

## THE MYSTERY OF THE RED SUITCASE: UNCOVERING THE CRIME OF HEINOUS MURDER WITH MUTILATION

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### ABSTRACT

This research focuses on the study of criminal law regulation in the positive legal system in Indonesia, as well as assessing the extent to which these regulations cover the crime of mutilation. In addition, this study also analyzes the application of the provisions of article 340 of the Criminal Code in the case of the "Red Suitcase" in Kediri with Decision Number 67/Pid.B/2025/PN Kdr. This research utilizes a normative juridical approach as the main method, namely a legal research approach that directs its main focus to the study of legal norms, legal principles, legal theories, and current laws and regulations. The results of the study revealed that until now, the crime of mutilation has not been specifically regulated in the Criminal Code. Therefore, prosecutors and judges usually apply article 338 or article 340 depending on the elements contained in the crime of mutilation. In case number 67/Pid.B/2025/PN Kdr, the defendant was tried for murder accompanied by mutilation, and was declared proven to meet all the elements listed in article 340 of the Criminal Code. As a result, the defendant was sentenced to life imprisonment as the maximum sanction other than the death penalty. This research can enrich the study of Indonesian criminal law by analyzing the legal basis of the crime of mutilation through a court decision, in the midst of the absence of special regulations regarding the criminal act.

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### INTRODUCTION

Crime is a social event that is very complex and layered. This complexity can be seen from the various perspectives that arise when people assess a criminal act in daily life. In the midst of social life, various types of criminal offenses continue to emerge, ranging from acts that contain elements of violence, persecution, murder to various other forms of violations of the law (Ismail and Lestari 2022). Speaking of homicide, homicide is defined as an act that takes the life of a person, thus causing the death of the victim. Death is seen as a very scary event for many people and is considered something very heartbreaking (Putu and Wijaya 2025). In a number of cases, the act of

murder does not only stop at the loss of the victim's life, but is accompanied by mutilation, which is the act of deliberately separating the victim's body parts into several parts.

The crime of murder followed by mutilation until now does not have a punishment provision that is expressly regulated in the Criminal Code, the available provisions only include articles that regulate crimes against human life in general, namely the provisions of article 338 regarding ordinary murder and article 340 regarding murder by planning (Bustomi 2020). In the context of criminal law, murder accompanied by mutilation is still categorized as the crime of ordinary murder or premeditated murder. This is due to the absence of a law that specifically and in detail regulates the crime of mutilation (Fauziah and Putri 2021).

The actions of the perpetrator who commits murder accompanied by mutilation of the victim can be subject to criminal sanctions in accordance with the rules stated in the Criminal Code. First, the provisions of article 340 of the Criminal Code regulate the crime of premeditated murder that is threatened with the death penalty, life imprisonment or imprisonment for a maximum of 20 years. Second, article 338 functions as a subsidiary that regulates the crime of ordinary murder which is threatened with a maximum prison sentence of 15 years, applied if the planning element cannot be proven conclusively. Third, article 351 as the last subsidiary regulates severe persecution resulting in death with a criminal threat of imprisonment of up to 7 years, used when the element of direct murder cannot be proven (Blessed 2025).

One of the cases that became a spotlight was the "red suitcase" mutilation case that occurred in Kediri, starting from an argument between the perpetrator of RTH and the victim. In the argument, RTH strangled the victim's neck, causing the victim to die. When the victim tried to resist by rolling to the right and unconscious because he was hit by a table, the victim fell to the floor. RTH confirmed that the victim had died by checking his breath and pulse, which turned out to be the victim's death. After confirming that the victim was no longer alive, the perpetrator decided to mutilated the victim's body by buying knives, plastic and duct tape to cut the victim's body so that it could be put in a red suitcase. The victim's body was cut into several parts and some of the pieces were put in a red suitcase, while other body pieces were disposed of in several locations that were difficult to reach, including in the Ngawi, Ponorogo and Trenggalek Regency areas. These actions show an element of cruelty and an attempt to obscure the identity of the victim so that it is difficult to identify.

This case was then heard at the Kediri District Court with a decision Number 67/Pid.B/2025/PN Kdr. The Public Prosecutor charged the defendant with a primary charge of article 340 concerning premeditated murder, with a subsidiary charge of article 338. After going through the trial process and considering the evidence, the panel of judges stated that RTH was legally and convincingly proven to have committed premeditated murder by mutilation.

Several previous studies have underlined that premeditated murder accompanied by mutilation is a type of crime so heinous that it triggers widespread anxiety and fear in society due to its high level of cruelty. Research conducted by Citra Rahayu shows that premeditated murder accompanied by dismemberment or destruction of a body (mutilation) is a category of serious crime that until now has not had its own regulation in Article 340 of the Criminal Code. According to him, the act of mutilation should be treated as a criminal aggravation because it reflects the high intensity of the intentionality and level of cruelty of the perpetrator. He also recommended that this arrangement be reviewed by considering the principles of Islamic criminal law, so as to achieve substantive justice as well as more optimal protection for victims and their families. Meanwhile, Lia Lestiani and Hudi Yusuf in their criminological study of the mutilation case in Ngawi found that the behavior of the perpetrators was driven by strong emotional outbursts, structured planning, and systematic efforts to eliminate traces of crime. This study underlines that cases of mutilation do not only cause physical harm, but also bring complex psychological and social impacts. On the other hand, Annisa Suci Rosana and Shania Rahma Danty emphasized that the current Criminal Code does not contain any special provisions regarding mutilation. As a result, the perpetrator is only convicted under the article of ordinary murder or premeditated murder, without considering the specificity and level of the heinous act.

From various previous studies that have been reviewed, it can be concluded that cases of premeditated murder accompanied by mutilation are always seen as crimes with a very high level of cruelty. This crime not only took the victim's life, but also left deep trauma for the family and disturbed the sense of security in the community. Several studies show that the current Criminal Code (KUHP) does not have any special provisions regarding the crime of mutilation. As a result, the legal handling of this kind of case still relies on general murder articles, namely Article 338 or Article 340 of the Criminal Code, without any provisions that expressly regulate the specificity of the act of mutilation. This situation creates a legal loophole that can weaken protection for victims and their families, while also creating a sense of injustice. Previous studies have also had diverse focuses, ranging from a criminological perspective that emphasizes the perpetrator's motives, psychiatric conditions, and social factors behind the act, to juridical analysis that discusses the application of articles of the Criminal Code in court practice. Although there are several studies that consider mutilation to be a burdensome punishment, few have specifically explored the construction of criminal law on mutilation in the current Indonesian legal system, as well as the impact of the application of Article 340 of the Criminal Code on court decisions for premeditated murder cases accompanied by mutilation. This research has an important position to complement the shortcomings of previous studies. This study will analyze normatively the absence of special rules on mutilation in the Criminal Code, as well as evaluate how Article 340 of the Criminal Code is applied in court decisions. It is hoped that the results of this study can contribute both in theory and practice to the improvement of criminal law in Indonesia.

This research aims to analyze the problems of regulating the crime of mutilation which until now have not been specifically regulated in Indonesia's positive criminal law. The focus of the study is directed at the effectiveness of the application of the murder article in ensnaring the perpetrators, as well as an in-depth analysis of Decision Number 67/Pid.B/2025/PN Kdr related to the Kediri 'Red Suitcase' case. Through the evaluation of the judge's consideration in qualifying the act as premeditated murder (Article 340 of the Criminal Code), this study formulated the urgency of establishing a special regulation on mutilation in order to ensure legal certainty in the future.

This research limits the scope of discussion to two main aspects. First, the regulation of murder offenses in Indonesia's positive criminal law, especially the extent to which the applicable provisions can accommodate the crime of mutilation as a form of premeditated murder. Second, the application of Article 340 of the Criminal Code (KUHP) against the defendant in a case known as the "Red Suitcase" case in Kediri, with reference to the Kediri District Court Decision Number 67/Pid.B/2025/PN Kdr.

## METHOD

The type of research used in this study is normative juridical research. Normative juridical research is a legal research approach that directs its main focus on the study of legal norms, legal principles, legal theories, and current laws and regulations. Through this approach, law is treated as a system of norms that is autonomous and analyzed conceptually, theoretically, and systematically, without emphasizing the collection of empirical data or observation of social realities in the field (Nur Aksa, Mona Widia, and Hanani 2025). This study uses a library research approach with normative data (Dr. Muhammin SH. 2020).

## RESULT AND DISCUSSION

### **The regulation of the crime of murder in Indonesia's positive law and the scope of the regulation on the crime of mutilation**

Within the framework of Criminal Law in Indonesia, especially in the Criminal Code, the crime of murder is generally classified as a form of crime against human life. This crime against life includes acts that involve the attack or disappearance of another individual's life. The object of protection in this criminal act is the life or life of the human being itself. Therefore, a new act can be qualified as a murder offense if it involves the loss of a person's life, not an

animal or other entity (Khotimah et al. 2023). Murder, whether planned or not, is a criminal act aimed at ending the victim's life. This action removes the opportunity for the victim to move on and enjoy life, making it one of the most serious forms of crime and has a profound impact on society and the people closest to them. Murder can be committed by anyone, at any time, and anywhere, regardless of the background of the victim's life, so that everyone can become a victim of this crime (Arifin and Dewi Fatasya 2019).

In general, the crime of murder can be classified into two main categories, namely common murder and premeditated murder. Premeditated murder is a well-planned act by an individual or group to end the victim's life. Premeditated murder as stated in article 340 of the Criminal Code involves a thought process that has been carried out before. This means that the intention to commit murder was from the beginning and that there was time spent devising a plan to take the victim's life. On the other hand, the ordinary murders listed in article 338 of the Criminal Code were carried out without careful planning (Eka et al. 2024). This action is carried out without the slightest thought to plan, and without any time frame in the implementation process.

Ordinary murder regulated in Article 338 of the Criminal Code is the simplest form of crime that takes the life of another person. The main characteristic is the intentionality of the perpetrator to commit an act that causes death, without being accompanied by certain aggravating factors. Intentionality here does not require a pre-planned plan; The act can occur suddenly, as long as the perpetrator consciously commits an act that has fatal consequences for the victim. Because of this, ordinary murder cases are often triggered by heightened emotions or certain situations that heat up the atmosphere. Unlike ordinary murder, Article 339 of the Criminal Code regulates murder that is closely related to other crimes. In this case, murder is carried out to facilitate the execution of other criminal acts, hide traces, or cover up the crime. There is a clear cause-and-effect relationship between murder and other criminal acts, so the perpetrator's guilt rate is considered more severe than ordinary murder. Meanwhile, premeditated murder regulated in Article 340 of the Criminal Code is the type of murder with the highest degree of guilt. The existence of planning shows that the perpetrator has enough time to think clearly, weigh the consequences of his actions, but is still desperate to carry out his evil intentions. This careful planning reflects a strong and unwavering will to do so, so the threatened punishment is also the severest of all forms of murder (Sari and Harefa 2023). On that basis, murder accompanied by mutilation should be qualified as a criminal offense that is more serious than ordinary murder and premeditated murder, because murder by mutilation contains two violations of the law. The first is a violation of the victim's right to life and the second is a violation of respect for the human body.

The Criminal Code also recognizes several special forms of murder. For example, Articles 341 and 342 regulate the killing of newborns by their own biological mothers. This rule takes into account the psychological condition of mothers who are often shaken by the childbirth process and the surrounding social factors. Even so, this act is still categorized as a criminal act because human lives should not be taken away just like that. In addition, Article 344 of the Criminal Code discusses murder committed at the request of the victim himself. Although the victim voluntarily asked to end his life, Indonesia's criminal law still considers it a crime. The reason is that the right to life is an absolute right that cannot be handed over or transferred to others. Separately, abortion is regulated in Articles 346 to 348 of the Criminal Code, with a clear distinction, whether it is carried out by the pregnant woman herself, by another person with the mother's consent, or without the mother's consent at all (Bunga et al. 2024). In the criminal law system that applies in Indonesia, murder is categorized into several types according to the provisions of the Criminal Code. If an act of mutilation occurs after or at the same time as the mutilation occurs, this will add to the element of crime and has the potential to increase the punishment that will be imposed on the perpetrator of the crime (Fathoni, Sihotang, and Syamsul 2025). In the context of murder regulated in the Criminal Code (KUHP), it can be seen that there is no special article that explicitly regulates the crime of murder accompanied by an element of mutilation. This means that the Criminal Code has not explicitly categorized mutilation as a separate element or form in the crime of murder.

In practice, law enforcement officials in Indonesia often apply article 338 of the Criminal Code on common murder and article 340 of the Criminal Code on premeditated murder as a juridical basis for handling cases involving

mutilation. These two articles are then used as a basis in the prosecution and sentencing process, taking into account aspects such as intentional intention, planning and the impact of the act. Based on the two articles that are used as a legal basis to impose a criminal penalty on the perpetrator of murder accompanied by mutilation, it can be concluded that ordinary murder without mutilation and murder followed by mutilation of the victim's body are two forms of criminal acts with different nature and character. Basically, murder is an act that ends the survival of the victim, while murder by mutilation not only ends the victim's life, but also involves dismembering the victim's body into a number of parts (Bustomi 2020). Overall, the crime of mutilation can be divided into two main categories, namely defensive mutilation, which involves cutting or separating the victim's body parts after the murder has been committed, with the intention of erasing traces. Usually, rational perpetrators choose this to disguise the corpse as evidence or to obstruct identification efforts. Furthermore, offensive mutilation, which is an unreasonable act and often occurs when the perpetrator's emotions get out of control, can even be done before the victim is killed (Anisah et al. 2025).

This case of murder accompanied by mutilation shows an example of corruption influenced by the progress of the times. The crime of mutilation is included in the category of criminal acts that are classified as sadistic or rare crimes, because the victims of this crime are human beings, both living and deceased. The main motive behind murders involving mutilation is an attempt to erase the identity of the victim, making it difficult for authorities to track down the victim or the perpetrator. The act of dismembering the body as a way of removing identity often indicates the level of panic experienced by the perpetrator. The increase in the use of mutilation mode by criminals is influenced by several factors, in addition to eliminating traces. These factors include the psychological condition of a person who has a mental disorder, thus encouraging inhumane actions, as well as social, romantic, economic, or problematic aspects in the perpetrator's home life (Putu and Wijaya 2025).

The legal basis currently applied to prosecute the perpetrators of murder by mutilation has not fully reflected the principles of justice, especially for the victim's family. In the case of mutilation, the victim's family can no longer see their loved one's body intact. In fact, for the families of murder victims, the opportunity to see the bodies of their loved ones for the last time has a very deep emotional value (Rosana and Danty n.d.). The act of mutilation therefore not only causes physical suffering to the victim, but also leaves a deep psychological trauma for the family left behind.

Normatively, it can be argued that the Criminal Code requires special arrangements regarding murder accompanied by mutilation as a form of aggravated criminal qualification, so that the punishment is more proportional to the perpetrator's level of guilt and better meets the sense of justice for the victim and the community.

#### **Application of the Provisions of Article 340 of the Criminal Code to the Perpetrator in the Kediri Red Suitcase Case (Decision Number 67/Pid.B/2025/PN Kdr)**

The factors that encourage the occurrence of the crime of murder include various aspects, ranging from the opportunity to do evil to allowing the existence of personal grudges that can change a person who initially did not intend to commit a crime due to anger, disappointment, hurt feelings, or resentment towards others. In addition, there are individuals who are not basically criminals to turn into criminals. Emotional instability also plays a role, where a person experiences periods of volatile emotions that make it difficult to grasp good information and tend to realize the desires of the heart without considering the adverse impact on others. The low level of faith and ethics also contribute and the condition of pressure from other parties is also a factor, where a person may be forced to commit the crime of premeditated murder because he is under pressure or coercion (Andrian Pratama, Nevi Yuliani, and Murdiono 2024). The provisions on punishment for perpetrators of premeditated murder are strictly regulated in article 340 of the Criminal Code, which stipulates that perpetrators can be sentenced to death penalty, life imprisonment, or imprisonment with a maximum penalty of twenty years. This provision shows the application of the retributive principle in the Indonesian criminal law system, where premeditated murder is seen as a very serious crime because it is carried out with full awareness accompanied by a careful plan. In the case of murder involving mutilation, although there is no specific provision in the Criminal Code, court practice can generally interpret the element of mutilation as

a factor that aggravates the punishment, thus becoming a reason to impose higher sanctions, including the death penalty (Andiwewang et al. 2025). Legally, intentional murder is generally seen as one of the most serious types of crime and is given harsh punishments. This judicial system is based on the penal code and laws that govern the conduct of courts and the determination of sanctions in such murder cases. Legal decisions must be supported by solid and objective evidence. In addition, the trial process must be in accordance with legal norms and uphold individual rights, such as the right to be accompanied by a defense and open procedures. Then when imposing a sentence, it is necessary to pay attention to the characteristics of the crime, the damage caused and the various aspects that affect the behavior of the perpetrator (Ananda 2023). A murder can be referred to as a premeditated murder if the perpetrator is completely aware of his actions, having designed his steps in advance, and maintains a calm mental state even when approaching or is committing the murder.

The elements of premeditated murder in accordance with article 340 of the Criminal Code are as follows:

Whose goods, namely legal subjects who can be held criminally responsible, are humans.

Intentionally, namely the intention of the perpetrator to cause certain consequences as stipulated in the law, which is generally driven by certain motives or reasons.

It is planned in advance, which shows that there is a time lag between the planning process and the implementation of the act.

Taking the life of another person, which is the action of the perpetrator that actually causes the loss of someone's life (Andiwewang et al. 2025).

Based on the elements of the crime of premeditated murder, an analysis is needed on how each of these elements is applied in a proven way in premeditated murder accompanied by mutilation, especially in the case of the Kediri red suitcase. In its legal warnings and considerations, the Panel of Judges of the Kediri District Court considered that every element in Article 340 of the Criminal Code regarding premeditated murder had been proven and believed to have been fulfilled through the actions carried out by the defendant RTH.

The first element is "whom", namely the party who is the subject of the law and can be held criminally liable. In decision number 67/Pid.B/2025/PN Kdr, the legal subject is the defendant RTH whose complete identity is recorded at the beginning of the case file and the minutes of the examination conducted by the investigator. Throughout the trial process, the defendant was able to attend, listen well, and follow the course of the trial. The defendant can also respond to the testimony of witnesses and answer the questions of the Panel of Judges accurately and smoothly. Thus, no elements were found that could be the basis for criminal expungement as stipulated in 44 to 51 of the Criminal Code, or legal facts in the trial that showed that the defendant was in a state of mind that was not perfect or had a mental disorder. The basis for criminal imposition is based on the principle of error. In order for a defendant to be held criminally accountable, there are several elements that must be met, namely committing acts that constitute criminal acts, having the ability to be responsible, acting intentionally or due to forgetfulness, and the absence of an excuse that can remove his responsibility (Rendradi Suprihandoko 2024). Thus, the element of "whose goods" is considered to have been fulfilled.

The second element has to do with the pre-planned act of taking the life of another person. In its deliberations, the Panel of Judges confirmed that the defendant committed murder against the victim with full intention and awareness. This is supported by evidence that the defendant channeled his anger through the act of strangling the victim, which ultimately resulted in the victim's death due to respiratory arrest. The verdict noted that, "there was a certain time or pause by the defendant to think about stopping his strangulation due to resistance from the victim but it turned out that the defendant did not release the strangulation." This statement shows that the defendant continued his actions until the victim lost his life, indicating that the defendant did indeed have the will to commit the act of murder. The pattern of the defendant's actions after the murder, in the form of mutilation, storing body parts and disposing of bodies in various areas shows full awareness and careful consideration. This condition confirms that actions are not spontaneous reactions but the result of a mature will.

An additional legal fact that according to the Panel of Judges showed that the defendant's actions had been planned in advance is that after the incident, the defendant calmly tried to eliminate the evidence of his actions against the victim through mutilation of the victim's body parts and disposed of them in locations that were difficult to access such as in forest and river areas in Ngawi Regency, Ponorogo Regency and Trenggalek Regency. Even calmly, the defendant cut and neatly wrapped the victim's body parts that had been mutilated, including the victim's head that had been separated from the rest of the body, and acted as if his act was normal because the defendant had kept the body parts before disposing of them. The defendant also showed a normal attitude when gathering with his family, even selling the victim's car and using the proceeds of the sale for personal interests, such as to buy a unit of black Toyota Vios car. According to the Panel of Judges, the defendant's calm attitude reflects that the method applied to the victim will be difficult to prove the defendant's involvement because the defendant has planned his actions in advance.

Based on the findings of the visum, the Panel of Judges determined that the victim did indeed die as a direct result of the defendant's actions of strangling the victim's neck until it caused breathing to stop. The death of the victim shows a direct causal relationship with the defendant's actions, thus from a legal point of view, the elements of the act that resulted in the loss of a person's life have been considered fulfilled.

By referring to all the facts and legal analysis described in Decision Number 67/Pid.B/2025/PN Kdr, the Kediri District Court concluded that the defendant's actions met all the elements listed in Article 340 of the Criminal Code, namely "Whoever deliberately and with the intention first took the life of another person". The Panel of Judges found that the defendant, who was triggered by anger after hearing the victim's words that were considered insulting to his child, then consciously strangled the victim until he died. The judge considered that the defendant had an adequate time gap to stop his actions, but he chose to continue it, thus indicating intentionality and planning in accordance with article 340 of the Criminal Code. Therefore, the panel of judges ruled that the defendant was legally and convincingly proven to have committed the crime of premeditated murder, thus imposing a life prison sentence.

In the aspect of imposing the sentence, the judge stated that from the methods carried out by the defendant who mutilated the victim's body parts and disposed of them in several areas, according to the Panel of Judges, the defendant's actions were classified as sadistic, so that it became a situation that significantly aggravated the sentence imposed. The Panel of Judges also considered that although the Public Prosecutor demanded the death penalty, according to the Panel of Judges, the development of the application of the death penalty is currently experiencing a shift by prioritizing the humanitarian side. Therefore, the Panel of Judges decided to impose the maximum penalty other than the death penalty, namely life imprisonment. The imposition of life imprisonment reflects the balance between legal certainty and humanity. Although the defendant's actions normatively met the requirements for the death penalty, the Panel of Judges proportionally chose the maximum penalty other than the death penalty.

This picture reveals that the world of crime is not something separate from human life and society, but a part that is closely related to the progress of society. Along with the development of a society, crime tends to increase. Criminality is a universal phenomenon in every group of society and nation. Wherever there is a society, there is also crime. Crime can be considered as a hidden aspect or another side of the overall picture of society (Bari 2022).

## CONCLUSION

From this analysis, it can be concluded that the crime of murder involving mutilation has not been specifically or explicitly regulated in the Criminal Code or other laws and regulations. As a result, in law enforcement practice, the act of mutilation is not processed as a stand-alone offense, but is qualified through the general provisions regarding murder in the Criminal Code. The public prosecutor and the judge generally use Article 338, Article 339 or Article 340 depending on whether there are elements of planning, mature intentions or other criminal acts committed before or after the victim is killed.

In case number 67/Pid.B/2025/PN Kdr, the defendant RTH was tried for murder accompanied by mutilating the victim's body. The Panel of Judges decided that the defendant RTH was guilty of premeditated murder

accompanied by mutilation. Because it meets the criteria listed in article 340 of the Criminal Code. Although the Public Prosecutor demanded the death penalty, the panel of judges in its verdict considered the humanitarian aspect, especially for the perpetrator who still wanted to improve his behavior in the future, so he decided that life imprisonment is the maximum punishment other than the death penalty. Thus, the basis for criminal liability for the perpetrator in this case is determined based on article 340 of the Criminal Code, which stipulates a life prison sentence. This shows that in the criminal law system, the perpetrators of mutilation can still be punished by applying the elements of the crime of murder that have been regulated in the Criminal Code, even though the act is not expressly stated in the provisions of the law.

Efforts are needed to draft a special law that specifically regulates the crime of mutilation, with the aim of providing clarity regarding the definition, elements of violations and weighting provisions that can be applied to the perpetrator. This kind of arrangement is very important to close the gap in the Criminal Code that expressly regulates mutilation, so that the application of the law can be carried out consistently, proportionally, and in accordance with the level of seriousness of the act. Therefore, it is necessary to establish a special law that regulates the crime of murder accompanied by mutilation quickly, to impose proportionate sanctions on the perpetrators and ensure protection and security for the community.

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