

Criminal Law Analysis toward Serial Killers Crime in Indonesia

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Abstract--- *Serial killers is a very troubling and harming many people because one's life does not mean anything in front of the perpetrator, in fact, life is basic right for everyone. One of the most famous serial killer cases is Jack The Ripper case who has taken 440 people's live. This incident can be influenced by various factor which come from external or internal factors from the inside. This research is a socio-legal using statute and case approach, data collected then will analyzed qualitatively. The result of the research show that Serial murder is a highly condemned crime and is very unsettling for the community because it takes the lives of many innocent people as if their lives are only meant to satisfy the perpetrator's desire, there are various factors which cause someone to commit this, but one of the most dominant factors is psychological disorder in the perpetrator, this is caused by a bad trauma in the past such as, the perpetrator was tortured by his/her parents, bad moral was embedded, the perpetrator experienced sexual assault in his/her childhood hence this very much impacts his/her thought and personality as he grew up, which resulted in ideas to take revenge on all of his anger, lust, sadness and pleasure on the victim.*

Keywords--- *Crime; Law Enforcement; Serial Killers*

I. INTRODUCTION

Serial murder is a troubling crime and disadvantages the society because a person's life is meaningless for the perpetrator, whereas life is a person's basic right, several case examples that we can obtain are the murder case of Jack The Ripper who had the heart to kill hundreds of innocent lives, the case of *Zodiac Killer* in which the serial killer with high intelligence hence until at the moment, he had not been caught, Ted Bundy a person with an innocent face but he had the guts to commit or kill 30 innocent female lives and even in Indonesia, there was an notorious serial killer called Ahmad Suradji who had killed 42 lives. In the case of serial murder, almost all of its perpetrators have known who would their victim be and how they would end their victim's life (Premeditated Murder), there are various reasons for the act of serial murder by the perpetrator toward the victim, particularly it is driven by certain motives (Kusuma, 1984).

In the doctrine of Sigmund Freud, in the perspective of Psychoanalysis, it believes that ever since they are born, humans are prone to build aggressive energy, where that energy should be suppressed or shut down before it reaches an alarming level. Violence in all of its type is a manifestation from existing aggressive energy. Energy from the inside is accumulated until it reaches a dangerous level, where someone cannot release that energy in a catharsis process then the behavior which appears can be in the form of criminal action.

While according to Loudun and Bitta, they presented that there are four sources which shape a man's attitude, namely personal experience, interaction with other people or group, the influence of mass media and influence of a

figure that is considered important. In addition to that, there is a statement from Swahstha and Handoko that tradition, customs, culture, and level of education also participate in shaping the attitude. Based on the opinion above, it can be concluded that someone's deviant behavior is shaped through social interaction, personal experience, culture, and mass media (Laoudon and Bitta, 1998).

II. METHODOLOGY

This research uses normative juridical and empirical juridical approach. Meanwhile data were analyzed by legal research, normative legal research is often synonymized with library research if being viewed in its tendency in using documents as the material of its research, while empirical legal research is often synonymized with field research (Sonata, 2014).

III. RESULTS

Factors that Cause Someone to Commit Serial Murder Crime

Each problem may have causative factors in one or more than 3 dimensions, which are physical, psychological and spiritual dimensions. Spiritual research had shown that the main root cause that makes someone commits serial murder and mass murder lie on the spiritual realm. The following chart showed the details of the reason someone commits mass murder.

Lombroso's core teaching about crime is that criminal represent a type of physical irregularity/ oddity that is different with those who are non-criminal. Lombroso claimed that criminals represent the form of degradation which are manifested in physical character that reflects the initial form of evolution. According to Lombroso's Theory, an individual who was born with one of the five stigmas is a born criminal. Insane criminal is not a born criminal, they become a criminal as a result of several changes in their brain that disturb its ability to differentiate right from wrong. Writers like Konrad Lorenz (1960) and Robert Ardrey (1963) also opined that humans have a "killer instinct"; natural tendency toward violence and aggression. According to Cross and Jones in their book "An Introduction to Criminal Law", homicide is the killing of human by human being (the term "homicide" in British Law / Homicide Act.).

The case of serial murder committed by Ted Bundy which had taken 30 lives, was caused because during his childhood, Ted himself experienced Mental Breakdown caused by Ted, who was coming of age at that time found out that he was a child out of marriage and even worse, the parents whom he considered as his own sister turned out to be his biological mother, in addition to that, it was caused by his heart ache to a woman who was Ted's own first love so that he vented it by killing women who had similar traits, raped those women and collected 12 heads from 30 people who became Ted's own victims and, it was also caused by Ted's addiction to pornography (Ted's last interview prior to his execution) he admitted that pornography also ruined his life where he himself came from a good and devout family (Aini, 2019).

John Wayne Gacy who had murdered 33 boys and male teens had a sexual disorder which was pedophilia he frequently became a clown who entertained children from morning to afternoon, and he took that child to a place and there he immediately performed his action. This was caused by his childhood trauma where he was frequently tortured by his own father and he was also raised in a very bad neighborhood that he once admitted that he was a victim of sexual assault by his own neighbor, and therefore he experienced depression/mental disorder that he became gay (Muawal, 2019).

This was in fact, very different than the serial murder case which happened in Indonesia. One of the most famous serial killer at that time was Ahmad Suradji. The motive of the murder that he perpetrated was based on the

instruction of his late father (in his dream) to kill 70 women and to drink the saliva of each victim. He did it in order to obtain supernatural power and to provide kindness (in this case, the ability to heal all illness) for other people. Of course, it confused Suradji, but after considerations, Suradji eventually decided to execute his father's order. Then, he hunted a number of women to be sacrificed, the killing action done by Suradji began to be tracked by medio 1997. Sunggal Sector Police Headquarters Agency found 42 human skeletons in a sugar cane field in Aman Damai Village, Sunggal District, Deli Serdang Regency, North Sumatra. The average age of the victims ranged from 13 to 27 years old, and therefore it encouraged the police to perform investigation in the house of Suradji and eventually the police found evidences of jewelry and the clothing of the women who had become his victims hence Suradji was caught. The presiding judge, Haogorao Harefa, who led the trial of Ahmad Suradji case on 24 April 1998 decided the case which declared Ahmad Suradji to be guilty and he was sentenced to death (Irfani, 2019).

From several cases, we can analyze the things that often make criminals commit serial murder are caused by trauma since they were born, such as beaten up, tortured, raped, belittled, confined anger and etc. Reckless stated that one of the factors which encouraged someone toward criminal are psychological factor, and social condition such as poverty. According to Reckless, to commit a crime or delinquency required the individual to solve or breakthrough a combination of outer and inner containment (Ida, 2019)

Simultaneous containment (inner containment) tended to isolate someone from both drive and pull. Reckless also stated that the possibility of deviation is directly connected with how far internal drives (such as needs that should be fulfilled immediately, restless, violence), external pressure (poverty, unemployment, lack of opportunity) and external pull controlled by a person's inner containment and outer containment. Someone who committed forbidden act (crime) because of a weak and imperfect conscience (superego) so that his ego (that acts as the intermediary between superego and id) is unable to control the drives from id (part of personality that contains strong desire and drive to be satisfied and fulfilled). The point is, superego is an image from parents that is built when a child receives moral attitude and value embedded by his parents, and therefore, the absence of good image eventually leads to an uncontrolled id (Bambang, 2019).

Perception of Criminal Law toward Serial Murder Crime.

In the Juridical Aspect: Article 340 of the Indonesian Criminal Code (the Book of Indonesian Criminal Code), an act of killing that is committed intentionally with taking a person's life. The basic article for murder is article 338 of the Indonesian Criminal Code. Due to the large negative impact of a murder, it is no wonder that an act of killing is strictly prohibited by a very heavy positive law. Even toward premeditated murder under Article 340 of the Indonesian Criminal Code, the perpetrator is threatened with death sentence. One of the impacts caused by murder crime is the loss of another person's life whereas life is the most precious possession of a person. Criminal law is made to protect legal interest in order to be respected and complied by each person. Legal interest that includes individual's interest, community's interest, and the state's interest. Violation against someone's legal interest or actions that conform legal formulation (Hafid, 2015)

In criminal code, the principle of *Geen Straf Zonder Schuld* (no punishment without guilt), means that a person can be punished if his action clearly violates criminal code prohibition. This is regulated under article 44 of the Criminal Code concerning inability to hold responsibility by the perpetrator for his action. Article 44 of the Indonesian Criminal Code, which uses the content of Article 37 lid 1 W.v.S Nederland year 1886 which stated : "Not punishable shall be the person who commits an act for which by reason of the defective development or sickly disorder of his mental capacities, he is not liable".

According to H.B. Vos's opinion, the meaning of mistake has three criteria, namely: ability to take responsibility from the person who commits it, certain mental relationship from the person who commits it, which action can be a

deliberation or a negligence, there is no justification that can remove the responsibility from the person who commits it (Bambang Poernomo, 1978; 134). Among the three elements of mistake according to H.B. Vos that is related to Article 44 of the Indonesian Criminal Code is the ability to take responsibility. It is only provided in Article 44 of the Indonesian Criminal Code which stipulates in what circumstances someone cannot be held responsible (*ontoerekenbaarheid*). Then, the criminal law experts have tried to give their own definition about this element of responsibility, one of them is G.A. Van Hamel which said "*toerekeningsvatbaarheid*" is, a physical normality circumstances and finesse, that brings three types ability (capability).

IV. CONCLUSION

Serial murder is a highly condemned crime and is very unsettling for the community because it takes the lives of many innocent people as if their lives are only meant to satisfy the perpetrator's desire, there are various factors which cause someone to commit this, but one of the most dominant factors is psychological disorder in the perpetrator, this is caused by a bad trauma in the past such as, the perpetrator was tortured by his/her parents, bad moral was embedded, the perpetrator experienced sexual assault in his/her childhood hence this very much impacts his/her thought and personality as he grew up, which resulted in ideas to take revenge on all of his anger, lust, sadness and pleasure on the victim.

Several characteristics of a serial killer, among others, are he often lies to trick or take advantage of the situation, has two faces, has a very high ego and has an ignorant personality toward other person and considers that crime is a common thing for the perpetrator. The punishment for a serial killer, according to the law in Indonesia is criminal law or positive law, which is the imposition of punishment stipulated under article 340 of the Indonesian Criminal Code, that is imprisonment of at least 20 years, lifetime imprisonment, or death sentence.

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