

The Crime of Murder against Parents by Children

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Abstract

This study aims to discover, analyze, and explain the factors that cause domestic violence among children. The method used in this paper is a normative juridical approach with laws and regulations sourced from primary legal materials, a conceptual approach sourced from secondary legal materials, and a case approach—data analysis using literature study techniques. This study indicates that the factors that cause domestic violence by biological children are family, personality, social, environmental, school/educational, social media, and economic factors. Or in detail, the factors that influence violence are family financial problems, jealousy problems, child problems, parent problems, sibling problems, politeness problems, and others.

Keywords

crime; murder; domestic violence



I. Introduction

Every citizen has the right to feel safe and free from all forms of violence following the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia. All forms of violence, especially domestic violence, violate human rights and crimes against human dignity.

Everyone referred to in the household scope consisting of husband, wife and children is prohibited from committing domestic violence, especially physical violence. Children within the size of the household who commit acts of physical violence against their biological parents resulting in death, may be subject to criminal sanctions following the provisions of Article 44 paragraph (3) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

The term violence describes overt behavior or covert behavior, both offensive (offensive) or defensive (defensive), accompanied by force against others. Types of Violence, in general, can be divided into four classes, namely (1) open violence is violence that can be seen, such as fighting; (2) Covert violence is violence that is hidden or not committed, such as threatening; (3) Aggressive violence is violence that is carried out not for protection but to get something, such as exploitation; (4) Defensive violence is violence carried out for self-protection. Aggressive and defensive violence can be overt or covert.

Violence, according to Stanford quoted from Atmasasmita (1983), is defined as "all types of illegal behavior, either threatened or actual that results in the damage or destruction of property or in the injury or death of an individual (all forms of unlawful conduct, including those that threaten or harm or destroy property or physical or cause death).

The case of violence as a domestic crime that becomes a phenomenon to be analyzed is violence committed by children against parents, resulting in death. Judging from the murder of a child against his biological father, it occurred in March 2019. The murder incident was carried out by a 28-year-old child, J, against his biological father, S, aged 52, which happened in the jurisdiction of the Semarang resort police. The murder committed

by the child occurred due to disappointment with his biological father, who did not want to pay for his son's desire to marry.

The son of the murderer admitted that he was annoyed that his biological father did not heed his son's request and instead replied that his son should find his own money to get married, thus creating a feeling of revenge in the child, so that when alcoholic beverages influenced the child, he was desperate to persecute his biological father to death (Sahetapy, 1982).

As a result of the act of a child who killed his biological father, he was subject to two articles that entangled him, namely Article 351 paragraph (3) of the Criminal Code concerning Murder and Article 44 paragraph (3) in conjunction with Article 5 letter (a) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Another case occurred in December 2020 in the North Tapanuli Resort police jurisdiction, namely the act of a 28-year-old SY child hitting the head of his 52-year-old biological mother DS with a stick to death. This incident occurred in Simangumban District, North Tapanuli, North Sumatra.

The motivation of the child to kill his biological mother is due to poor communication patterns where the child does not accept the words spoken by his birth mother, resulting in an argument. After being hit with wood, the victim's mother was rushed to the Puskesmas and Hospital, but her life could not be saved. As a result of the actions of SY's child, he was snared as a suspect and threatened with criminal threats following the provisions of Article 338 subsidiary Article 354 of the Criminal Code.

Crimes against life in the Criminal Code can be distinguished or grouped on two grounds: (1) based on the element of error; and (2) based on the object. Based on guilt, they are divided into two groups of crimes against life, namely (1) crimes against life committed intentionally (*dolus misdrijven*); and (2) Crimes against life committed by negligence (*close misdrijven*).

From the description above, the researcher can show that there are still domestic violence cases where the perpetrators of murder are biological children who killed their biological parents. Topics of murder by child perpetrators include crimes as acts of violence that result in death by unlawfully punishable by criminal acts of murder.

II. Research Method

This research paper was carried out in a normative juridical manner (Zaini, 2011). Normative juridical research is that law is conceptualized as what is written in legislation (law in books) or as a rule or norm that is a benchmark for human behavior that is considered appropriate (Ahmad Zuhdi, 2012). The data sources of this research as a type of normative juridical research consist of primary legal materials, secondary legal materials and tertiary legal materials.

In collecting secondary data sourced from primary and secondary legal materials in this study, the researchers used library research techniques (Bourdieu, 1987). After collecting and processing data, the next step taken by researchers is to analyze secondary data sourced from primary and secondary legal materials using qualitative descriptive analysis techniques.

III. Results and Discussion

Factors that Cause Violence by Biological Children against Parents

A sense of justice must be realized at least close to justice for the parties in the litigation. There are many criminal cases where judges must consider the human, sociological and anthropological aspects in imposing their sentences. In this case, a child willing to kill his parents has a powerful motivation that causes the criminal act. The explanation of a person committing a criminal act can be in the form of many reasons, which often occur in society due to the unequal relationship between parents (a mother) and their children (Ayuningtyas, 2021).

The number of groups or types of crimes in the Criminal Code means that many legal interests are protected by criminal law. General moral norms have been formulated in the so-called commandments of God, but that does not mean that humans no longer play a role in determining their actions. These norms may conflict with other criteria. For example, people are forbidden to kill people. It no longer applies in dangerous situations where people have the right to protect their lives.

The factors that cause criminal/criminal acts in general, when viewed from the criminological theory that crime is a human problem in the country's development in a more modern direction. Because crime is a relative act and cultivation that depends on the determination of the attitude and wisdom of mastery and is closely related to cultural patterns and values as well as norms and the structure of society, the factors that cause abuse by children against their parents are:

According to education expert Bennett (1994), the family is the earliest and most effective place to carry out functions, education, and welfare. If the family fails to teach honesty, passion, desire to be the best, and basic abilities, it will be complicated for other institutions. to correct the failure. The family is the first and primary vehicle for children's character education. If the family fails to carry out character education for their children, it will be difficult for other institutions outside the family (including schools) to improve it.

Education is a very important human need because education has a duty to prepare Human Resources (HR) for the development of the nation and state (Pradana et al, 2020). According to Astuti et al (2019) Education is an obligation of every human being that must be pursued to hold responsibilities and try to produce progress in knowledge and experience for the lives of every individual. Education is one of the efforts to improve the ability of human intelligence, thus he is able to improve the quality of his life (Saleh and Mujahiddin, 2020).

The failure of the family in shaping the character of the child will result in the growth of a characterless society. Therefore, every family must be aware that the nation's character is very dependent on the character education of children at home. On the other hand, parents need to supervise children's interactions because the association and the environment have a considerable role in forming children's personalities (Supriyanto, 2020a).

Family problems are universal problems. The family is something absolute and determines social institutions. According to Goode (1963), the function of the family is to care for, maintain and protect children in the context of socialization to control themselves and have a social spirit. The family's position is an intermediary in people's lives, a means of control and social power in a sociological context. The family is a social institution that regulating interaction and communication with other family members.

The values that grow in the family are related to the rights and obligations of each family member, efforts to make the family happy and save from destruction and collapse

as a real effort to keep the country. According to Šaltūt (1971) wrote that "The family is the foundation stone of the building of an ummah (nation) which is formed from a family, a family that is closely related to others. And surely the strength or weakness of the ummah's building depends on the strength or weakness of the family, which is the foundation stone."

Islam has high hopes for the improvement of descendants as the successor and successor of family culture. A family develops in nurturing morality, mentality, and whole personality, not split personalities.

Deliberately is also known as being aware of the possibility that someone will do an act to carry out a purpose or someone will carry out an inevitable result. Still, the perpetrator is aware that other consequences may arise, which are also prohibited and threatened by the law.

What is meant by pre-planning means that the actions taken by the perpetrator have been planned, prepared to achieve the intent/will of the perpetrator towards the intended result? Based on this understanding, related to the legal facts obtained at the trial, the points were received on Friday, March 9, 2018, at around 13.00 WIB, located in a rice field area including Dukuh Kinanti Utara, Bocor Village Rt. 03 Rw. 03 Buluspesantren District, Kebumen Regency, the victim's life, Sutarmi bint Mulyadi, has been taken because of the defendant's actions.

About a week before the incident, the defendant had the intention to ask the defendant's mother for money to buy dentures. If they were not given, the defendant's mother would kill the defendant. Then on Thursday, March 8, 2018, around pkl. 17.00 WIT, Defendant sharpened defendant's machete in defendant's kitchen using a sharp weapon sharpener. At that time, the defendant's intention arose again that defendant's mother would kill the defendant with the machete if a defendant were not given money. Defendant's mother's body would be put in a plastic bag and buried in the Ambalkumolo village public cemetery, Kec. Islamic boarding school.

As planned, on Friday, March 9, 2018, at around 09.00 WIB, the defendant drank liquor at the defendant's house and went to the mosque to perform the Friday prayer. At about 12.30 WIB, after the defendant prayed Friday, Defendant returned to the defendant's house. Arriving at the home, the defendant then intended to find the defendant's mother (victim Sutarmi) to ask for money because all this time, the defendant had lived alone at the defendant's parents' house. In contrast, when a defendant was at home, the defendant's parents resided in the defendant's younger brother's house because both parents the defendant was afraid of the defendant. Defendant changed clothes by wearing a short shirt without a gray collar. Defendant covered it with a brown short-sleeved batik shirt, and the defendant covered it again with a doing color jacket, and the defendant wore brown trousers. Then the defendant took 2 (two) sacks or plastic bags, which the defendant planned to wrap the victim's body Sutarmi after the defendant killed the defendant, then put it in the defendant's black backpack. Defendant took 2 (two) machete or bend or *kacip* blades belonging to the defendant and put them in the sack. Then the defendant got on the defendant's control bicycle and went to the rice field where the victim Sutarmi was working to meet the victim Sutarmi and ask for Rp. 500,000 - (five hundred thousand rupiah) to buy dentures.

Then at around 13.00 Web, he arrived at the side of the rice fields, including Dukuh Kinanti Utara, Desa Bocor Rt. 03 Rw. 03 district. Bulus Pesantren Kab. In Kebumen, Defendant saw victim Sutarmi resting under a *turi* tree, saw this and then the defendant stopped and parked his bicycle on the side of the road, then the defendant called victim Sutarmi. Then the defendant said, "Yung young Rene (mom is here)" then, the victim,

Sutarmi came to approach the defendant. At that time, the victim, Sutarmi, was standing on the edge of the rice field while the defendant was standing on the side of the road with a distance of about 2 (two) meters. Then the defendant said, "*njaluk Range nggo tuku unto*" (ask for the money to buy teeth).

The victim, Sutarmi, asked "*pira* (how much)," and the defendant answered, "*limangatus ewu*" (five hundred thousand rupiahs). The victim, Sutarmi, replied, "ra due to money (no money)" and spoke various kinds of things which essentially refused to give money to the defendant. Then the defendant said, "*yen a diwei ya biyunge not patent siki*" (if my mother didn't give it to me, I would kill it now). Then the defendant went down to the rice field, saw this and then the victim Sutarmi ran into the middle of the rice field. Then the defendant chased the victim Sutarmi. At that time, the victim Sutarmi shouted: "*tulung tulung*" (please help). Then the defendant and the victim, Sutarmi, stopped and argued in front of each other. The defendant was facing south slightly obliquely east, while the victim Sutarmi was facing north tilted somewhat to the west. The distance between the defendant and the victim Sutarmi is about 1 (one) meter. At that time, the defendant said to the victim Sutarmi, "*YUNG YUNG BALIK RA NGRUNGOKENA YES I INVITE THE INVITATION*" (Yung, I called my mother straight home, didn't listen, I was calling)." The two hands of the victim, Sutarmi, were immediately pushed towards Defendant by Defendant. Defended using both defendant's hands, the defendant lowered the backpack that the defendant was carrying, then the defendant's left hand held the bag. At the same time, the right hand unzipped the bag, and with his right hand, the defendant took a machete in the backpack, then the defendant dropped the bag to the ground. Then the machete / bendo the defendant immediately swung it towards the victim's hand Sutarmi right on the left hand so that the thumb of the left hand was cut off, at that time the position of the victim Sutarmi was still standing right in front of the defendant then the victim Sutarmi was about to run and when the work Sutarmi's body turned his back to the defendant, the defendant immediately kicked Sutarmi's buttocks using his right foot so that Sutarmi's victim fell in a prone position with both hands stretched out towards the south, then using his right foot the defendant stepped on the victim's head Sutarmi, at that time the defendant was standing on the right side of the victim Sutarmi facing east, then the defendant's right hand holding the machete / bendo the defendant immediately swung it towards the victim's body Sutarmi 2 (two) times right on the back of the head where the defendant understood the risk by turning the machete / object right divided Sutarmi's charge will cause victim Sutarmi to die as expected, after that the defendant intends to lift the victim's body Sutarmi by inserting both of the defendant's hands into the lower body of the victim Sutarmi with the defendant's position at that time crouching facing east, but the defendant is not strong enough to lift the victim's body Sutarmi , then the defendant's two hands held the legs of the victim Sutarmi after that the defendant pulled the victim's body Sutarmi by walking backwards / back with the defendant's position facing east, then the defendant's victim Sutarmi placed it on dry straw with the head in a prone position to the south and the feet on the to the north, after that the defendant put a bendo that the defendant used to kill the victim Sutarmi into his backpack.

Defendant saw the victim's neck, Sutarmi, who had previously been stabbed with a machete/machete but had not broken his neck, then. By using his right hand, the defendant took the machete/bend back from his backpack, and the machete/bend immediately swung it towards the victim's neck, Sutarmi as many as 5 (five) five) times, but at that time, the victim's head had not been cut off. Then the defendant turned the victim's body Sutarmi from a prone position to a supine position. In a squatting part, the defendant again swung the machete/bend towards the victim's neck Sutarmi 2 (two) times right on the chin and the

neck of the victim Sutarmi until the neck of the victim Sutarmi was severed while saying the words "Allahu akbar Allahu akbar."

As a result of the defendant's actions, victim Sutarmi died as stated in Visum Et Repertum Number: 441.6/019/III/2018 dated March 10, 2018, which was drawn up and signed by dr. Aditya Wahyu Indra Cahya, a doctor at RSUD Dr. Sudirman Kebumen with the conclusion of the examination results as follows:

The external examination has been carried out on the body of a woman aged approximately 50 years, it was found (a) A torn wound in the left ear due to a sharp weapon, (b) A torn wound above the left earlobe due to a sharp weapon, (c) A torn wound in the chin caused by a sharp weapon, (d) Circular laceration in the neck so that the head is cut off from the body due to a sharp weapon, (e) A torn wound around the thumb of the right hand due to a sharp weapon, (f) A tear that cuts the thumb of the left hand due to a sharp weapon.

Point d in conclusion above can cause death even without ruling out other consequences because no internal examination is carried out.

IV. Conclusion

This study concludes that the factors that cause domestic violence by biological children are family, personality, social environment, school/education, social media, and economic factors. Or in detail, the factors that influence violence are family financial problems, jealousy problems, child problems, parent problems, sibling problems, politeness problems, and others.

The form of punishment for the biological children of perpetrators of domestic crimes is imprisonment because the defendant is considered responsible and carried out in a planned manner.

The criminal law policy against the biological child of perpetrators of domestic crimes, namely abuse as regulated in the Criminal Code, focuses on classifying acts of abuse based on the consequences of their actions. Domestic violence can not only be done physically but also psychologically. This psychological violence can be demeaning, scolding, insulting, threatening, which can cause the victim to be afraid, traumatized, stressed, and other losses.

The regulation of punishment for children who are perpetrators of domestic crimes should not be seen as limited to the perpetrators' actions. Still, it should be viewed comprehensively from the factors that cause domestic violence. Children who commit domestic violence crimes are victims of unfair treatment or child victims of situations.

It is necessary to reform the laws and regulations relating to domestic violence where the perpetrator is a child. These reforms aim to be in the best interests of the child.

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