

Study of Evidence and Legal Considerations in Unlawful Acts Disputes (Study of West Jakarta District Court Decision Number 36/PUU XXII/2024)

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Abstract

Basically, justice requires the court to consider every relevant aspect of the defendant to be taken into consideration before making a decision. This conforms to the requirements in Article 8 paragraph (2) of Law Number 48/2009 concerning Judicial Power which states that "in considering the severity of the crime, the judge must also pay attention to the good and bad character of the defendant". The study employs a normative research methodology or doctrinal legal research with a case approach. The primary source of the research is court decision documents, while secondary sources are as codified statutes and legislation, literature, and any associated scientific journals. Prisons in Indonesia have experienced overcapacity as seen from data from the Ministry of Law and Human Rights (Kemenkumham) where the number of correctional institution (prison) residents in Indonesia reached 265,897 people as of March 24, 2023. This number has exceeded the aggregate potential of prisons within the nation, totaling 140,424 individuals. So, with such conditions, it can lead to over-punishment for those sentenced to life imprisonment and especially for those sentenced to death who have not yet been executed because they are like undergoing two punishments, namely imprisonment for an indefinite period until they are finally executed and the death penalty itself

Keywords: Unlawful Acts, Justice, Evidence, Constitutional Court, Court Decision

INTRODUCTION

The purpose for forming the Constitutional Court is to have functions including as an institution that guards the body responsible for upholding the constitution, a democratic institution that balances and directs the democratic system, an interpretative institution highest authority on constitutional provisions (the exclusive and ultimate authority for constitutional interpretation) and the entity responsible for upholding the fundamental rights of citizens (the safeguard of constitutional rights of the citizens). Therefore, if in the process of forming laws there are things that infringe upon constitutional principles, especially to the point of violating the constitutional rights of Indonesian citizens, the Constitutional Court can annul in whole or conditionally the Article of the law being tested as stipulated in Article 57 paragraph (1) and (2) of the Constitutional Court Law, which states that the Constitutional Court Decision in which the court declared that material content of a paragraph, article, and/or part of a law is contrary to the 1945 Constitution of the Republic of Indonesia, the material content of the paragraph, article, and/or part of the law does not legally enforceable. The Constitutional Court Decision the verdict of which states that the formation of the law in question does not fulfill a law loses its mandatory legal effect if its formation fails to adhere to the procedural requirements established by the 1945 Constitution of the Republic of Indonesia.

Basically, justice requires the court to consider every relevant aspect of the defendant to be taken into consideration before making a decision. This is in line with what is regulated in Article 8 paragraph (2) of Law Number 48/2009 concerning Judicial Power which states that "in considering the severity of the crime, the judge must also pay attention to the good and bad character of the defendant." This is intended to ensure that the defendant receives a penalty proportionate with his actions. This means that the heavier the motive, the higher the level of guilt so that the sentence imposed on him will be heavier. Conversely, the lighter the motive, the lower the guilt, the lighter the sentence that will be imposed on him.

In the crime of premeditated murder, motive is an element that strengthens the judge's decision. Motive is an important element that proves that the defendant had the intention to commit the crime intentionally and premeditatedly taking the victim's life. That proving the motive in the crime of premeditated murder is the obligation of a prosecutor is the duty of a prosecutor. This is as regulated in Article 143 (2) of the Criminal Procedure Code, that the indictment must be prepared carefully, clearly and completely regarding the crime being charged, and state the time and place where the crime occurred. That by not including the obligation to prove the motive in Article 340 of the Criminal Code, makes proving the motive in the trial of the crime of premeditated murder optional. That the prosecutor has the freedom to prove or not the motive by the accused for their perpetration of the offense of premeditated murder. This can make the Petitioner as an advocate accompanying the defendant experience confusion in preparing an effective defense for the defendant.

Research on the role of motive in premeditated murder cases shows that, although motive is not explicitly listed as an element under Article 340 of the Indonesian Criminal Code, it nevertheless carries significant probative value in judicial practice. Laia & Mustofa (2025) emphasize that motive serves as supporting evidence that helps demonstrate the presence of strong intention and prior planning before the act was committed. Their findings indicate that motive does not merely answer the question of “why” the crime occurred, but also reinforces the construction of intent, which is a central component of premeditated murder.

This view is strengthened by Hukom et al., (2021) who explain that prosecutors frequently use motive as part of circumstantial evidence to establish a logical connection between the defendant's actions and the resulting harm. The use of motive as an indicative element adds evidentiary weight, particularly in determining causality and supporting the argument that the crime was carried out consciously and with preparation.

Furthermore, Motian & Pura (2024) show that judges often consider motive when assessing the degree of intent and culpability of the perpetrator. In premeditated murder cases, which require a deeper analysis of the defendant's intention, motive becomes an important factor that helps judges form a complete conviction. Together, these studies clarify that even though motive is not a mandatory element of the offense, it plays an important role in both evidentiary construction and judicial reasoning, making it highly relevant to the analysis of Constitutional Court Decision Number 36/PUU-XXII/2024.

Based on this background, this study formulates two main questions: first, how does the Constitutional Court interpret its authority as a constitutional judicial institution in Decision Number 36/PUU-XXII/2024; second, how can the study of evidence and legal considerations in Decision Number 36/PUU-XXII/2024 contribute to the development of constitutional law in Indonesia.

RESEARCH METHODS

The methodology employed is normative legal research (also known as doctrinal research), which incorporates a case-study approach. According to Hamzani et al., (2023), legal research is a systematic scientific method used to analyze and resolve legal problems through structured procedures, appropriate approaches, and authoritative legal materials. Legal research consists of library research that relies on secondary data such as legislation, court decisions, and legal literature, and field research that uses primary data obtained through observation or interviews. The normative approach through statutes, cases, doctrines, and concepts is central in doctrinal legal research, including studies examining constitutional issues. Legal materials are classified into primary, secondary, and tertiary sources, and data are analyzed primarily through qualitative methods such as content analysis or interactive analysis. The primary sources are court decision

documents, while secondary sources include relevant legislation, literature, and scientific journals. The analysis is conducted qualitatively through interpretation, systematization, and critique of the judge's legal reasoning, with the aim of reconstructing the legal rationale used in this decision.

RESULT AND DISCUSSION

A. Identity of the Parties

This civil case involves several parties with different legal standings :

- Plaintiff: Moh. Qusyairi, residing in Sumenep Regency, East Java Province.
- Defendant: Yosep Payong et al.

According to Runtu et al., (2024), determining the parties in a civil case is not only intended to determine who is in dispute, but also to ensure that the decision can be executed effectively.

B. Chronology and Essence of the Plaintiff's Lawsuit

Legal certainty is the hope for those seeking redress for abuses of discretion by legal authorities officers in carrying out their duties. Clarity regarding rights and obligations is a right and obligation that needs to be clarified in law enforcement. A lack of clarity renders individuals unable to determine the correct course of action, leaving them uncertain about the morality or legality of their behavior. One way to provide legal certainty is through sound and clear normative law, including its application. Legal certainty requires that laws be explicit regarding their scope (subject and object) and clearly outline the penalties for non-compliance. The implementation of premeditated murder lies within the perpetrator before the murder is committed. Premeditated murder is suspended after the intention arises, allowing the perpetrator to plan and determine how the murder will be carried out. Premeditated murder has a time lag between the emergence of the intention to kill and the execution, allowing the perpetrator to consider whether to continue or cancel the murder, or to plan how to carry out the murder. In ordinary murder, the intention to kill and its execution occur simultaneously; the intention to kill occurs immediately.

Motive can be said to be the driving force of the impulse within a human being that causes someone to do something. However, when associated with crime, motive can be interpreted as the drive in the perpetrator's inner attitude to commit a crime (Sisca Pangestuti and Emilia Rusdiana, "Determining Motives as Evidence in Premeditated Murder (Study of Decision Number 454/Pid.B/2019/PN.KWG)", *Novum: Jurnal Hukum*, 2023, p. 85). In contrast to intention, intention determines whether the defendant committed the crime intentionally from within his heart or not, while motive answers the question of why the defendant committed the crime. In addition to the need for an integrated criminal justice system, a system strives to preserve parity between protecting interests, including those of the state, society, and individuals, including those of perpetrators and victims of crime.

This aligns with the ultimate goal of criminal policy, namely protecting society within a policy framework aimed at achieving social welfare or social policy. Another primary benefit of the need for an integrated criminal justice system is the creation of protection for the dignity and worth of human beings in the criminal process. Therefore, it can be said that policies aimed at achieving the goal of a welfare state must be supported by policies for enforcing criminal law. The element of motive must be proven in court and is closely related to the perpetrator's will. According to the theory of intent, intent is the will directed by the perpetrator of an act, meaning that the act must have been intended before the person actually committed the act. This is related to the formulation of a criminal act that contains elements of an act where a consequence is a prerequisite for the completion of the crime. This is clearly seen in the crime of murder, where the act of taking life is intended and the death of the victim is also intended. In relation to the will,

actions and consequences cannot be separated. The formation of the will is based on a motive and from the decision of that will, actions are carried out.

C. Plaintiff's Evidence

The defendant together with Stefanus Anton Making alias Stef Lodan, Josef Payong alias Payong Lela whose case was filed separately (splitting), came to the house of the victim witness Simon Sili to question and ask for/demand 4 (four) traditional sarongs, but on the side of the victim witness did not hand them over on the grounds that they had been paid in full, this difference of opinion led to a fight with dirty words and spitting. The defendant saw the criminal act committed by Yosep Payong, Laurensius Laba, Felix Sele, Stefanus Anton Making who beat the victim Linus Notan, with At the time Yosep Payong et al carried out the beating the defendant did not provide any assistance/more precisely kept quiet about the actions of Yosep Payong et al which took the victim Lunus Notan.

The defendant who kept quiet about Yosep Payong et al beating the victim Linus Notan which resulted in the victim's death was a form of neglect, approval, consent to what Yosep Payong et al did, and the beatings were generally directed at the head; That as a result of the beatings carried out by Yosep Payong et al resulted in Linus Notan's death as per the visum et repertum Number: R/587/Ver/XII/2014 Biddokes dated December 29, 2014, so that the defendant together with the other defendants were accused of committing the crime of premeditated murder which was carried out together.

The judge essentially stated that the testimony presented had a difference of opinion with the local indigenous community. Although the motive element was not explicitly stated, the trial facts showed that the defendant and others questioned and asked for/demanded 4 (four) traditional sarongs, but on the Victim Witness's side did not hand them over on the grounds that they had already been paid in full, this difference of opinion led to a fight with dirty words and spitting. From this incident, the victim was finally beaten by another defendant until he was injured. The defendant did not help the victim so it was considered a form of tolerance, approval, and consent to the beating.

D. Defendant's Evidence

Article 184(1) of the Criminal Procedure Code outlines the valid forms of evidence admissible in the Criminal Justice System, specifically listing: witness testimony, expert opinions, written documents, circumstantial evidence (instructions), and the defendant's own statements. The judge essentially stated that the testimony presented had a difference of opinion with the local indigenous community. Although the motive element was not explicitly stated, the trial facts showed that the defendant and others questioned and asked for/demanded 4 (four) traditional sarongs, but on the side of the victim witness did not hand them over on the grounds that they had already been paid in full, this difference of opinion led to a fight with dirty words and spitting.

From this incident, in the end the victim was beaten by another defendant until he was injured. The defendant did not help the victim so it was considered a form of tolerance, approval, and consent to the beating. The verdict stated that the defendant was found guilty, establishing beyond a reasonable doubt that they committed the offense of premeditated murder together. The judge emphasized that the doctrine of causality in criminal law enforcement aims to determine the objective relationship between human actions and the undesirable consequences of the law that aim to determine criminal responsibility. In addition to the causal relationship, the judge evaluated and examined the existing evidence, including motives to support the clues and motives in legal facts that indicate a causal relationship between the actions and the criminal event.

Table 1 Summary of Evidence and Assessment of the Panel of Judges

No	Plaintiff's Claims	Main Evidence	Types of Evidence	Power of Proofan	Relevance to Lawsuit
1	Beating Which conducted by	Visum et repertum Number:	Visa	Strong, considered	Clarifying the status

	Yosep Payong et al.	R/587/VeR/XII/ 2014 Biddokes dated December 29, 2014		true and not necessary proven again.	of the parties and legal relationship.
2	Coming to Witness's house Simon Sili's victim asked for and requested/collected 4 (four) traditional sarongs	There is no specific evidence.	Prooforal/argumentmentasi	Rated based on an kelogisan argument and causal relationship with Defendant's act.	Base claim compensation, assessed based on PMH qualification.

E. Legal Considerations Regarding Qualification of Lawsuit

Motives can be used as supporting evidence. Article 184(1) of the Criminal Procedure Code outlines the valid forms of evidence admissible in the Criminal Justice System, specifically listing: witness testimony, expert opinions, written documents, circumstantial evidence (instructions), and the defendant's own statements. Indicative evidence in Article 188 of the Criminal Procedure Code :

- An indication is any act, event, or situation that, through its connection to the crime or to other related factors, points toward both the commission of an offense and the identity of the person who carried it out.
- The evidence permissible under Paragraph (1) is strictly limited to witness testimony, written documents (letters), and statements provided by the accused
- In every specific instance, the judge must evaluate the weight of circumstantial evidence (indication) with diligence and impartiality, guided by their wisdom and conscience after a thorough examination.

Motives can be used as supporting evidence because indicative evidence is strictly limited to witness testimony, documentary evidence, and the accused's own declaration. With motives as indicative evidence, it is very useful to connect other evidence, specifically by synthesizing the statements of witnesses, written documents, and the defendant's own declaration which originally stood alone into harmony (Lilik Mulyadi, Normative Criminal Procedure Law, Theoretical, Practical and Problems, (Bandung: PT ALUMNI, 2006)).

F. Judge's Consideration of Claims for Damages

The Kupang High Court, acting as the *judex facti*, upheld the Lembata District Court's factual findings, which concluded that the defendant was conclusively proven guilty of co-perpetrating premeditated murder and was therefore correctly sentenced to twelve years' imprisonment based on sound legal reasoning. The judge essentially stated that the testimony presented had a difference of opinion with the local indigenous community. Although the motive element was not explicitly stated, the trial facts showed that the defendant and others questioned and asked for/demanded 4 (four) traditional sarongs, but the Victim Witness did not hand them over on the grounds that they had already been paid in full, this difference of opinion led to a fight with dirty words and spitting.

From this incident, the victim was ultimately beaten by another defendant until he was injured. The defendant did not help the victim so that it was considered a form of tolerance, approval, and consent to the beating. In the verdict, it was asserted that the defendant was legally convicted, the evidence having conclusively demonstrated their responsibility for jointly carrying

out premeditated murder. The judge emphasized that the doctrine of causality in criminal law enforcement aims to determine the objective relationship between human actions and the undesirable consequences of the law which aims to determine criminal responsibility. In addition to the causal relationship, the judge evaluated and examined the existing evidence, including motives to support the clues and motives in legal facts that show the causal relationship between the actions and the criminal event.

G. Legal Analysis of the Decision

Thus, the consequence that arises is that every attitude and behavior of state apparatus, policy, and population must be based on and in accordance with the law. In Anglo-Saxon countries, especially England, the idea of a state of law is influenced by the thinking of A.V. Dicey that a state of law is a state that has the supremacy of law, equality before the law, and the constitution is a consequence of the existence of individual rights (Siti Awaliyah, Age Discrimination for Job Seekers in a Fair Employment Relationship Reviewed from a Human Rights Perspective, Malang: Brawijaya University, 2017, p. 33).

Numerous complications have been uncovered throughout the application of capital punishment and life imprisonment, affecting all phases of the legal system, including pre-trial investigation, the act of prosecution, court proceedings, and the final stage of execution, as well as the limited opportunity to obtain forgiveness through the clemency process makes the phenomenon of capital punishment and life imprisonment increasingly questionable in terms of justice and legal certainty. This is reflected in the clear evidence of the existence of 21 cases of torture and wrongful arrest of suspects by investigators, including in one case that has attracted a lot of attention until now, namely the Ryan Jombang case which occurred in 2008. From this case it is clear that the fulfillment of Human Rights guaranteed by the constitution in Article 28G paragraph (1) of the 1945 Constitution is still vulnerable to being violated in its implementation in the judicial institution.

CONCLUSION

Indonesian prisons are experiencing overcrowding, according to data from the Ministry of Law and Human Rights (Kemenkumham), which shows that the number of inmates in correctional institutions (prisons) in Indonesia reached 265,897 as of March 24, 2023. This figure is greater than the nation's overall jail capacity of 140,424, indicating prison overcrowding. This situation can lead to overpunishment for life convicts, especially for those sentenced to death who have not yet been executed, as they are serving two sentences: imprisonment for an indefinite period until their eventual execution and the death penalty itself. Furthermore, if such conditions are experienced by suspects who have not been legally and clearly proven to have committed a crime, their rights as citizens guaranteed by Article 28I paragraph 1 of the 1945 Constitution of the Republic of Indonesia are violated. Therefore, the judgment delivered by the judicial panel examining a criminal case must be made with full confidence that a defendant has been lawfully and conclusively found guilty of an offense. If there is still doubtful evidence that raises many questions from both the judge himself and from various parties, then in this case the motive is deemed necessary to dig deeper into the evidence regarding the premeditated murder that was committed so that there is no doubt in making a verdict is rendered to achieve the fundamental goals of establishing justice and providing legal certainty. in order to guarantee the protection of human rights as mandated by the constitution.

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