



Analysis of Domestic Infidelity Resulting in Loss of Life SUPREME COURT DECISION NUMBER 350 K / PID / 2011

Rogabe Rajagukguk¹, Frans Doni A. Pasaribu², Tarisa Alfani Siregar³, Said Rizal⁴

Universitas Prima Indonesia

Email: rogaberajagukguk@gmail.com, fransdony99@gmail.com,

tarisaalfanisiregar@gmail.com, saidrizal@unprimdn.ac.id

Number Phone (Whatsapp): +62 83832325561

Abstract - This study aims to analyse the legal implications of infidelity in the household that leads to the loss of life with a case study of Supreme Court Decision Number 350 K/PID/2011. The research focuses on how Indonesian law addresses cases where infidelity results in murder, as well as the legal challenges faced in prosecuting such cases, including the intersection of criminal law and family law. The study investigates the obstacles encountered by law enforcement, such as conflicting testimony and insufficient evidence, which complicate the prosecution of infidelity-related homicides. The study uses a normative juridical method along with a descriptive analysis of court decisions and legal texts to show differences between how the crime was categorised by the law and how it was found by the courts. The findings indicate that we can classify infidelity in this context as a factor contributing to premeditated murder, but we still face significant legal hurdles in distinguishing the criminal liability of involved parties. We offer recommendations to strengthen law enforcement's capacity, improve judicial processes, and enhance transparency in handling such cases.

Keywords: Infidelity, Law, Court.

I. INTRODUCTION

Humans, as social beings, have a tendency to live in pairs. Getting married is seen as a holy worship, as a bond that connects directly with Allah SWT, referred to as "mitsaq ghalidha." The formation of harmonious family relationships is the dream of everyone who wants to live a married life. A harmonious family is a family that feels happiness both physically and emotionally (Thalliwal et al., 2022). A harmonious family is one where physical and emotional well-being is prioritized. However, in recent times, infidelity has emerged as a significant issue in family life, leading to various challenges and conflicts. Infidelity whether financial, sexual, or emotional often results in secrecy, defensiveness, and dishonesty, all of which disrupt family harmony (Evy & Ajeng Agrita, 2020). The law functions as a protection that must be carried out professionally and be able to run normally, peacefully, and benefit the community (Rumapea et al., 2019). As infidelity cases become more prominent, the legal system must address their consequences, particularly when they escalate to criminal behavior.

Domestic infidelity, in extreme cases, can result in violent confrontations, sometimes leading to loss of life. This study focusses on analysing the legal implications of such cases, where infidelity culminates in fatal outcomes. The Indonesian Criminal Code (KUHP) regulates crimes against life, particularly in Book II, Chapter XIX, from Articles 338 to 350, which are critical in examining how the law handles cases where infidelity leads to murder (Hafid, 2015). Spouses of infidelity perpetrators often experience deep feelings of hurt, because they feel betrayed and abandoned. This hurt arises from wounds in the unity of marriage institutions or interpersonal relationships that were previously considered as protectors of security (Ginting

et al., 2019). Negative emotional and psychological impacts arise in the context of infidelity, reflecting the need for a deep understanding of the factors that affect infidelity in the household and its impact on the well-being of individuals and families (Aisyah et al., 2022).

In 2011, the Supreme Court issued decision number 350 K/PID/2011, which addressed a case of domestic infidelity that resulted in the loss of life. This ruling underscore the importance of understanding the factors contributing to infidelity, its effects on the well-being of individuals and families, and the legal responsibilities that arise from such acts. Bihman Sanusi bin Ahmad Sanusi, a 53-year-old employee of PT. Telkom in Bandar Lampung, faced accusations of plotting to murder his wife as a result of a troubled marital relationship and suspicions of infidelity. The case began with allegations that the defendant had persuaded Kasyono, alias Masno, alias No bin Komorejo, to kill his wife, Hartati Saheh, due to their strained relationship and the defendant's suspected affair with another woman. On February 22, 2005, the defendant instructed Kasyono to kill the victim using an iron hammer. After committing the murder, Kasyono stole Rp 1,500,000 from the victim's home and fled. The victim's death, as well as the defendant's subsequent use of the stolen funds to sustain his life, brought this case to legal scrutiny (Arief, 2021).

The defendant was charged with Article 339 of the Criminal Code jo Article 55 paragraph (1) 2 of the Criminal Code, namely murder with the intention of preparing or facilitating theft that causes the death of another person. The trial process is passed, and the final verdict is issued by the Supreme Court. The focus of the research also involves analyzing the psychological impact on couples involved in infidelity and the legal consequences as a result of such actions. The analysis of the Supreme Court's decision Number 350 K/PID/2011 is expected to explore further understanding of individual responsibilities in maintaining household stability and security. Thus, this background explains the relevance and importance of an in-depth analysis of domestic infidelity that results in loss of life, referring to the Supreme Court decision Number 350 K/PID/2011 as a case study that strengthens the foundation of this research (Alhabsie, 2021).

Based on the above background, the formulation of the problem that can be identified is as follows. 1) What are the legal regulations for domestic infidelity cases that result in loss of life? 2) What are the obstacles and difficulties faced by law enforcement officers in their efforts to overcome the problems in the decision? 3) What are the considerations that affect the decision in the Supreme Court Decision legal case? Considering that the formulation of the problem above is the basis of the purpose of this research, a solution can be found. The objectives of this study are as follows: 1) Analyzing the Legal Regulations of Domestic Infidelity Cases that Result in Loss of Life, 2) Analyzing the Obstacles and Difficulties Faced by Law Officials, 3) Analyzing Considerations in Making Decisions in Legal Cases.

The benefits of this research are expected to be useful both theoretically, namely a benefit that can contribute to education in general as well as to legal science. It is hoped that this research can be beneficial for the interests of the State, the Nation, citizens and development (Pakpahan et al., 2024). The benefits obtained from this study are as follows:

1. This research provides theoretical benefits by enriching understanding in the field of criminal law, marriage, and the psychological impact of infidelity in the legal context in Indonesia. The analysis of cases of domestic infidelity that resulted in the loss of life, as illustrated in the Supreme Court Decision Number 350 K/PID/2011, has made a valuable contribution to the legal literature. The findings and analysis in this study can be a theoretical basis for future studies, broadening academic horizons in this complex legal domain.
2. Practically this research provides valuable guidance for law enforcement, advocates, and investigators in handling similar cases. With a deep understanding of the obstacles and difficulties that may be faced, legal practitioners can optimize law enforcement efforts and provide better protection to the community. This research also contributes to the policy level, by providing a better understanding of regulations that can be improved or adjusted for the handling of infidelity cases that have a serious impact and Meet the

requirements to pursue a bachelor's degree (S1) study at the Faculty of Law, Prima University of Indonesia.

II. METHOD

This research employs a normative juridical approach, which involves analysing the legal norms and principles found in legislation and court decisions, particularly in the Supreme Court Decision Number 350 K/PID/2011. The purpose of this approach is to examine the legal regulations governing cases of domestic infidelity that result in loss of life. By studying relevant laws, legal precedents, and judicial interpretations, the research aims to provide a clear understanding of the legal framework addressing such criminal acts. In addition, the research is descriptive-analytical, which involves describing and analysing the legal problems and challenges faced in handling cases of domestic infidelity leading to homicide. This approach allows the researcher to not only detail the legal regulations but also assess how these regulations are applied in real-world cases.

This study aims to uncover the legal, psychological, and societal impacts of these cases. Secondary data collection will be conducted through a literature review and document analysis, focussing on legal texts and related case studies, with a particular emphasis on Supreme Court Decision Number 350 K/PID/2011. The case study method will further deepen the understanding of the factors influencing such cases and their broader implications (Mahmud Marzuki, 2011). The main source of data in this study is the Supreme Court decision Number 350 K/PID/2011 which discusses cases of domestic infidelity that ended in loss of life. In addition, data will be collected from legal regulations related to infidelity, murder, and crimes against the lives of others. Other secondary data sources include legal literature, scientific journals, and relevant legal documents. The analysis of this document will provide a broader picture of the legal and theoretical context related to domestic infidelity cases.

Data collection is the most critical stage in research, as it ensures the gathering of essential information. This research will rely on literature studies and document analysis using the following techniques:

1. Primary data collection: In this context, primary data refers to the analysis of the Supreme Court Decision No. 350 K/PID/2011 as a direct source. While normative juridical research typically involves secondary data, the court decision is considered primary because it is the direct legal outcome of the case under study. The analysis will focus on the legal arguments, judges' considerations, and the overall content of the ruling.
2. Secondary data collection: This involves tracing laws, regulations, legal commentaries, books, and other scholarly works relevant to the legal framework governing infidelity-related crimes. This method will provide the broader legal context within which the case decision operates.
3. Document analysis: The documents collected, including the Supreme Court decision and legal literature, will be analyzed using content analysis and legal interpretation techniques. Content analysis will help uncover patterns in the legal reasoning, while legal interpretation will allow for a deeper examination of how the case aligns with existing laws and precedents. This multi-layered analysis will help identify obstacles faced by law enforcement and the psychological and societal impacts of such cases.

III. RESULT AND DISCUSSION

A. Analysis of Legal Regulations in Domestic Infidelity Cases That Result in Loss of Life

Several key laws in Indonesia encompass the legal regulations that apply to cases of domestic infidelity resulting in the loss of life. Law Number 1 of 1974, specifically Article 27 paragraph (1), underscores the obligation of husbands and wives to respect and be faithful to each other in domestic life. This article underscores that infidelity is a violation of the marital obligations between spouses. Additionally, Law Number 23 of 2004 concerning the Elimination

of Domestic Violence, in Article 4 paragraph (1), classifies domestic violence as any act against a person, particularly a woman, which results in physical, sexual, psychological, or domestic misery or suffering. This law classifies infidelity as a form of domestic violence because it causes psychological distress to the partner. Article 338 of the Indonesian Criminal Code (KUHP) imposes a threat of murder on anyone who deliberately takes another person's life, with potential penalties ranging from 20 years in prison to life imprisonment or the death penalty. This article outlines that murder, as a result of infidelity-related violence, constitutes a serious criminal act under Indonesian law.

In terms of legal analysis, prosecuting domestic infidelity cases that result in the loss of life can be complex. The police often face challenges in dealing with medical or forensic evidence, which can prolong the investigative process. However, applicable regulations classify domestic infidelity that results in violence and death as murder. Infidelity causes emotional and psychological suffering, which can drive individuals to commit violent acts, including homicide. Evidence supporting such cases typically includes witness statements, CCTV or video footage, electronic messages such as SMS or WhatsApp, and relevant documents. If proven guilty, the perpetrator could face a prison sentence of up to 20 years or even the death penalty.

In the case of Supreme Court Decision Number 350 K/PID/2011, the court considered several legal regulations when addressing domestic infidelity that led to the loss of life. Article 340 of the Criminal Code, which deals with premeditated murder, serves as the primary legal foundation for determining whether the murder act was intentional and preplanned. This article provides the basis for assessing the level of preparation in the case. Furthermore, Law Number 1 of 1974 on Marriage establishes the norms and obligations between spouses, and deems violations of these norms, such as infidelity leading to death, to contravene marital duties. Additionally, the Supreme Court considered principles of justice and equitable punishment, ensuring that the decision reflected fairness based on the facts presented during the trial. By referencing these legal frameworks, the Supreme Court conducted a thorough assessment of the case, leading to a verdict that aligned with the law while considering various legal, social, and psychological aspects surrounding the infidelity and the subsequent loss of life.

B. Obstacles and Difficulties in Handling Cases by Law Officers

According to Soerjono Soekanto, various things affect the application of the law, including (Soekanto, 1988):

- 1) The characteristics of the law itself.
- 2) Law enforcers, namely individuals or institutions that make and enforce laws.
- 3) Infrastructure and tools that support law enforcement.
- 4) Community factors, namely the context in which the law applies and is applied.
- 5) Cultural aspects, including values, norms, and habits that shape social interactions.

The close relationship between these five aspects is the essence of the application of the law and also determines how effective the application of the law is.

1. Legal Factors

The quality of the applicable law is very decisive. Clear, fair, and in accordance with community values support effective law enforcement. Problems in the application of the law can be caused by the non-application of important principles such as good governance, legal certainty, and justice. Ambiguity in the interpretation and application of the law can also make it difficult to enforce the law.

2. Law Enforcement Factors

Institutions such as the judiciary, law enforcement, and correctional institutions have an important role in law enforcement. Professional and highly moral law enforcers are able to carry out their duties effectively. In addition, legal practitioners have the responsibility to provide quality legal services to clients or the community in need.

3. Facilities and Infrastructure Factors

The availability of adequate facilities and infrastructure such as courthouses, prison facilities, and transportation infrastructure greatly supports effective law enforcement. In addition, the existence of an adequate budget and a good information system and information technology are also important.

4. Community Factors

Legal awareness among the community supports effective law enforcement. People who understand and respect the law tend to be more obedient to it.

5. Cultural Factors

A culture that respects the values of justice, order, and compliance with the law provides a strong impetus for effective law enforcement.

In facing the case outlined in Decision No. 350 K/PID/2011, law enforcement officers faced a number of obstacles and difficulties that affected the handling and settlement of cases. The following is a discussion of the obstacles and difficulties faced by law enforcement:

1. Conflicting testimonies

One of the main obstacles faced is the existence of conflicting testimony between the defendant and witnesses. In this case, the defendant denied that the murder order was delivered over the phone, while witnesses testified otherwise. These conflicting testimonies make it difficult for law enforcement to determine the true truth.

2. Limited evidence

Despite the testimony of witnesses, the supporting physical evidence is often limited. In this case, the evidence that can be used to prove the defendant's involvement in the murder may not be strong enough or convincing for the court. This limited evidence makes the process of investigating and collecting evidence more difficult.

3. Disclosure of Information

Law enforcement often faces difficulties in obtaining the information needed to uncover the truth. In these cases, relevant information may be difficult to obtain or not available in full, thus hampering the investigation process.

4. Trial Management

Managing a fair and transparent trial is a challenge for law enforcement. They must ensure that each party has an equal opportunity to present their arguments and defend themselves. In addition, they must also ensure that the verdict taken is based on the law and existing facts.

5. Resource Limitations

Law enforcement agencies may face limited resources in handling complex cases like this. Limited human, financial, and technological resources can affect the ability of law enforcement to conduct thorough investigations and present strong evidence in court.

In facing these obstacles and difficulties, law enforcement officers need to work carefully, objectively, and follow applicable legal procedures. They must also ensure that every step taken is based on strong evidence and the principle of fairness. Thus, despite the challenges, the law enforcement still aims to achieve justice for all parties involved in legal cases (Ivandanu, 2021).

C. Considerations Affecting Decisions in Legal Cases

The discussion of considerations that affect decisions in legal cases, especially in Supreme Court Decision No. 350 K/PID/2011, can be divided into several main points based on the reasons submitted by the Prosecutor's Cassation Applicant/Public Prosecutor:

1. Desired Criminal Differences

- a. The District Court (judex facti) sentenced the Defendant to 6 years in prison, while the Public Prosecutor demanded 16 years in prison.
- b. The Public Prosecutor considered that the punishment given was not in accordance with the charges submitted.

2. Inconsistency Between Revealed Facts and Judex Facti Considerations
 - a. The High Court's Judex facti did not consider the evidence that emerged during the trial, especially regarding the Defendant's order to the witness Kasyono alias Masno alias No bin Komorejo to kill the victim in exchange for money.
 - b. Judex facti does not take into account witness statements and trial facts objectively.
3. Refusal to Retract Evidence in Investigation
 - a. The defendant retracted his statement in the investigation, but this was not considered valid by the Court because there was a Legal Advisor present during the examination.
 - b. There is no valid reason for the retraction of information in the investigation.
4. Inconsistency Between Witness and Defendant Testimony
 - a. The defendant and the witness gave conflicting information regarding the order given by the defendant to the witness Kasyono alias Masno alias No bin Komorejo.
 - b. The defendant claimed that the order was given orally, while the witness stated that the order was given over the phone (Pandiangan, 2017).
5. Failure to Fulfill Criminal Elements
 - a. The court did not consider that the elements of the criminal act had been fulfilled, especially regarding the murder committed on the order of the Defendant.
6. Mistakes in the Annulment of District Court Decisions
 - a. There was a mistake in the cancellation of the District Court's decision, which should have annulled a certain decision but what was canceled was an irrelevant decision.
7. Inadequacy of Proof
 - a. There is inadequacy in proving the acts charged against the Defendant, as stipulated in Article 191 paragraph (1) of the Criminal Procedure Code which reads, If the court is of the opinion that from the results of the examination at the trial, the defendant's fault for the acts charged against him, is not legally and convincingly proven, then the defendant is acquitted (Ishwara, 2023).

The discrepancy between the facts revealed and the consideration of the judex facti is one of the main factors that affect the desired criminal difference between the Public Prosecutor and the Judge. The judge is only limited to receiving and examining the matters filed by the plaintiff and the defendant. The Public Prosecutor, who argued that the revocation of the information should be considered valid because it was done before the Legal Advisor (Limbong & Pasaribu, 2022). In addition, the discrepancy between the testimony of the witness and the defendant and the non-fulfillment of the elements of the criminal act are points emphasized by the Public Prosecutor as a reason for filing an appeal. There was also a mistake in the cancellation of the highlighted District Court decision, where the annulled decision was irrelevant to the substance of the case being discussed.

Based on the above discussion, the Supreme Court concluded that the reasons put forward by the Prosecutor's Cassation Petitioner/Public Prosecutor were justified, and the free verdict issued by the Court was not pure. Therefore, the cassation application from the Prosecutor/Public Prosecutor's Cassation Applicant must be granted, and the Court's decision must be revised.

IV. CONCLUSION

Based on the results of the research on decision number 350 K / PID / 2011, the researcher concluded that:

1. Applicable legal regulations, such as Law Number 1 of 1974 concerning Marriage, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, and the Criminal Code (KUHP), affirm that domestic infidelity that results in the loss of life can be considered a criminal act of murder.
2. The legal apparatus faces a number of obstacles, such as conflicting testimony, limited evidence, information disclosure, trial management, and limited resources. This affects the investigation process, evidence collection, and the conduct of the trial.
3. Considerations in the Supreme Court's decision include the desired criminal difference, inconsistency between the facts revealed and the consideration of judex facti, refusal

to retract evidence in the investigation, inconsistency between the testimony of witnesses and the defendant, non-fulfillment of criminal elements, mistakes in the cancellation of the District Court's decision, and insufficient evidence.

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