a special unit that is the spearhead of the police to collect evidence to assist the investigation process, this unit is called the identification unit or INAFIS (Indonesia Automatic Fingerprint Identification System).

Any act that threatens a person's life must be punished with an appropriate punishment, in accordance with Article 338 of the Criminal Code as follows: Anyone who intentionally takes the life of another person is threatened with murder with a maximum prison sentence of fifteen years.

Premeditated murder is carried out with prior planning. Premeditated (Voorbedachte Rade) is the same as between the emergence of the intention to kill and its implementation there is still time for the perpetrator to calmly think, for example, how the murder will be carried out, then postponed after the intention arises, to arrange the plan, how the murder will be carried out. The time gap between the emergence of the intention to kill and the implementation of the murder is still so free, that the perpetrator can still think, whether the murder will be continued or canceled, or also plan how he will carry out the murder.

Another difference lies in what happens inside the perpetrator before the execution of taking someone's soul (the perpetrator's condition). Premeditated murder requires calm thinking for the perpetrator. In ordinary murder, the decision to take someone's soul and its execution are one unit, while in premeditated murder the two are separated by a period of time needed to think calmly about its execution, as well as time to give an opportunity to cancel its execution. Premeditated does occur to someone in a situation where taking a decision to take someone's soul is caused by his lust and under the influence of that lust the

execution is also prepared, this can of course be revealed by law enforcement officers during the investigation process that is carried out.

Investigation based on Regulation of the Chief of the Republic of Indonesia National Police Number 6 of 2019 concerning the investigation of criminal acts, including the Investigator of the Republic of Indonesia National Police where in Article 1 paragraph (2) Investigation is a series of actions by the Investigator in terms of and according to the methods regulated by law to search for and collect evidence with which the evidence sheds light on the crime that occurred and in order to find the suspect. Furthermore, based on Article 109 paragraph (1) of the Criminal Procedure Code (KUHP), an investigator who has begun carrying out an investigation into a criminal incident, the investigator must immediately notify that the investigation has begun, including in cases of premeditated murder.

Murder in modern times, not only occurs in the wider community but also occurs in the family. Murder in the family if the object of the crime of murder is the life/soul of a family member, where the core family members are husband, wife, and children.

The author chose the title The Role of the Police in Revealing Premeditated Murder Crimes because in the last 10 years there has never been a case of premeditated murder that was revealed in approximately 4 months. Police Report Number: LP/348/II/2023/SU/PEL-BLW/SEK-MEDAN LABUHAN, dated February 13, 2023 in the name of the Reporter ANDRI SULISTIONO. Initially the victim was found dead in a well and it was not known who the perpetrator was. The chronology of the incident was on Sunday, May 3, 2023 at around 12.00 WIB according to Andri Sulistiono's biological mother, the victim left his house located on Jalan Veteran Pasar V Gang Persatuan 10 Tanah Garapan, Helvetia Village, Labuhan Deli District, Deli Serdang Regency together with his brother Ridho Rahmadsyah and after that the victim's whereabouts were unknown and on Wednesday, May 13, 2023 at around 15.00 WIB the witness received news that the victim was found dead in the well of the Mardi Utami Kindergarten school located on Jalan Karya Ujung, PTPN II Complex, Helvetia Village, Labuhan Deli District, Deli Serdang Regency.

The case was under investigation for approximately 3 months. The police conducted an investigation and examined witnesses and confiscated clothes and other things belonging to the victim according to the Confiscation Letter. The police investigated the victim's cellphone and after investigating the victim's cellphone, it was found that at that time (DPO) Julianus Hasan contacted him to buy clothes at Pajak Melati and there was also a victim's cellphone contacting the suspect. Furthermore, an investigation was carried out and there were witnesses who saw at that time the victim and Julianus Hasan (DPO) enter the location of the crime scene and then the police conducted an in-depth investigation by examining witnesses at the scene and from the results of the examination of witnesses who guarded the school saw the three suspects had been able and along with Julianus Hasan (DPO) came out of the bathroom of Mardi Utami Kindergarten. And then the police made arrests of the three suspects who had been able and currently one suspect named Julianus Hasan (DPO) has not been arrested and is still a Police DPO. According to the results of the interview with the

Belawan Harbor Police Chief, the results of the external and internal examinations, the estimated duration of the victim's death at the time of the examination was four to six days, the victim experienced an unnatural death, the cause of the victim's death was suffocation due to obstruction of air entering the respiratory tract due to drowning in water.

Data on the number of cases of murder and premeditated murder from 2013 to 2023 at the Belawan Harbor Police can be seen in Table 1 below.

**Table 1.** Number of Murder and Premeditated Murder Cases from 2013 to 2023 at Belawan Harbor Police

No	Year	Crime of Murder	Premeditated Murder Crime
1	2013	5 Cases	2 Cases
2	2014	4 Cases	1 Case
3	2015	2 Cases	2 Cases
4	2016	5 Cases	2 Cases
5	2017	4 Cases	3 Cases
6	2018	3 Cases	2 Cases
7	2019	2 Cases	1 Case
8	2020	5 Cases	2 Cases
9	2021	5 Cases	3 Cases
10	2022	4 Cases	2 Cases
11	2023	3 Cases	3 Cases
Amount		42 Cases	23 Cases

Based on Table 1 above, it is known that the number of murder cases from 2013 - 2023 was 42 cases and 23 cases were premeditated murder. The police as an agency that is in direct contact with the community occupies the main position in law enforcement for the protection of the community, namely by conducting a thorough investigation of the case and referring it to the public prosecutor in accordance with the applicable legal system.

Based on the background above, several problem formulations can be taken as follows:

1. What is the role of the police in handling premeditated murder crimes at the Belawan Harbor Police?
2. What are the inhibiting factors for the police in handling premeditated murder crimes at the Belawan Harbor Police?
3. What efforts have been made by the police to overcome obstacles in handling premeditated murder crimes at the Belawan Harbor Police?

## METHOD

This study uses a descriptive-analytical normative legal research method to examine the role of the Police in handling premeditated murder crimes at the Belawan Harbor Police by examining library materials and secondary data as the main focus. The research data sources consist of primary data obtained through field research in the form of in-depth



interviews with respondents in the jurisdiction of the Belawan Harbor Police, as well as secondary data that includes primary legal materials (UUD 1945, Criminal Code, Criminal Procedure Code, Police Law, and Police Chief Regulations), secondary legal materials (journals, books, media), and tertiary legal materials (legal dictionaries and KBBI). Data collection techniques are carried out through document studies (documentary research) with an inventory of relevant data and interviews as supporting data, then all data is analyzed qualitatively in the form of systematic descriptions that explain the relationship between various types of data descriptively-analytical to provide an overview and solutions to research problems.

## **RESULTS AND DISCUSSION**

### **The Role of the Police in Handling Premeditated Murder at the Belawan Harbor Police**

The crime of murder in the Criminal Code (KUHP) is included in crimes against life. Crimes against life (*misdrijf tegen het leven*) are in the form of attacks on the lives of others.

Murder itself comes from the word kill which means to kill, to take life, to kill means to make to die. Murder means a person or tool to kill. An act can be said to be murder is an act by anyone who intentionally takes the life of another person.

Murder is the intentional taking of another person's life, to take another person's life, a perpetrator must do something or a series of actions that result in the death of another person with the note that the perpetrator's intention must be aimed at the result of the death of the other person. Thus, one cannot yet speak of the occurrence of a criminal act of murder, if the result of the act of killing another person has not yet been realized. In the act of taking life (of another person) there are 3 conditions that must be met, namely:

- a. The existence of a form of action.
- b. There is a death (of another person)
- c. There is a cause and effect relationship (causal verb) between actions and the result of death (of other people).

To fulfill the element of loss of another person's life, there must be an act, even if the act can result in the loss of another person's life. The consequences of these actions do not need to occur as quickly as possible but can arise later.

Regarding the elements that are planned in advance, they basically contain 3 conditions/elements, namely:

- a. Deciding the will in a calm state;
- b. There is sufficient time available from the emergence of the will until the implementation of the will;
- c. Execution of will (action) in a calm atmosphere.

Deciding the will in a calm atmosphere is when deciding the will to kill is done in a calm (inner) atmosphere. A calm (inner) atmosphere is one that is not rushed or sudden, not under pressure or high emotions. As an indicator, before deciding on the intention to kill, he has thought about it and considered the advantages and disadvantages. This kind of thinking and consideration can only be done when he is in a calm mood, and it is in a calm atmosphere

when he thinks and considers deeply that he finally decides on the will to act. Meanwhile, his actions were not realized at that time.

There is a sufficient time period, between the emergence/decision of the will until the implementation of the will decision, this sufficient time is relative, in the sense that it is not measured by a certain length of time, but rather depends on the concrete circumstances or events that apply. Not too short, because if it is too short, there is no longer an opportunity to think, because of the rush, such time no longer depicts a calm atmosphere. Likewise, it should not be too long. Because, if it is too long, it no longer depicts a relationship between the decision making of the will to kill and the implementation of the murder.

In that time period, there still appears to be a relationship between the decision-making process and the execution of the murder. As for the existence of this relationship, it can be seen from the indicators that in that time: (1) he still had time to withdraw his will to kill, (2) if his will was firm, there was sufficient time to think, for example, about how and with what tools to carry it out, how to cover up traces, to avoid responsibility, and to have the opportunity to think about engineering.

Regarding the existence of sufficient time, in which time there is an opportunity to calmly consider the advantages and disadvantages of the murder and so on. Regarding the third condition, namely the execution of the murder is carried out in a calm (mental) atmosphere. Even this third condition is recognized by many people as the most important. This means that the mood in carrying out the murder is not in a hasty atmosphere, high anger, excessive fear and so on. The three elements/conditions with prior planning as explained above, are cumulative and interconnected, an inseparable whole. Because if it is separated/broken, then there is no longer a prior plan.

In the implementation of the investigation process, opportunities for deviations or abuse of authority for certain purposes are not impossible and are very possible. That is why all criminalistics experts place investigative ethics as part of the professionalism that must be possessed by an investigator as part of the professionalism that must be possessed by an investigator. In fact, if an investigator does not have investigative ethics in carrying out investigative duties, there will tend to be arbitrary actions by officers which of course will cause new problems.

Investigation Stage: (a) Detective investigators search for and collect initial evidence; (b) Conducted in the jurisdiction covering Medan City and Deli Serdang Regency; and (c) Determining whether the reported incident constitutes a crime of murder.

#### 1. Belawan Harbor Police Investigation Activities

- a. Crime Scene Investigation: Taking the victim's fingerprints, victim's photo, taking the victim to the hospital for a medical examination, collecting evidence at the location.
- b. Witness Examination: Ask for information from witnesses who saw/knew about the incident to strengthen the evidence.
- c. Visum/Autopsy: Knowing the cause of death and the identity of the victim through DNA to facilitate investigation.

- d. Suspect Search: Based on clues from the crime scene and witness reports regarding the characteristics of the perpetrator.
  - e. Arrest: Carried out with a Task Order and an Arrest Warrant.
  - f. File Completion: Preparation of resume and submission of case files to the public prosecutor.
2. Special Policies
- a. Based on the North Sumatra Police Chief's Decree No. ST/23/I/Res.1.1/2022/Sumut
  - b. Police stations in the Belawan Harbor Police area are not permitted to handle premeditated murder cases.
  - c. All cases of premeditated murder must be handled directly by the Belawan Harbor Police Criminal Investigation Unit.

### **Inhibiting Factors for the Police in Handling Premeditated Murder at the Belawan Harbor Police**

The process of handling a murder case to find the perpetrator or suspect so that they can be sentenced cannot be separated from the hard work of the police, especially the Criminal Investigation Department, which encounters obstacles in the handling process. Handling a murder case is not as easy as expected by all parties, especially the Police, because the perpetrators of the crime do not want the results of their actions to be known by people, of course the perpetrators will hide or eliminate traces/evidence that will later be able to reveal the crime they committed. Police investigators often face various obstacles in handling murder cases, and can even cause the case to not be revealed at all due to investigation obstacles.

Based on the results of interviews conducted by researchers with the Belawan Harbor Police, several factors were found to hinder the police in handling premeditated murder crimes, including:

1. Jurisdiction Factor
  - a. The legal area of 69,230 Ha covers 2 jurisdictions (Medan City 46,230 Ha and Deli Serdang 23,000 Ha)
  - b. The distance to the crime scene is up to 110 km with a travel time of 2.5 hours including crossing the river.
  - c. Access is difficult because it passes through the PTPN 2 palm oil area with an unpaved road.
  - d. There was confusion in reporting between the Helvetia Police and the Belawan Harbor Police.
2. Limited human resources for investigators
  - a. Lack of experience and understanding of crime scene handling procedures
  - b. Have not mastered the fishing techniques according to the provisions
  - c. Lack of understanding of laws and regulations
  - d. The number of investigators is limited and not all are competent.
  - e. There are often errors in the capture



3. Limited Budget
  - a. The investigation budget is only Rp. 653,570 per year
  - b. Division: Easy (Rp. 129,370), medium (Rp. 254,200), difficult (Rp. 270,000)
  - c. Difficult cases require Rp. 21,000,000 per file, only able to handle 13-14 cases per year
  - d. Premeditated murder cases 6 cases per year, inadequate budget
4. Lack of Facilities and Infrastructure
  - a. Tracking tools (CP/Check Post) are only available at the Regional Police
  - b. Handy Talk (HT) for fast communication is still limited
  - c. Only 3 patrol vehicles for a large area
5. Low Public Awareness
  - a. The community does not maintain the authenticity of the crime scene
  - b. Natural factors (rain, storms) and humans damage the crime scene
  - c. Public curiosity destroys evidence
  - d. The report was late so the crime scene had changed.
6. Cultural Factors
  - a. Strong family ties in Labuhan Deli District
  - b. Society covers up the incident and protects the perpetrator
  - c. Action to protect each other between family members
  - d. Reluctant to reveal family's shame to the police
7. Lack of Witnesses
  - a. People are afraid to become witnesses because of the perpetrator's threats
  - b. Premeditated murder carried out in a hidden place without witnesses
  - c. Low public trust in law enforcement officers
8. North Sumatra Police Chief's Telegram Letter Policy.
  - a. ST/23/I/Res.1.1/2022/Sumut prohibits Polsek from handling prominent cases
  - b. Evaluation shows that many cases at the police station are not solved
  - c. Police budget inadequate for murder cases
  - d. This has an impact on the less than optimal disclosure of cases at the Police because of the high crime rate.

### **Efforts Made by the Police to Overcome Obstacles in Handling Premeditated Murder Crimes at the Belawan Harbor Police**

The problem of the Police in handling the Premeditated Murder case occurred in the jurisdiction of the Belawan Harbor Police due to the lack of public understanding about guarding the TKP (Crime Scene), about witnesses who saw the incident if there was a Criminal Act and also the lack of knowledge of Police officers about investigation management.

The function of the police is part of a function of the State government in the field of law enforcement, protection and community services as well as community guidance in order to ensure order and uphold the law, the police as an integral function of the State government,

it turns out that this function has a very broad measure, not just a repressive aspect, in relation to the criminal law enforcement process alone, but also includes preventive aspects in the form of tasks carried out that are so inherent in the main function of administrative law and not the competence of the court.

1. Securing the Crime Scene (TKP)
  - a. Problem: The public does not care about securing the crime scene because they are busy, do not know the victim, and are afraid of becoming witnesses.
  - b. Effort:
    - 1) Socialization of the importance of maintaining the authenticity of the crime scene to the public.
    - 2) Education that the crime scene is the place where the crime occurred and the location where evidence was found.
    - 3) Involving labfor, inafis, and IT teams for optimal crime scene processing.
2. Overcoming the Culture of Mutual Protection
  - a. Problem: Strong family ties cause society to cover up incidents and protect perpetrators
  - b. Effort:
    - 1) Intensive socialization to the community not to protect perpetrators of murder
    - 2) Education that protecting criminals can hinder the legal process
    - 3) Changing the mindset that justice must be upheld even against one's own family
3. Gathering Sufficient Witnesses
  - a. Problem: The public is afraid to become witnesses because of threats from the perpetrators and low trust in the authorities.
  - b. Effort:
    - 1) Provide guarantees of protection to witnesses
    - 2) Increasing public trust in law enforcement officers
    - 3) Socialization of the importance of the role of witnesses in uncovering crimes
    - 4) Implementation of an effective witness protection program
4. Improving Investigator Capacity
  - a. Problem: Lack of experience and competence of investigators in handling cases
  - b. Effort:
    - 1) Intensive training for investigators with the required characteristics:
      - a) Creativity in case handling.
      - b) Ability to maintain potential suspicion.
      - c) Mastery of laws and regulations.
      - d) Ability to control oneself.
      - e) Consistency and extensive knowledge.
      - f) Self-defense skills.
      - g) Good management skills.
    - 2) Improving professionalism and maximum performance of investigators.

The function of investigation is a technical function of the Police investigation which aims to make a case clear, namely by seeking and finding the most complete material truth about a change/criminal act that has occurred. The definition of handling the Crime Scene (TKP) is the action of investigators or investigators or assistant investigators in the form of police actions carried out at the TKP.

In every investigation process, investigators must be able to prove every element of the crime charged based on the available evidence, so that the case file can be declared to meet the requirements to be transferred to the prosecutor's office. If the investigator's understanding of the indictment (allegation) is inadequate, then the case file will often go back and forth from the prosecutor's office to the investigator, and can also cause the prosecutor's indictment to be less strong in court. Therefore, the quality of investigators needs to be improved, especially in understanding the laws and regulations, so that the investigation process can really run smoothly to make the case clear and find the suspect.

## CONCLUSION

Based on the research conducted, it can be concluded that the role of the Belawan Harbor Police in handling premeditated murder crimes has been carried out in accordance with applicable legal corridors through the investigation and inquiry stages by applying the principle of due process, but still faces various obstacles including the complexity of the legal area covering two jurisdictions (Medan City and Deli Serdang Regency), limited experience of investigators, minimal operational budget, lack of facilities and infrastructure, and low public awareness in guarding the crime scene. To overcome these obstacles, the police have made preemptive efforts through legal counseling to the public, coordination with related agencies for budget assistance and facilities and infrastructure, and increasing the capacity of investigators through special training. Therefore, it is recommended that all police ranks adhere to the principles of professionalism and justice in handling cases, the Belawan Harbor Police need to improve coordination with government agencies to obtain adequate support for facilities and infrastructure and budget, and the North Sumatra Police need to review the policy of limiting the authority of the Polsek investigation into premeditated murder cases considering the high crime rate in the jurisdiction of the Belawan Harbor Police.

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