

CRIMINOLOGICAL EXAMINATION OF THE PREMEDITATED MURDER PERPETRATED BY RICHARD ELIEZER IN CASE LAW NUMBER 798/Pid.B/2022/PN JKT.SEL

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Abstract

Murder cases in Indonesia often occur but there is one murder case committed by law enforcers. This harms public view of law enforcement officials. On the other hand, we must be able to see this murder case from the perspective of the murderer, one of whom is Richard Eliezer in the murder case of Brigadier Joshua Hutabarat. Richard Eliezer was a policeman who killed another policeman, Joshua. In this murder we must be able to see from different perspectives such as the perspective of psychology, sociology and society so that everyone can judge whether the penalty that Richard Eliezer received was proper or not. The purpose of this research is to examine from the criminological perspective the premeditated murder perpetrated by law enforcement officers against their aides who should be under their guidance. The methodology used is normative, reinforced by primary data, especially in the material of Court Decision no. 798/Pid.B/2022, statements from witnesses in this premeditated murder case. Then, analyze with secondary data and the law system in the police. It is found that psychology of abuse of power often involves analyzing the motivations and behaviors of individuals who abuse power, as well as the factors that influence and prevent such behavior related to the penalty imposed in the case law, seen from perspectives such as the psychology, sociology and society.

1. INTRODUCTION

Basically, the establishment of a country based on applicable laws or regulations aims to create a peaceful and harmonious society, but to create this society requires the cooperation of all components within a country to minimize misconduct from society or often understood as criminal acts. A crime is an act that is prohibited by law and the prohibition is accompanied by threats or sanctions in the form of a crime for someone who is deemed to have violated the prohibition or regulation.¹ An explanation of the crime is also explained by legal experts or applicable laws. Criminal acts according to the Criminal Code are divided into two, namely criminal acts in the form of crimes and criminal acts in the form of violations. Both forms of crime require a form of supervision either carried out by the public

¹ Ismu Gunadi and Jonaedi Efendi, *Hukum Pidana* (Jakarta: Kencana, 2014), 35.

or by law enforcement in Indonesia. As the era develops, the types of crimes that occur in society will also develop due to social and technological conditions that continue to develop, one of which is criminal acts, which is against the law both formally and materially.²

One of the crimes that required special attention is the crime of premeditated murder which is regulated in Article 340 of the Indonesia Criminal Code, namely: "Anyone who deliberately and with prior planning takes the life of another person, is threatened, because of premeditated murder (*moord*), with capital punishment. or imprisonment for life or for a certain time, a maximum of twenty years".³ Stipulation for sanctions for premeditated murder has actually been regulated in Article 338 and Article 340 of the Indonesia Criminal Code. This is still being considered by judges and legal experts regarding the elements associated with the Article of Murder planned, this gets special attention where premeditated murder is a crime committed by a person or group of people in order to take the lives of people preceded by the planning or intention of the perpetrators, but whether this crime is related to people who are forced to do or under pressure. The perspective that is born can involve other sciences such as criminology. The science of criminology can be said to be related to the criminal acts that explained by one of the criminologists that there are three things that influence the formation of a crime including the causes of crime (crime etiology), the formation of law (legal sociology), as well as control, prevention and treatment of law breakers (penology).⁴

Criminology also explains how a person can commit a crime, in solving a crime it requires state components that play a role that has the authority to resolve the crime. One of the law enforcers who has great authority in solving a crime is the Indonesian National Police described in Article 13 concerning the main duties of the Indonesian National Police are to maintain public order and security, enforce the law, and provide protection, protection and service to the public.⁵ In criminal acts in the form of premeditated murder, the Indonesian National Police have a role in uncovering cases after receiving reports or complaints from the public, this is stated in Article 7 of the Criminal Code. In carrying out the authority given by POLRI members, they also have obligations that must be obeyed in the form of ethics related to carrying out their duties and powers. The police code of ethics is explained as norms or rules which form a unified ethical or philosophical foundation with rules of conduct and speech regarding things that are required, prohibited or inappropriate for members of the Police to do. Matters regarding the police code of ethics are regulated in the Regulation of the Chief of Police of the Republic of Indonesia Number 7 of 2006. This indicates that every Indonesian law enforcer has obligations and authorities, but in this case there are rules that limit the behavior of each law enforcer. But what happens if the law enforcer commits a crime in the form of premeditated murder, who has the right to examine and decide on the case.

Law enforcers should act properly and comply with existing norms to reflect good law enforcement attitudes, because good performance and ethics will create public trust in institutions in resolving their problems. A legal process must be carried out with an interactive process from law enforcers so that can be shown to the public.⁶

The case that will be the source or background in this paper is one that is very concerning in society, namely the case of premeditated murder committed by law enforcement officials against other law enforcement officers with lower ranks, motivated by

² Barda Nawawi Arif, *Sari Kuliah Hukum Pidana II* (Bandung: Fakultas Hukum Undip, 1984), 37.

³ Moeljatno, *Asas-Asas Hukum Pidana* (Jakarta: Rineka Cipta, 2009), 122–123.

⁴ Edwin Hardin Sutherland, *Principles of Criminology* (Chicago: J.B. Lippincott Company, 1934).

⁵ Pasal 13 *Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia*.

⁶ Satjipto Rahardjo and Anton Tabah, *Polisi, Pelaku dan Pemikir* (Jakarta: Gramedia Pustaka Utama, 1993), 14.

anger, alleged sexual harassment. What was committed by the victim to the wife of the main suspect, however, what is more concerning is the very inappropriate attitude and norms reflected by a law enforcer with a high position, namely the Head of the Professional and Security Division. The main suspect in this case showed inappropriate norms for all Indonesian people, where it was proven that at the time when the premeditated murder was revealed, the main suspect made the scapegoat for many members of the National Police ranging from various types of ranks and positions.

This should have violated the Professional Code of Ethics for the Indonesian National Police which is regulated in the Republic of Indonesia National Police Regulation Number 7 of 2002 concerning the Code of Ethics and the Indonesian National Police Code of Ethics Commission and Government Regulation Number 1 of 2003 concerning Dismissal of Polri members. Then explaining the motive for the premeditated murder carried out by the main suspect which involved many Polri members resulted in many legal views occurring regarding law enforcement against other suspects who allegedly did not know about the planned murder, even somewhat trapped in an unwanted situation.

This case began to unfold slowly where the victim, Brigadier Nofriansyah Yosua Hutabarat, was found dead at the residence of the former high-ranking National Police officer Ferdi Sambo, who was suspected of having shot gunshots which resulted in the death of the victim, but the thing that is of concern is that the victim's body was not carried out officially and the suspicion of an unnatural death found by the family. This case not only resulted in the loss of life of an innocent Polri member, but other Polri members who allegedly believed one party and carried out orders according to directions, such as the disappearance of evidence via CCTV carried out by several parties, then false statements given by members Polri regarding criminal acts that occur in general to the community.

This is related to public opinion regarding doctrine which is explained as another term for teaching which is a reservoir of a norm put forward by someone to influence others.⁷ This doctrine is also referred to as a source of law where the application system occurs in Indonesia, including the doctrine of respecting seniors in the world of politics in the Republic of Indonesia's police, however, the doctrine of obeying and respecting seniors is often misinterpreted, as well as its application in Indonesia, it can be seen that the impact of the doctrine given is too great. So that certain actions occurred outside of the proper authority, one example occurred in the case of the premeditated murder of Brigadier Nofriansyah Yosua Hutabarat who scapegoated a member of the National Police with the rank of Bhayangkara Two named Richard Eliezer.

Doctrine or greater pressure added to Richard Eliezer's answer at trial explaining that in his rank there was only training "Execute orders without analysis", so that the shooting occurred which was carried out by Richard Eliezer on direct orders from former high-ranking National Police officer Ferdi Sambo. This, however, became a legal consideration where many questions arose regarding the duties and authorities of each section or rank within the Indonesian National Police agency. Then regarding the actions taken by Richard Eliezer, he also received many responses regarding Article 7 Paragraph 3 Letter c which reads "rejecting orders from superiors that are contrary to legal norms, religious norms, and moral norms" and also Article 13 and Article 14 of the Chief of Police Regulation Number 14 of 2011.⁸

⁷ Bernards Arief Sidharta

⁸ Pasal 13–14 *Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 14 Tahun 2011 tentang Kode Etik Profesi Kepolisian Negara Republik Indonesia*.

But the law in Indonesia will still apply where the law will seek the truth through periodic verification, this proof is obtained from the theory of truth, one of the opinions regarding the theory of truth is explained by Purwadamirta which relates the theory of truth to 3 things, namely the right situation, something that is true,⁹ and honesty. While the theory of truth put forward by Bertrand Russell (1972–1970) regarding the correspondence theory which explains that truth will occur through statements if it corresponds to facts or statements that exist in nature or the intended object.¹⁰ Both of these theories are relevant to use in Indonesia and in related cases where the truth begins to emerge starting when Richard Eliezer said that what he was doing was an order.

However, it is related to the science of criminology where the action committed by Richar Eliezer is a crime which results in the loss of a person's life, which is explained through the opinion of Edwin Sutherland, in the Principles of Criminology explaining that criminology studies three things, one of which is the cause of crime (the etiology of crime).¹¹ The behavior and actions taken by Richard Eliezer received a lot of appreciation from the public regarding the feeling of guilt with the actions taken and intending to carry out the judicial process as best as possible supported by the honest actions taken. This case led to a drastic decline in trust in the Republic of Indonesia Police Agency with legal facts that were given and broadcast openly to the public. There are great hopes from the community, especially the victims, in receiving justice that must be upheld in Indonesia in order to restore public trust in law enforcers in Indonesia.

This will be proven through law enforcement carried out against elements related to the case. Then this case shows a case study of Premeditated Murder committed by one of the defendants, namely Richar Eliezer, it can be seen that studies in criminology are in the form of juridical, psychological and Sociologists along with their theories prove that crime is not only focused on the written law in determining but other views are needed that support legal certainty to become learning and new knowledge to solve other cases. The views and theories studied in the science of criminology really need to be used in parallel with other sciences and applicable legal rules. Therefore, through the results of the analysis carried out it proves that the use of sociological and psychological theories and views needs to be developed periodically from time to time so that the public and law enforcers are accustomed to seeing a crime from various points of view, so as to classify a convict with various points of view starting from the reasons for committing the crime and then what factors influence a person to commit a crime. As well as whether a person can commit a crime if there is coercion.¹²

2. METHOD

Descriptive law research describes problems that occur in the present or ongoing, aiming to describe what happens as it should be in the when the research was conducted. The subject of study is law which is conceptualized as norms or rules that apply in society and become a reference for everyone's behavior. So that normative legal research focuses on the inventory of positive law, legal principles and doctrines, legal findings in cases *in concreto*, legal systematics, levels synchronization, comparison of law and legal history. Based on the above, the author decided to use normative legal research method with

⁹ Idzam Fautanu, *Filsafat Ilmu: Teori dan Aplikasi* (Jakarta: Referensi, 2012), 96.

¹⁰ Jujun S. Suriasumantri, *Filsafat Ilmu: Sebuah Pengantar Populer* (Jakarta: Pustaka Sinar Harapan, 2000), 54.

¹¹ Edwin Sutherland, *Op. Cit.*

¹² Friedrich Schreyvogel, *Ausgewählte Schriften zur Staats- und Wirtschaftslehre des Thomas von Aquino* (Jena: Gustav Fischer, 1923), 136.

secondary data. Data collection techniques are carried out by means of library research, literature data obtained through literature research sourced from laws and regulations, books, scientific publications and research results and collect data to describe. The types of approaches in the research it's the statutory approach (Constitution of the Republic of Indonesia 1945 and the Criminal Code), in which the legislation becomes one of the references for conducting this research. The analysis of data, both primary and secondary, will be inventoried and identified for further use in analyzing problems related to this research. The series of processing stages begins with the inventory and identification of the relevant sources of legal materials (primary and secondary). The next step is to systematize the entire existing legal material. This process of systematization is also applied to legal principles, theories or literature reviews, concepts, doctrines, and other reference materials. The series of stages is intended to facilitate the study of research problems in order to be able to draw conclusions to answer the formulation of the problem that has been formulated.

3. RESULTS AND DISCUSSION

3.1.1 Analysis of the Psychological, Sociological, and Biological Impacts of Obstruction of Justice Actors in the Murder Case of Brigadier Nofriansyah Yosua Hutabarat

Criminal behavior is a category of behavior that socially, culturally, politically and economically deviates from existing laws.¹³ One form of criminal behavior is the crime of murder. For this reason, the criminal act of murder as a social phenomenon is influenced by various aspects of life in society such as politics, economics, socio-culture and matters related to the efforts of state defense and security. The theory states that the factors that have a big influence in creating crime are environmental factors. This theory is known as an environmental school which has the motto "*Die welt ist shuld an mir als ich*" (The world is more responsible for me than myself).

This theory argues that a person commits crime caused by: a) An environment that provides an opportunity to generate crime; b) The social environment that provides good examples or bad examples; c) Economic environment (poverty, unemployment, etc.); and d) Different social environment.¹⁴

Previously it was known that in this case, Richard Eliezer Pudihang Lumiu which was Ferdy Sambo's subordinate, received an order from the defendant Ferdy Sambo to kill the victim Nofriansyah Yosua Hutabarat by shooting him as planned. Ferdy Sambo then approached the victim, Nofriansyah Yosua Hutabarat, who was lying down and seriously injured by the gunshots, but was still alive and feeling sick. After making sure that the victim died calmly, Ferdy Sambo used black gloves and held a firearm to fire one shot at the victim's head, so the victim died at the scene. However, after the victim was shot by Ferdy Sambo, the defendant felt pressured and had the intention to hide the facts that had occurred during the incident.

Ferdy Sambo's goal is to obscure evidence that can prove the crimes he has committed, such as removing items involved in a crime. For example, Ferdy Sambo tried to destroy evidence by contacting the witness Hendra Kurniawan. In the indictment of the Obstruction of Justice case with case number PDM-124/JKTSL/10/2022, the Defendant Hendra Kurniawan was charged as the party who ordered his men to replace the DVR surveillance camera (CCTV) which recorded all the events around the complex where Ferdy Sambo lived

¹³ Mustofa, *Kriminologi: Kajian Sosiologi Terhadap Kriminalitas, Perilaku Menyimpang dan Pelanggaran Hukum* (Bekasi: Sari Ilmu Pratama, 2010), 37.

¹⁴ Duwi Handoko, "Klasifikasi Dekriminalisasi Dalam Penegakan Hukum di Indonesia," *Jurnal Hak Asasi Manusia* 10, no. 2 (December 2019): 51, <http://dx.doi.org/10.30641/ham.2019.10.145-160>.

in the Complex Duren Tiga Police, South Jakarta. Ferdy Sambo tried to destroy the evidence by contacting the witness Hendra Kurniawan. In the indictment of the Obstruction of Justice case with case number PDM-124/JKTSL/10/2022, the Defendant Hendra Kurniawan was charged as the party who ordered his men to replace the DVR surveillance camera (CCTV) which recorded all the events around the complex where Ferdy Sambo lived in Komplek Polri Duren Tiga, South Jakarta.

The defendant was known to find out that one of the CCTV cameras showed that Brigadier Nofriansyah Yosua Hutabarat was still alive after Ferdy Sambo arrived at his official residence, which was different from Ferdy Sambo's previous story. This information was obtained through information from his staff, Arif Rachman Arifin, who had seen the CCTV footage at the time. In a meeting between the three of them, Ferdy Sambo ordered Arif Rahman Arifin to delete and destroy the recording files. The defendant Hendra Kurniawan was asked to ensure that Arif Rahman Arifin's duties were properly carried out. Apart from Arif Rahman Arifin, Hendra Kurniawan then also ordered 4 others. The 4 (four) people are Agus Nurpatria, Chuck Putranto, Baiquni Wibowo. As for their actions, they were charged with Article 49 in conjunction with Article 33 and Article 48 in conjunction with Article 32 paragraph (1) of Law Number 19 of 2016 concerning¹⁵ Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) in conjunction with Article 55 paragraph 1 1st of the Criminal Code and Article 233 of the Criminal Code and Article 221 paragraph 1 2nd *juncto* Article 55 paragraph 1 to 1 of the Criminal Code.

Looking at it from a psychological perspective, Ferdy Sambo actually realized that the power he possessed could smooth out his evil plans, namely that he could manipulate the murder case he committed against Brigadier J or Nofriansyah Yoshua Hutabarat. This is included in the psychology of abuse of power, which is the study of the tendency of individuals or groups to abuse the power or authority they have to manipulate or harm others for personal gain. This term refers to a behavior that harms or causes harm to others by people with higher power or influence.¹⁶ The psychology of abuse of power includes various forms of behavior such as intimidation, humiliation, discrimination, abuse of trust, physical or sexual abuse, and bullying.¹⁷ Research in the field of psychology of abuse of power often involves analyzing the motivations and behaviors of individuals who abuse power, as well as the factors that influence and prevent such behavior. Therefore, there was no concern for Ferdy Sambo when he executed his own adjutant, namely Brigadier J at the official residence in Duren Tiga and even mobilized other units including the expert staff of the National Police Chief. So, under the psychology of his great power, Ferdy Sambo is not only capable of committing murders, but also performs an obstruction of justice or obstruction of investigations including bringing the influence of that power to order his six subordinates who took part in the obstruction of justice.¹⁸

In addition, the authors also believe that the actions taken by Bharada E as the executor of the shooting of Brigadier Joshua and the investigators as the perpetrators of obstruction of justice which hindered the truth of this case, such as by destroying evidence, can be said to be carelessness. Carelessness itself can be interpreted as negligence and/or mistakes in action. Their actions can then be called as a carelessness because both Bharada E and the

¹⁵ Topo Santoso and Eva Achjani Zulfa, *Kriminologi* (Jakarta: Rajawali, 2012), 43.

¹⁶ Mokhammad Najih, *Politik Hukum Pidana* (Malang: Setara Presss, 2014), 95.

¹⁷ Sahad Maruli T. Situmeang, *Buku Ajaran Kriminologi* (Jakarta: Rajawali Buana Pustaka, 2021), 125.

¹⁸ Didik Endro Purwoleksono, "Tinjauan Kriminologi Terhadap Penyalahguna Narkotika" (Paper at Seminar Nasional Dekriminalisasi Penyalahguna Narkotika (Reorientasi Kebijakan Pemidanaan Bagi Penyalahguna Narkotika), Malang, 2014).

investigators who are currently the perpetrators of the obstruction of justice have been negligent in acting as law enforcement officials, but they have no power, in which they have to carry out orders from their superiors without asking further questions. Regarding the order, or they must act to find the correct evidence and present the evidence at trial. Furthermore, when viewed from a sociological perspective, it can be understood that the loss of evidence in murder cases can be explained through social factors such as pressure and criminal culture.¹⁹ Pressure in this case can be interpreted as pressure from Ferdy Sambo, who is the boss and also the environment of the police institution, can never be separated from his name, position and rank, as well as the name of the order of his superiors. It is undeniable that the accused perpetrators of obstruction of justice have various ranks, but none of them is higher than the rank of Ferdy Sambo. Given that the environment is the biggest factor that can influence a person to commit a crime or an act that is contrary to applicable norms or rules, external factors that influence the occurrence of a crime,²⁰ in this case the murder of Brigadier Joshua, are factors that come from work or social factors, which in this case is a police agency. This was a factor that influenced the occurrence of the crime, of course, because for the sake of path and security for superiors, the accused killers of Brigadier Joshua followed orders. This was never separated from the existing obstacle process in which everyone who was named as Obstruction of Justice had their respective roles in carrying out the crime of premeditated murder against Brigadier Joshua. Therefore, perpetrators may experience pressure from their social environment to engage in criminal activity, or they may be raised in an environment that condones crime. In addition, the criminal culture that develops in certain social groups can influence individual views and behavior, including in terms of destroying evidence.²¹

Thus, if it is associated with the whereabouts of the Defendant, Obstruction of Justice, the murder case of Brigadier Joshua, in this case, provides an affirmation that criminology is used as a tool to see the existence of an objective reality. As this approach is used to identify and also see consensus on actions that cause crime. As criminology in this case from a psychological and sociological perspective that can see and identify the premeditated murder of Brigadier Joshua.²²

3.1.2 Society's Response Viewed Through the Crime Side of the Disappearance of Evidence (Obstruction of Justice) Committed by Police Personnel

Criminal acts committed by law enforcement have a very serious impact on people's trust in the legal system and law enforcement agencies. Public trust in law enforcement agencies is essential to maintaining community stability and security. If people don't trust law enforcement agencies, then they may feel unsafe and uncomfortable, and feel that they can't rely on the legal system to protect their rights. This can lead to society taking matters into its own hands to resolve conflicts or legal issues, which can lead to acts of violence or other forms of crime. The link between criminal acts committed by law enforcement and public trust can also have an impact on justice. If law enforcement commits a criminal act

¹⁹ Teguh Prasetyo, "Kebijakan Kriminialisasi Dalam Peraturan Daerah dan Sinkronisasi dengan Hukum Pidana Kodifikasi," *Jurnal Hukum IUS QUIA IUSTUM* 16, no. 1 (2009), <https://doi.org/10.20885/iustum.vol16.iss1.art2>.

²⁰ *Ibid.*

²¹ M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*, 2nd ed. (Jakarta: Sinar Grafika, 2006), 81.

²² Muhammad Khadafi, "Tinjauan Kriminologi Pelanggaran Hak Asasi Manusia Yang Diduga Dilakukan Oleh Oknum Kepolisian Pada Proses Penyelidikan" (Thesis, Program Studi Magister Ilmu Hukum Program Pascasarjana Universitas Muhammadiyah Sumatera Utara, Medan, 2021), 98.

and is then not convicted or punished with a light sentence, then society may feel that the legal system is unfair and that law enforcement can act with impunity.

Therefore, it is very important for law enforcement agencies to ensure the integrity and professionalism of their members, as well as take strict action against violations committed by law enforcement. This will help restore public trust in the legal system and law enforcement agencies, and ensure that justice can be done fairly and equitably for all citizens. The level of public trust in law enforcement officials is at the bottom 2 when compared to other government institutions, which is at 53 percent. This figure decreased by 17 percent from the results of the previous survey conducted in October 2022.²³

One of them is the inability of law enforcement officials to carry out and also comply with existing regulations, where they commit violations that cause harm to the community. This of course will reduce public trust in law enforcement officials. Whereas rebuilding public trust in law enforcement officers is not an easy thing to do, it takes a lot of time and also proof that law enforcement officers deserve trust from the community again. The issue of public trust in the image of the National Police in law enforcement has also been raised by Elizer in his book entitled "Police Science: Breaking the Myths and Misconceptions". In the book, Eliezer highlights the importance of public trust in police as professional and moral law enforcers. He stressed that community trust is key in creating a safe and stable environment. Therefore, the police must always strive to build a positive image through transparent, accountable, and integrity actions in carrying out their duties as law enforcers. This case can be connected with labeling theory. This theory states that criminal acts committed by a person are influenced by labels or stigma given by society or law enforcement agencies. In Eliezer's case, his actions severely tarnished the image of the National Police and led to a negative label on the institution. With the loss of public trust in law enforcement officials, of course, it can have a long impact on how the state will conduct law enforcement against unlawful acts. The public will also see that law enforcement officials commit violations, why they must obey and follow the existing laws. Even if only one or two law enforcement officers are unable to carry out their duties properly. However, this will have an effect on reputation of all of law enforcement officials, because the public will judge that all law enforcement officers cannot carry out and also enforce the law properly. So that the community will become indifferent to the existing law. Public trust itself is considered an important aspect of government, so the loss of public trust in law enforcement officials will affect the entire government in a country. Because people's own beliefs will reflect that a country has a good government system, which will have an impact on public legitimacy that will create social capital for a country's government. A relevant criminological approach in analyzing the phenomenon of criminal acts committed by law enforcement is the anomie theory. According to the theory of anomie, criminal acts can occur due to a mismatch between the desired social goals and the individual's ability to achieve them. In the context of criminal acts committed by law enforcement, this mismatch can occur due to pressure from various factors, such as a corrupt justice system, a gap between income and living costs, and unrealistic expectations of law enforcement officials. Anomie theory, the phenomenon of criminal acts committed by law enforcement can also be analyzed through labeling theory. Labeling theory emphasizes that criminal acts are not only influenced by the internal factors of the individual, but also by how the individual is labeled as a criminal by society. In the context of criminal acts committed by law enforcement, labeling theory can help us understand how stigma and labeling as criminals can affect the behavior of law

²³ Monavia Ayu Rizaty, "LSI Survey: Public Trust in National Police Drops to 53%," *DataIndonesia.id*, October 21, 2022, <https://dataindonesia.id/ragam/detail/survei-lsi-kepercayaan-publik-kepada-polri-anjlok-menjadi-53>.

enforcement officials, as well as how efforts to avoid such stigma can trigger unethical and even unlawful behavior. Then the theory of restorative justice, the phenomenon of criminal acts committed by law enforcement can also be analyzed through a social conflict approach. This approach emphasizes the conflicts that occur in society as a result of injustice and inequality. In the context of criminal acts committed by law enforcement, a social conflict approach can help us understand how inequities in the justice system and law enforcement can trigger conflict and instability in society. Then, this case can also be connected with conflict theory or conflict theory which states that crime occurs because of inequality in society.²⁴ In this case, inequality can occur between the police who have power and control over society, so that they can carry out actions that harm society without fear of possible consequences. In addition to the above theories, the phenomenon of criminal acts committed by law enforcement can also be analyzed through the perspective of social control. The perspective of social control emphasizes the importance of control and supervision of individuals in preventing criminal behavior. In the context of criminal acts committed by law enforcement, the perspective of social control can help us understand how control and supervision of law enforcement officials can improve their integrity and accountability, so as to prevent the occurrence of criminal acts committed by law enforcement officials.

According to Brissot De Warville elaborated in his book entitled "Theorie des lois Crimine lies" that man is born not as an enemy of society, but becomes so (enemy) because of circumstances (shortcomings, weaknesses). The reduction in crime is closely related to the good or bad running of government.²⁵ The relationship between criminal acts committed by law enforcement and public trust is very close. Law enforcers such as police, prosecutors, and judges are part of the judicial system responsible for maintaining security and justice in society. Therefore, when law enforcers commit unlawful or corrupt acts, public trust in the justice system can drop dramatically. The phenomenon of criminal acts committed by law enforcement can also be analyzed through the perspective of social control. The perspective of social control emphasizes the importance of control and supervision of individuals in preventing criminal behavior. In the context of criminal acts committed by law enforcement, the perspective of social control can help us understand how control and supervision of law enforcement officials can improve their integrity and accountability, so as to prevent the occurrence of criminal acts committed by law enforcement official.

4. CONCLUSION

Criminology is the science that studies crime, one of which is the reason for the crime. Criminology has to do with human behavior that can be considered to violate laws or norms based on shared views. Broadly speaking, there are 3 perspectives in the theory of criminology namely crime from biological and psychological factors, crime from sociological factors and crime from other factors. The application of this knowledge as a basis that criminology has great benefits for law enforcement to analyze and decide on the type of punishment that should be given. This relates to the crime committed by Richard Eliezer who was decided to violate article 340 of the Criminal Code in conjunction with article 55 paragraph 1 1 of the Criminal Code and was sentenced to 18 months. This is evidence of the actual actions that took place, the influence of power and doctrine given by superiors to Richard Eliezer was so great that it could result in the loss of a person's life, the

²⁴ Philip M. Stinson, John Liederbach, Steven P. Lab, and Steven L. Brewer Jr, "Police Integrity Lost: A Study of Law Enforcement Officers Arrested," *BGSU*, April 18, 2016, https://scholarworks.bgsu.edu/crim_just_pub/63/.

²⁵ Brissot de Warville, *Jacques-Pierre. Théorie des lois criminelles* (Aillaud, 1781), 37.

chronology of the cases that occurred proved the strength of the doctrine that was generated to comply with superiors' orders, then seen from a rare a very distant rank, which was ordered by Ferdy Sambo with the rank of two stars to Richard Eliezer with the rank of Bhayangkara Dua. Crime is a result of external factors, namely environmental influences that involve sociological concepts in a sociological perspective and the cause of crime and the psychological perspective of Richard Eliezer is Richard Eliezer in a nutshell. His nature is very obedient to superiors, psychologically he was pressured by regretting his actions so he volunteered to become a Justice Collaborator to illuminate the course of this case and Richard Eliezer had no conscience to kill Brigadier Joshua, but because there was pressure from superiors namely Ferdy Sambo with various coercion so he shot Brigadier Joshua.

Responding to the results of the analysis carried out on the case study of Premeditated Murder committed by one of the defendants, namely Richard Eliezer, it can be seen that studies in criminology in the form of juridical, psychological and sociological views along with their theories prove that crimes are not only focused on written law in determining but other views are needed that support legal certainty to become learning and new knowledge to resolve other cases. The views and theories studied in criminology are needed to be used parallel to other sciences and applicable legal rules. Therefore, through the results of the analysis carried out, it proves that the use of sociological and psychological theories and views needs to be developed periodically from time to time so that the community and law enforcers are accustomed to seeing a crime from various perspectives, so that they can classify a convict with various points of view starting from the reasons for committing the crime and then what factors influence a person to commit a crime.

REFERENCES

Journal Article:

Stinson, Philip M., John Liederbach, Steven P. Lab, and Steven L. Brewer Jr. "Police Integrity Lost: A Study of Law Enforcement Officers Arrested." BGSU, April 18, 2016. https://scholarworks.bgsu.edu/crim_just_pub/63/.

Handoko, Duwi. "Klasifikasi Dekriminalisasi Dalam Penegakan Hukum di Indonesia." *Jurnal Hak Asasi Manusia* 10, no. 2 (December 2019): 145–160. <http://dx.doi.org/10.30641/ham.2019.10.145-160>.

Prasetyo, Teguh. "Kebijakan Kriminalisasi Dalam Peraturan Daerah dan Sinkronisasi dengan Hukum Pidana Kodifikasi." *Jurnal Hukum IUS QUIA IUSTUM* 16, no. 1 (2009): 18–33. <https://doi.org/10.20885/iustum.vol16.iss1.art2>.

Book:

Arif, Barda Nawawi. *Sari Kuliah Hukum Pidana II*. Bandung: Fakultas Hukum Undip, 1984.

Brissot de Warville, Jacques-Pierre. *Théorie des lois criminelles*. Aillaud, 1781.

Fautanu, Idzam. *Filsafat Ilmu: Teori dan Aplikasi*. Jakarta: Referensi, 2012.

Gunadi, Ismu, and Jonaedi Efendi. *Hukum Pidana*. Jakarta: Kencana, 2014.

- Harahap, M. Yahya. *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*, 2nd ed. Jakarta: Sinar Grafika, 2006.
- Moeljatno. *Asas-Asas Hukum Pidana*. Jakarta: Rineka Cipta, 2009.
- Mustofa, Muhammad. *Kriminologi: Kajian Sosiologi Terhadap Kriminalitas, Perilaku Menyimpang dan Pelanggaran Hukum*. Bekasi: Sari Ilmu Pratama, 2010.
- Najih, Mokhammad. *Politik Hukum Pidana*. Malang: Setara Press, 2014.
- Rahardjo, Satjipto, and Anton Tabah. *Polisi, Pelaku dan Pemikir*. Jakarta: Gramedia Pustaka Utama, 1993.
- Santoso, Topo, and Eva Achjani Zulfa. *Kriminologi*. Jakarta: Rajawali, 2012.
- Schreyvogel, Friedrich. *Ausgewahlte Schriften zur Staats - und Wirtschaftslehre des Thomas von Aquino*. Jena: Gustav Fischer, 1923.
- Situmeang, Sahad Maruli T. *Buku Ajaran Kriminologi*. Jakarta: Rajawali Buana Pustaka, 2021.
- Suriasumantri, Jujun S. *Filsafat Ilmu: Sebuah Pengantar Populer*. Jakarta: Pustaka Sinar Harapan, 2000.
- Sutherland, Edwin Hardin. *Principles of Criminology*. Chicago: J.B. Lippincott Company, 1934.

Others:

- Khadafi, Muhammad. "Tinjauan Kriminologi Pelanggaran Hak Asasi Manusia Yang Diduga Dilakukan Oleh Oknum Kepolisian Pada Proses Penyelidikan." Thesis, Program Studi Magister Ilmu Hukum Program Pascasarjana Universitas Muhammadiyah Sumatera Utara, Medan, 2021.
- Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 14 Tahun 2011 tentang Kode Etik Profesi Kepolisian Negara Republik Indonesia.*
- Purwoleksono, Didik Endro. "Tinjauan Kriminologi Terhadap Penyalahguna Narkotika." Paper at Seminar Nasional Dekriminalisasi Penyalahguna Narkotika (Reorientasi Kebijakan Pidanaan Bagi Penyalahguna Narkotika), Malang, 2014.
- Rizaty, Monavia Ayu. "LSI Survey: Public Trust in National Police Drops to 53%." *DataIndonesia.id*, October 21, 2022. <https://dataindonesia.id/ragam/detail/survei-lsi-kepercayaan-publik-kepada-polri-anjlok-menjadi-53>.
- Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia*. Lembaran Negara Republik Indonesia Tahun 2002 Nomor 2, Tambahan Lembaran Negara Republik Indonesia Nomor 4168.