



CASE STUDY DECISION OF PEMATANG SIANTAR STATE COURT NUMBER 288/PID.B/2020/PN PMS REGARDING MURDER COMMITTED BY HALLUCINATION SUFFERERS

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Article Info

Received : 10/10/2022

Approved : 02/11/2022

Keywords:

Murder, hallucination, murderers

Abstract

The decision 288/Pid.B/2020/PN Pms of the Pematang Siantar District Court on the murder committed by a psychotic schizophrenic (hallucinations). In this ruling, the judge concluded that the defendant, Suheri Sihombing, had been lawfully and conclusively established to have violated Section 338 of the Criminal Code, committing the crime of murder. Even though the defendant has paranoid schizophrenia, the judge believes he can still be held accountable for his conduct, therefore he is sentenced to thirteen years in jail. The findings indicate that the judge in case 288/Pid.B/2020/PN Pms did not consider the trial's facts when rendering a verdict. The judge did not voice his thoughts on the defendant with paranoid schizophrenic mental disease. The judge did not give significant consideration to Article 44, paragraph 1, of the Criminal Code concerning criminal abolition. According to Article 44 of the Criminal Code, defendants with mental problems might be ordered to spend one year in a mental hospital. The panel of judges at the Pematang Siantar District Court found the defendant guilty, resulting in a decision that did not maximally satisfy the norm of legal fairness.

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I. INTRODUCTION

In case number 288/Pid.B/2020/PN Pms, the witnesses presented were Imelda Margaretha Purba as the victim's wife, Andreas Valentino Samosir as the victim's friend who was present at the scene of the crime, Hafifuddin as a victim acquaintance, and Jamuka Sihotang as the head of the victim's residence's RT.

The witness Hafifuddin was simply a victim's acquaintance, while the witness Jamuka Sihotang was the head of the victim's RT, who did not witness, hear, or experience the incident. Hafifuddin, the witness, knew that the victim had been slain by the Pematang Siantar POLRES, but he did not know how the defendant had performed the murder. According to the preceding statement, Hafifuddin's presence at trial was not crucial because he did not see, hear, or experience the crime committed by the defendant against the victim. The witness learned of this information from third parties. Instead, Muhammad Yusuf should have been brought to trial as a witness.

Muhammad Yusuf was the proprietor of the SOPIE business where the murder took place. If Muhammad Yusuf was introduced, the judge would be able to determine how the defendant committed

the crime in his store and if the crime the defendant did was related to his paranoid schizophrenia based on the evidence of Hafifuddin. In this manner, the judge can further evaluate appropriate sentencing for the defendant and the society.

In accordance with article 1 point 28 of the Criminal Procedure Code, expert testimony consists of information provided by a person with specialised knowledge on issues necessary to cast light on a criminal case for the purposes of examination. In order for the expert's testimony to be admissible as evidence, the expert must take an oath before testifying at trial. The material submitted by the expert must be accurate based on his knowledge and expertise.

In this judgement, the prosecutor produced an expert witness by the name of Ferdinan Leo Sianturi, M. Ked(KJ), SpKJ, who is a psychiatrist at Prof. Raft House. Dr. Muhammad Iltutm Medan City. The conclusion of the Visum Et Repertum Psyciatricum examination was that, based on the examination and observation of the Defendant, the examinee was a patient with severe mental disorders with a diagnosis of paranoid schizophrenia; however, the crime he committed at the time was not a symptom of his disorder. Even when the examinee believes the examiner to be an ODGJ, he is deemed able to account for his acts and to comprehend the value and hazards associated with them (person with a mental disorder).

The expert witness explained that the defendant was a patient with serious mental illnesses and a diagnosis of paranoid schizophrenia based on the preceding explanation. Even though he is deemed responsible for his actions, the Defendant remains an ODGJ. Certainly, paranoid schizophrenia influenced the defendant's acts. The Defendant's rage could also have been triggered by the characteristics of paranoid schizophrenics, such as auditory hallucinations, inability to appropriately control emotions, etc.

Article 44 of the Criminal Code governs how individuals with certain impairments are to be treated. Article 44, subsection (1), of the Criminal Code specifies the reasons for abolition of offences. As stated in paragraph (1), a person whose soul is disturbed owing to disease cannot be held criminally accountable, even if that person has committed a crime. A person experiencing this is in dire need of medical assistance, since he has an abnormal soul but has also caused harm to others via his acts.

As evidenced by the condition and capabilities of his soul, there are a number of guiding principles applicable to someone who cannot be held accountable. However, in Article 44 paragraph (1) of the Criminal Code, there are phrases that are still of a generic nature, such as "imperfect growth of mind" and "disturbances owing to disease," for which the circumstances covered in the two groups of these words have not been specified. This also presents questions about establishing the limits of a person's views and circumstances beyond which they cannot be held accountable.

Regarding the Suheri Sihombing case, there has been much debate in light of the preceding cases. There are people who believe offenders cannot be punished because they have been diagnosed with a psychiatric disease, as well as those who believe criminals can still be punished. This ambiguity in

Article 44 of the Criminal Code necessitates the existence of categories that fall under "imperfect mental development" and "illness-related disruptions," as well as the exploration of legal values by judges in order to satisfy the feeling of fairness among the populace. In order to decide a case, the judge's interpretation is required.

II. RESEARCH METHODS

Based on the questions addressed, this study uses empirical legal research techniques. Empirical legal research is the study of the application of normative legal norms to concrete legal events occurring in society (Abdulkader Muhammad, 2004:

134). Thus, empirical legal research is also called sociological legal research. Data were collected through field surveys and library searches. Empirical legal research is based on primary or foundational data. H. Data collected directly from the community as the primary source of information through field research, especially interviews.

III. RESULT AND DISCUSSION

A protracted There are three objectives and legal principles in the science of law: the principle of legal certainty, the principle of legal justice, and the principle of legal expediency. In the framework of legal science, the theory of the concepts of legal certainty, justice, and usefulness is frequently explored. These ideas lead in principle to the purposes of law as implemented in society, especially how the law is applied to satisfy the ideals of legal clarity, justice, and expediency.

The goal of the crime is to:

1. prevent infractions from occurring;
2. punish violators.
3. Prevent the most egregious offences from occurring;
3. Suppress crime;
4. Minimize damages or expenses.

When imposing a criminal sentence, the court takes into account different theories of punishment that explain the justifications for imposing a penalty (sanction).

Theories of sentencing can be split into three basic categories: absolute theories or defence theories, relative theories or objective theories, and combining theories (verenigings).

1. Absolute doctrine

The absolute theory explains that punishment is administered according to the commission of a crime. Everyone who commits a crime must receive criminal as retribution, regardless of the potential rewards. The objective of the absolute theory is to achieve justice, which entails that everyone must accept the repercussions of their acts.

2. Relative versus objective theory

According to the relative theory, sentencing is not intended to satisfy absolute demands for justice (not as retribution for the wrongdoers). The purpose of criminal law is to safeguard society and reduce crime. According to this argument, the objective of punishment is to serve as a deterrent so that individuals do not commit crimes in the future.

3. Blended theory

This theory combines absolute and relative theories. The combined view states that the objective of punishment is not only to avenge the offender's misdeeds but also to protect society. In order to punish criminals, it is not enough for them to have committed a crime; the benefits of imposing a sentence on the criminals and society must also be apparent. This approach assumes that punishment must not only serve as retribution, but also generate future advantages for the criminal and society.

Legal justice is composed of two words: law and justice. Justice is formless and intangible. The terms justice and fair refer to what is just, impartial, and impartial. The purpose of law enforcement is to accomplish justice for criminals and society as a whole. In order to respect the law (legal certainty) and ensure justice for everyone, the judge must present factors and grounds for imposing a sentence while reaching a decision.

Justice here refers to justice for all parties, including victims, perpetrators, and society, so that there are no discrepancies between parties. Justice is a fundamental requirement; if it is not met, it is inevitable that there will be gaps and protests. The court's decision must also include the words "FOR JUSTICE BASED ON THE ONE ALMIGHTY GOD" as the decision's heading, indicating that the decision must truly prioritise justice for all parties based on faith in the One God.

In order to implement justice, a judge's ruling must be in compliance with the court's fundamental purposes. These targets are:

- a. Implement an authoritative solution, in which the court provides a mechanism for the parties to resolve their legal issues.
- b. Efficiency, i.e., the procedure must be executed swiftly, easily, and cheaply.
- c. Must be consistent with the intent of the legislation upon which the judge's decision is based.
- d. Consisting of elements of stability, the objective is to foster a sense of order and safety in society.
- e. Incorporates fairness, namely the provision of equal opportunities to litigants.

In Decision Number 288/Pid.B/2020/PN Pms, the standards of legal fairness have not been upheld because it is unjust to imprison a defendant with paranoid schizophrenia. The act of placing the defendant in a mental hospital should have resulted in consequences.

The outcome of the case analysis in this decision is that the perpetrators of the Crime of Murder should not be held accountable for their actions, despite having satisfied the elements of Article 338 of the Criminal Code, because the Defendant suffers from Paranoid Schizophrenia and falls under the

category of Article 44 Paragraph (1) of the Criminal Code. This is inconsistent with other previous examples in which criminals with the same mental condition were not punished.

As an example of a comparison of the decisions contained in the research entitled Juridical analysis of the crime of murder committed by people with mental disorders (schizophrenia) (Case Study: Supreme Court Decision Number 125 K/Pid/2012), the conclusion is that: first, the application of law to acts the crime committed by a person with mental disorders in a case with Decision Number 125 K/Pid/2012 is appropriate. Whereas schizophrenia is a severe mental condition in which the affected individual cannot distinguish hallucinations from reality. Second, perpetrators suspected of suffering from mental diseases may be held accountable for their actions if the severity of their mental disorders is determined beforehand. During the investigation, the perpetrator's level of mental disorder is determined with the assistance of a mental health professional. If the victim's mental illness is mild or moderate, the perpetrator can be held liable. Thirdly, the protection afforded to ODGJ by criminal law through the government must ensure that all efforts made by law enforcement authorities are geared toward providing the best service possible while taking ODGJ's interests into account.

In making decisions, judges should examine the preventive role and aims of criminal law, where rulings must promote security for the community and serve as a deterrent against future criminal conduct. *Schizophrenia paranoïda est une maladie grave qui n'est pas curable and qui n'est pas insurmontable si le perpétreur répète ses actes.*

IV. CONCLUSION

In conclusion, Based on the discussion offered in the preceding chapters, this chapter will present the following conclusions and recommendations. Decision of the Judge of the Pematang Siantar District Court Number: 288/Pid.B/2020/PN Pms against Defendant Suheri Sihombing, the judge paid insufficient attention to the trial's facts. Article 1 point 26 of the Criminal Procedure Code defines a witness as a person who offers information for the benefit of the trial based on what he personally saw, heard, and experienced. In the verdict, the public prosecution offered Hafifuddin and Jamuka Sihotang as witnesses who did not see, hear, or experience the murder committed by the defendant.

Taking into account the defendant's paranoid schizophrenia, the judge imposed a thirteen-year prison sentence on the defendant. Article 44, paragraph 1, of the Criminal Code outlines two mental states of a person who cannot be held accountable for the offence he has committed: an imperfect mind or a mind that has changed due to disease. Then, according to article 44 of the Criminal Code, a defendant with these two circumstances may be committed to a mental hospital. It has been established that the defendant in this case suffers paranoid schizophrenia. The judge should have imposed sanctions on the murder-guilty defendant who suffers from paranoid schizophrenia.

Determination No. 288/Pid.B/2020/PN Pms is judged to have violated the principle of legal justice because the defendant with paranoid schizophrenia was sentenced to prison. The prison sentence

is unjust for the defendant with a mental condition. It is suggested that Judges are instructed to pay greater attention to and investigate the facts in court and to give the defendant with paranoid schizophrenic mental disorder more regard. In consideration of the Defendant's paranoid schizophrenia, the judge must go beyond Article 44 paragraph (1) of the Criminal Code in order to give the Defendant with relief and justice, as the Defendant is not in a condition of perfect mind or is experiencing a mental disorder. In rendering a judgement, the panel of judges should not only consider the Defendant's faults, but also the future worth of legal justice for the Defendant, the Victims, and the Community.

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