

Judge's consideration of Ronald Tannur's exempt vote in the crime of murder (Study of Decision No. 454/Pid.B/2024/PN.SBY)

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ABSTRACT

The purpose of this research is to examine the judge's considerations in Decision Number 454/Pid.B/2024/PN.Sby in relation to the legal conformity and the actions of the Defendant, Gregorius Ronald Tannur, as described in the facts presented during the trial. This case has sparked controversy due to the presence of substantial evidence, including witness testimonies and CCTV footage, which may indicate the Defendant's involvement in the act of murder. Assault is defined as an act intended to torture, oppress, and ultimately cause the loss of life. It constitutes a criminal offense that involves direct physical contact with the victim's body. However, the Panel of Judges decided to acquit the Defendant of all charges during the trial. This study employs a normative legal research method and adopts a qualitative approach through statutory and case study analysis. The materials analyzed include court decisions, witness testimonies, forensic reports (*visum et repertum*), and relevant literature. The research explores the judicial reasoning behind the Defendant's acquittal and assesses whether the verdict aligns with justice, particularly with regard to the rights and justice due to the victim, Dini Sera Afrianti, and her family. Overall, the findings of this study conclude that there is a discrepancy between the judge's considerations and the Defendant's actions toward the victim, as well as a neglect of thorough evaluation of the evidence and facts presented during the trial.

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1. INTRODUCTION

Law is a tool that regulates all people's lives. The law has a coercive nature, like/dislike. Happy/unhappy. If we are in the legal area, we are obliged to follow the existing rules. The law is not made for the benefit of one person, but for the benefit of the many. The law contains the norms of life that are used as guidelines in society. Law can be interpreted as an instrument to protect society from all forms of non-crime that are general and individual. There are two types of legal threats, ranging from administrative sanctions and criminal sanctions (Sipayung et al., 2023).

Criminal Code Article 338 states that "Whoever deliberately takes the life of another person is threatened with murder with a maximum prison sentence of fifteen years". In addition, there are also murders that are categorized as premeditated murder (Article 340 of the Criminal Code), which are

threatened with the death penalty or imprisonment for life or for a certain period of time, a maximum of twenty years (Pebrianto et al., 2024).

Murder cases with the motive of slashing the girlfriend's body using a car that ended with a free verdict for the perpetrator often become the spotlight and trigger polemics in the community. These kinds of incidents raise fundamental questions about justice and how the legal system works in upholding justice for victims and families left behind. When a murderer who uses brutal methods such as body stabbing with a car is acquitted by the courts, it creates frustration and distrust of the justice system.

One of the reasons why the perpetrators of murder can be sentenced to freedom is because of weaknesses in the investigation or proof process in court. Proof in a criminal case, especially murder, requires strong and irrefutable evidence to convince the judge that the perpetrator is truly guilty. In some cases, if the forensic evidence is not clear enough or if the eyewitness testimony is considered inconsistent, the court may have difficulty in making a definitive decision. This can cause the perpetrator of murder to successfully avoid punishment, even though morally the community believes that such an act is a heinous act and deserves punishment.

The motive for the boyfriend's body slashing with a car shows a high element of violence and hatred. This act is often categorized as premeditated murder, because the perpetrator has a clear and deliberate intention in injuring the victim. However, when the verdict given to the perpetrator is free, the public will question whether there are weaknesses in the legal process itself. For example, whether the investigation process has been carried out thoroughly, or whether there has been intervention from certain parties that caused justice not to be served as it should.

In addition, other factors such as the social and economic status of the perpetrator can also affect the outcome of the court decision. In some cases, perpetrators who come from influential families or have considerable financial power are often able to hire a team of highly experienced lawyers, who can find legal loopholes or build effective arguments to exonerate their clients. This suggests that access to justice can be influenced by a person's financial ability, which in turn creates inequality and injustice for victims who generally do not have the same resources.

A court decision acquitting the perpetrator can also set a bad precedent in law enforcement. If the perpetrator of the murder who clearly uses brutal methods such as running over the victim's body can be freed, this can be interpreted as a less strict law in providing punishment for the perpetrators of violence. This kind of situation can reduce the deterrent effect and send a message that the perpetrator of violence has a chance to escape punishment, as long as they have the right legal strategy or are lucky in the judicial process.

The need for legal reform is becoming increasingly urgent. The investigation and evidence collection process needs to be strengthened, and transparency in trials needs to be improved to prevent intervention or manipulation. Governments, legal institutions, and civil society need to work together to ensure that the legal system is able to deliver true, indiscriminate justice to anyone who breaks the law.

In conclusion, the case of the dismemberment of the girlfriend's body with a car that ended in a free verdict is a reflection of various problems in our legal system. It is important to note that the Indonesian judicial system is still unable to guarantee an honest and fair judicial process. Where sometimes there are still unfair laws or errors in handling cases (Duha Artis, 2022).

This highlights the need for evaluation and improvement in law enforcement, both in terms of evidence collection, the investigation process, and the court procedures themselves. Only then can justice for victims be enforced, and society can return to believing that the law is a tool that can truly protect and uphold justice for all parties."

2. METHOD

This research is a study on the judge's considerations in a decision. Research is a translation from English, namely *research*. Which means searching and rediscovering. *Research* can be interpreted as a human effort to seek and find the right and is carried out continuously. According to Peter Marzki, it is a process that finds legal rules, legal principles and legal doctrines to answer the legal issues faced.

2.1 Normative Legal Research Types

The normative legal research type is research that focuses on the study of laws and regulations, court decisions, legal principles, legal synchronization, comparative legal research and other legal materials.

2.2 Research Approach

Based on the legal study raised from this study, regarding the analysis of the acquittal of the perpetrator of the crime of murder, the approach used is the Case Approach by examining a murder case that has become a court decision and has permanent legal force and aims to analyze the application of articles based on the applicable laws and regulations and how the law is applied in the case.

2.3 Legal Ingredients

This research will use two types of materials, namely:

- a. Primary Materials, These Legal Materials are obtained from official documents and have permanent and binding legal force such as: Law No. 1 of 1946 concerning Criminal Law Regulations (KUHP); Law No.8 of 1981 concerning the Criminal Procedure Law (KUHAP); Law No. 48 of 2009 concerning Judicial Power.
- b. Secondary Materials, this legal material comes from literature and scientific journals that discuss the application of criminal law, similar cases, court decisions and theories related to criminal law. In addition, the results of research and scientific papers as well as journals from legal essays related to crimes against life and murder.
- c. Tertiary Legal Materials are materials that provide instructions and explanations for primary and secondary legal materials, such as websites, e-books and online legal journal articles.

2.4 Legal Material Analysis

The method of analysis of legal materials used is qualitative analysis. The legal materials that have been collected will be analyzed in depth to understand how the law is applied in the case and identify the factors that influence the court's decision. This analysis involves examining the conformity between the existing facts and the applicable legal regulations, as well as comparing these cases with similar cases in the context of the application of the law.

3. RESULTS AND DISCUSSION

3.1 Case Chronology

The researcher will describe the background or chronology of this case based on the case file obtained directly from the case decision document with decision Number 454/Pid.B/2024/PN. Sby through the Supreme Court's decision directory website with the defendant named Gregorius Ronald Tannur and the victim named Dini Sera Afrianti. On Wednesday, October 4, 2023 at around 00.26 WIB or at least still at some time including in October or still in 2023, located at Lenmarc Mall Jl. Mayjend Jonosewojo Surabaya, or still within the jurisdiction of the Special Class IA District Court of Surabaya, which is authorized to examine and prosecute him, deliberately taking the life of another person, which the Defendant did in the following way:

- a. That initially Tuesday, October 3, 2023, 19.00 WIB: the victim Dini Sera Afrianti received a karaoke invitation from witness Ivan Sianto via WhatsApp and consented to it.
- b. Then at 21.40 WIB: the victim arrived at the Blackhole KTV with the defendant and joined other witnesses in Room 7.
- c. Furthermore, at 22.10 WIB: witness Hidayati Bela Afista joined.
- d. Then they did karaoke and drank Tequilla Jose alcoholic drinks alternately. The victim had refused to drink because he was worried that he would quarrel with the defendant. However, the victim continued to drink the alcoholic beverage.
- e. Wednesday, October 4, 2023, 00.00 WIB: several witnesses left the room because the witness named Bela was heavily drunk.
- f. At 00.10 WIB: The victim and the defendant also left the room with the defendant carrying the remaining tequilla bottle.
- g. Fight in the elevator: while waiting in front of the elevator to go to the parking lot, the Victim and the Defendant had a fight. Inside the elevator, the victim slapped the defendant, who then retaliated by strangulating, kicking and hitting the victim on the head with a tequilla bottle.
- h. Fight in the Basement: The victim and the defendant argue about who started beating while in the elevator. The victim and the Defendant returned to the Blackhole KTV to request CCTV footage,

but were told that the footage was not available. The defendant and the victim went down to the parking lot again to look for the mall management room, but did not find anyone there. The victim waited for the defendant in the basement, while walking to the defendant's car while playing cellphone and sent a voice note to the witness Ivan while the defendant returned to the KTV to confirm information about CCTV.

- i. Car Incident: when the defendant returned to the basement, the defendant saw the victim leaning on the left side of the car, then the defendant got into the car, when the victim was asked if he wanted to go home, the victim did not respond. In an emotional state, the defendant moved the car to the right, causing the victim to fall and be run over. After realizing that something was wrong, the defendant got out and saw the victim lying down but then parked his car.
- j. Witness reaction: witness 1 named Nyoman Budi Darma Kangin saw the victim lying and immediately notified the security officers. Several witnesses approached the victim, while the defendant who was still in the car initially admitted that he did not know the victim. After being confirmed by another witness named Steven Yosefa when he saw the defendant coming with the victim, the defendant finally confessed, then took the victim's belongings, then put the victim's body in the car and left the location at 01.10 WIB.
- k. To the Apartment: the defendant took the victim to Orchard Tanglin's apartment, then put her in a wheelchair and left her with a security officer without revealing her identity. After that, the defendant went up to the car parking floor and entered the victim's room. Then a witness named Mohammad Mustofa and witness Hermawan went up to the victim's room for the defendant to be held accountable because after being examined the victim was no longer breathing. Witness Retno Happy Purwaningtyas, who knew the victim, took the initiative to take the victim to the hospital using the defendant's car.
- l. Arriving at the Hospital: upon arrival at the ER of the National Hospital, a witness named dr. Felica Limantoro, the doctor examined the victim and stated that there were no signs of life. The results of the examination showed that the victim had asystole (no heart rate). The doctor suggested that the victim be taken to Dr, Soetomo Hospital because his death was considered unnatural.

3.2 Public Prosecutor's Demands

The criminal charges filed by the Public Prosecutor on June 27, 2024, which basically argues that the Defendant has been proven to have committed a criminal act in accordance with the charges imposed on him, therefore the Public Prosecutor asks the Panel of Judges to render a verdict as proposed, namely:

- a. Declaring that the Defendant Gregorius Ronald Tannur is legally and convincingly proven to have committed the crime of "murder" as per Article 338 of the Criminal Code in the Alternative Indictment of the Public Prosecutor;
- b. Imposing a sentence of 12 (twelve) years on the Defendant minus the period of arrest and temporary detention, subject to the order of the Defendant to remain in custody;
- c. Charging the Defendant to pay Restitution to the victim's heirs in the amount of Rp.263,673,000,- (two hundred and sixty-three six hundred and seventy-three thousand rupiah) with the provision that if the defendant is unable to pay, it will be replaced with imprisonment for 6 (six) months.
- d. Stating evidence in the form of:
 - 1) 1 unit of Innova Rebonn diesel Nopol B-1744-VON year 2020 metallic gray color. It was confiscated by the state, to be carried out by the public and the proceeds were calculated as restitution payments to the heirs of the victims of DINI SERA AFRIANTI.
 - 2) 1 (one) piece of gray hoodie
 - 3) 1 (one) pair of black sandals
 - 4) 1 (one) piece of black wana hat
 - 5) 1 (one) unit of Samsung brand cellphone
Returned to the defendant
 - 6) 1 (one) unit of Iphone 11 Promax cellphone miik victim
 - 7) 1 (one) pair of silver gold earrings
 - 8) 1 (one) piece of silver gold ring
 - 9) 1 (one) piece of yellow gold necklace with blue pendant
 - 10) 1 (one) piece of silver piercing
 - 11) 1 (one) diary belonging to the victim
Returned to the heirs of DINI SERA AFRIANTI.

- 12) 1 (one) sheet of quick look footage (heart rate recording) issued from the National Hospital on October 4, 2023 confiscated from witness Dr. FELICIA LIMANTORO
- 13) 1 (one) business license for the implementation of public entertainment, namely the Risk-Based Business Licensing Standard Certificate 91204072126720006 dated December 12, 2021 issued by the Mayor of Surabaya to the DPMPTSP of Surabaya City
- 14) 1 (one) license for the sale of alcoholic beverages under group B 5% to 20% group C 20% to 40% Business License Letter to Support Business Activities Certificate of Direct Sales of Alcoholic Beverages Group B and C (SKPKB AND SKPL-C) PB-UMKU 912040721267200110004 dated December 16, 2022 issued by the Mayor of Surabaya Head of DPMPTSP Surabaya City
- 15) 1 (one) letter of sale of alcoholic beverages 5% Business License to Support Business Activities Certificate of Sales of Alcoholic Beverages Group A (SKPL-A) PB-UMKU 912040721267200080001 dated December 31, 2021 issued by the Mayor of Surabaya, Head of DPMPTSP Surabaya City
- 16) 1 (1) License to Sell Taxable Goods. As the Retail Place for Beverages Containing Ethyl Alcohol Number 019757962-077500- 9120407212672, the imperial company PT Imperium Happy Puppy, dated January 10, 2023, was issued by the Ministry of Finance of the Republic of Indonesia Head of the Intermediate Type Customs Supervision and Service Office Praben Sidoarjo
- 17) 11 (one) Var management license, Risk-Based Business Licensing Standard Certificate Number 91204072126720001 taggal dated September 16, 2022, Imperialium Company PT Imperium Hppy Puppy issued by the Mayor of Surabaya head of DPMPTSP Surabaya City
- 18) 1 (one) restaurant management license, Risk-Based Business Licensing Standard Certificate Number 91204072126720003 dated September 19, 2022, Imperialium Company PT Imperium Happy Puppy
- 19) 1 (one) Certificate of Fitness for Health Hygiene Restaurant Management, Business License to Support Business Activities Certificate of Fitness for Hygiene Sanitation-In the Pb-Umku Area Number 912040721267200080002 dated September 6, 2022 of the imperialium company PT IMPERIUM HAPPY PUPPY issued by the Mayor of Surabaya, head of the DPMPTSP of Surabaya City.
- 20) 2 (two) sheets of Bill Room 7 balchole KTV an Mr. YUNA dated October 03 to 04, 2023 confiscated from RIGA BAGUS PURWANDA
- 21) 1 (one) Print of the Minutes of Damage to CCTV Lenmarc Mall made on Friday, September 08, 2023 at approximately 15.51 WIB which was confiscated from Ambali Uman Widodo
- 22) 1 (one) unit of SanDisk brand flash drive model Cruzer Blade with a capacity of 8 GB with S/N 03024523042023042835 red and black color confiscated from Tri Cahya Rizqi Harlin Jaya
- 23) 1 (one) unit of SanDisk brand flash drive model Cruzer Blade with a capacity of 64 GB with S/N 04021116083122164934 black and red color confiscated from the witness an Yohanes Setya Budi
- 24) 1 (one) V-Gen brand flash drive unit of VendorCo model with a capacity of 8 GB with S/N 7480931272605642437 yellow color
- 25) 1 (one) unit of SanDisk brand flash drive model Cruzer Blade with a capacity of 32 GB with S/N 02002628060422212556 black and red color confiscated from witness Yosi Febrianto
- 26) 1 (one) unit of SanDisk brand flash disk model Cruzer Blade with a capacity of 16 GB with S/N 0001424071923111802 red and black color confiscated from the witness Ocvi Afianti Astuti
- 27) 1 (one) sheet of vehicle registration for Inova Reborn diesel car Nopol B- 1744- VON year 2020 color gray – metallic gray
Stay attached to the case file
- 28) 1 (one) bottle of Tequila jose cuervera liquor
- 29) 1 (one) piece of red shirt
- 30) 1 (one) bah shorts in hiayam color
- 31) 1 (one) piece of beige underwear
- 32) 1 (one) piece of red lacy bra
Confiscated for destruction

- 1) Stipulating that the Defendant be burdened to pay the case fee of Rp. 5,000 (five thousand rupiah);

That at Dr. Soetomo Hospital, an autopsy was carried out on the victim of DINI SERA AFRIANTI by dr. Renny Sumino, Sp. F. M., M.H. and in accordance with visum et Repertum No. KF. 23.0465 concluded as follows:

- 1) The body was female, between twenty and thirty years old, body length one hundred and fifty-nine centimeters, and tanned skin.
- 2) On external examination, it was found: Dilation of blood vessels on the lender membrane of the eyelid and the hard membrane of the eyeball, bleeding spots on the lender membrane of the eyelid, bluish on the tips of the fingers and nails of the right hand left, paleness on the tips of the fingers and nails of the right and left toenails. (The above abnormalities are commonly found in suffocation). Abrasions on the chest, abdomen, left upper arm, right and left upper legs, left lower limbs due to blunt bruising and bruises on the head, ears, neck, chest, abdomen, buttocks
- 3) Internal examination found: Dilation of blood vessels (in the brain, small intestine, large intestine akiba suffocate, blood infiltration on the inner skin of the head, in the neck, chest muscles, second, third, fourth and fifth right rib bones). Bruises on the lower part of the right lung and liver due to blunt violence, lacerations on the liver due to blunt violence, bleeding in the abdominal cavity of approximately 1200 ml.
- 4) Additional examinations were found: alcohol in the stomach and blood, dilation of blood vessels in the cervix, liver, right kidney, left kidney and bleeding at the site of the lower right lung and upper left lung exchange.
- 5) Because death due to multiple lacerations to the liver organ due to blunt violence caused severe bleeding.

The Public Prosecutor's indictment for the defendant's actions above is regulated and threatened with criminal charges in accordance with the provisions of Article 351 paragraph 3 of the Criminal Code. Or the first third allegation:

That at Dr. Soetomo Hospital, an autopsy was carried out on the victim of DINI SERA AFRIANTI by dr. Renny Sumino, Sp. F. M., M.H. and in accordance with visum et Repertum No. KF. 23.0465 concluded as follows:

- 1) The body was female, between twenty and thirty years old, body length one hundred and fifty-nine centimeters, and tanned skin.
- 2) On external examination, it was found: Dilation of blood vessels on the lender membrane of the eyelid and the hard membrane of the eyeball, bleeding spots on the lender membrane of the eyelid, bluish on the tips of the fingers and nails of the right hand left, paleness on the tips of the fingers and nails of the right and left toenails. (The above abnormalities are commonly found in suffocation). Abrasions on the chest, abdomen, left upper arm, right and left upper legs, left lower limbs due to blunt bruising and bruises on the head, ears, neck, chest, abdomen, buttocks
- 3) Internal examination found: Dilation of blood vessels (in the brain, small intestine, large intestine akiba suffocate, blood infiltration on the inner skin of the head, in the neck, chest muscles, second, third, fourth and fifth right rib bones). Bruises on the lower part of the right lung and liver due to blunt violence, lacerations on the liver due to blunt violence, bleeding in the abdominal cavity of approximately 1200 ml.
- 4) Additional examinations were found: alcohol in the stomach and blood, dilation of blood vessels in the cervix, liver, right kidney, left kidney and bleeding at the site of the lower right lung and upper left lung exchange.
- 5) Because death due to multiple lacerations to the liver organs due to blunt violence caused severe bleeding

The Public Prosecutor's indictment for the defendant's actions above is regulated and threatened with criminal punishment in accordance with the provisions of Article 359 of the Criminal Code and the Second Third Indictment: That at the Dr. Soetomo Hospital, an autopsy was carried out on the victim DINI SERA AFRIANTI by dr. Renny Sumino, Sp. F. M., M.H. and in accordance with visum et Repertum No. KF. 23.0465 the following conclusions were obtained: On external examination, bruises were found on the head, neck, and upper left leg due to blunt violence. The Public Prosecutor's indictment for the defendant's actions above is regulated and threatened with criminal punishment in accordance with the provisions of Article 351 paragraph 1 of the Criminal Code. Application of the article by the Public Prosecutor (JPU):

- 1) Article 338 of the Criminal Code (Murder): The prosecutor considered that there was an active intention and act of the defendant that caused the victim's death. In this indictment, the emphasis is on the element "deliberately".
- 2) Article 351 paragraph 3 of the Criminal Code (Persecution Resulting in Death): The prosecutor uses this article as an alternative indictment if the panel of judges does not believe that there was an intention to kill, but still sees the act of persecution that caused the victim's death.

Article 359 of the Criminal Code (Negligence Causing Death):p this is used as an additional (cumulative) indictment, if the defendant's actions are considered accidental, but still negligent / careless to cause the victim to lose their lives. This is the lightest allegation.

3.3 Consideration of the Panel of Judges on the Defendant's Free Verdict

3.3.1 Consideration of the Panel of Judges Based on CCTV and Witness Statements

Considering, that the Panel had carefully dug up information from witnesses related to the death of DINI SERA AFRIANTI liked to drink alcoholic beverages with the Defendant, and was often angry and this was the reason why the Defendant had broken up with the victim, and the Defendant explained that during the quarrel with DINI SERA AFRIANTI, he did not reply by slapping, but the Defendant pushed the chest of the Victim DINI SERA AFRIANTI with the aim of restraining DINI SERA AFRIANTI from attacking again, then the Defendant distanced again using his right foot, then DINI SERA AFRIANTI pulled the Defendant's jacket on his pocket but the Defendant still tried to distance him early so as not to pull the Defendant's jacket, and from the dispute a debate arose, then agreed that the Defendant returned to the Blackhole karaoke to check the CCTV for 2 to 3 minutes to see who started the argument, but the security answered that it was not their authority and then the Defendant returned to the basement, then when he went down to the basement, the defendant had told Dini Sera Afrianti to go home with his friends where Dini Sera Afrianti was still holding a cellphone.

Considering, that by paying attention to the description of the above legal considerations, according to the Panel of Judges, the events and acts that the Public Prosecutor has described in the indictment, which in essence is that DINI SERA AFRIANTI died because of the Defendant's negligence while driving the car until the run over of DINI SERA AFRIANTI in casu does not give confidence to the Panel of Judges that it is true that the death of DINI SERA AFRIANTI was caused by this.

Legal considerations taken from the observation of the CCTV results in the Lenmarc basement parking area, which was attributed to the expert opinion that had been submitted, the panel did not see the same facts as the acts described by the Public Prosecutor in his indictment. Based on the CCTV display that has been witnessed by all parties in the open trial, the panel has observed it from the perspective of the CCTV camera and it can be concluded that the defendant's car, which was initially parked, moved forward, turned right, then went straight and straight. The position of the victim, DINI SERA AFRIANTI, was actually outside the path of the vehicle driven by the Defendant.

Considering, that the Panel has carefully studied the description of legal considerations based on the examination before the trial mentioned above, that the Public Prosecutor's evidence of the criminal act committed by the Defendant as before the trial does not show that the Defendant has committed an error (forgetfulness) to cause another person in case the Defendant died, by the elements of these two indictments according to the discretion of the Panel are not fulfilled, So for the third alternative indictment: the first indictment was declared unproven.

3.3.2 Consideration of the Panel of Judges Based on the Results of the Visum and Experts

That at Dr. Soetomo Hospital, an autopsy was carried out on the victim DINI SERA AFRIANTI by dr. RENNY SUMINO, Sp. F.M., M.H. and in accordance with Visum et Repertum No. KF. 23. 0465 was obtained from the following conclusions:

- a. The corpse was female, aged between twenty and thirty years of age, body length one hundred and fifty-nine centimeters, tan skin color.
- b. On external inspection, it was found :
 - 1) Dilation of blood vessels in the lender membrane of the eyelid and the hard membrane of the eyeball.
 - 2) Bleeding spots on the lender membrane of the eyelid and the hard membrane of the eyeball.
 - 3) Bluishness on the fingertips and nails of the right and left hands.
 - 4) Paleness on the fingertips and toenails of the right and left toes. The above abnormalities are commonly found in suffocation.

- 5) Abrasions on the chest, abdomen, left upper arm, right and left upper legs, lower left leg due to blunt force.
- 6) Bruises on the head, left ear, neck, chest, abdomen, back, right upper limbs, left upper arm, and left upper leg due to blunt force.
- c. On internal examination, it was found :
 - 1) Dilation of blood vessels in the brain, small intestine, colon, due to suffocation.
 - 2) Blood infiltration on the inside of the head. Blood infiltration on the inner skin of the neck. Blood infiltration in the chest muscles. Blood infiltration in the second, third, fourth, and fifth right rib bones.
 - 3) Bruises on the lower part of the right lung and liver due to blunt violence.
 - 4) A torn wound to the liver due to blunt violence.
 - 5) Bleeding in the abdominal cavity is approximately 1200 ml.
- d. In additional examinations, it was found :
 - 1) Alcohol was found in the stomach and blood.
 - 2) Dilation of blood vessels in the cervix, liver, right kidney, and left kidney.
 - 3) Bleeding at the air exchange site in the lower right lung and upper left lung.
- e. Because death due to multiple lacerations to the liver organ due to blunt violence caused severe bleeding.

That as the results of the visum et Repertum Number KF.23.0465 dated October 13, 2023 which was carried out at Dr. Soetomo Hospital, an autopsy was carried out on the victim of DINI SERA AFRIANTI by the examining doctor dr. Renny Sumino, Sp. F.M., M.H. in his conclusion that the cause of death of DINI SERA AFRIANTI was due to a compound laceration wound to the liver organ due to blunt violence so that bleeding, which is based on the results of internal and external examinations, as well as additional examinations, namely the finding of alcohol in the stomach and blood, dilation of blood vessels in the cerebrum, liver, right and left kidneys, bleeding at the air exchange site of the lower right lung and upper left lung.

Considering that the panel has listened to the testimony of Expert Eddy Suzendi, A.Ma PKB, S.H. as an Expert in Driving Safety or Accidents, Traffic, in the consideration process. Eddy gave an opinion The opinion of the witness Eddy Suzendi which was used as the basis for consideration by the Panel of Judges can be determined in Decision Number 454/Pid.b/2024/PN. Sby, on page 80 states that basically "that when a person sits outside the car on the left side of the sitting, first the body will receive friction, the second is the force of the action, and the third is the centrifugal force, where when a person sits outside the vehicle, he will receive traction / friction from the surface on which he sits, and when he sits, if the pull is strong then he will be dragged, and when the vehicle turns he will receive a centrifugal force, that is, a force in which there is a circular impulse towards the outward, it is certain that it will come out of the curve, first he will be attracted depending on the cross-section on which he sits slippery or rough and the drag will be long and when there is a centrifugal force then he will be thrown away and move away. While the inertial force is a force where when it is stationary, it will move steadily forward and from the inertia it will come out of the force, if it is bound or held, then there is a possibility of being dragged, and there is a possibility of being wasted, while when it is in a state of unbound or in a free state, then it will be wasted because it will definitely be bounced. If he doesn't stick, then there will be no friction of action".

Based on this, the judge was of the opinion that there was no action by Ronald Tannur intended to kill or take the life of another person. In the consideration of the Panel of Judges on pages 80-81, it was stated that: "The Panel of Judges carefully assessed that there was no action of the Defendant that was in accordance with the description of the second element of the indictment of the Public Prosecutor, which was able to prove the existence of the Defendant's intentional act or intention to kill (take away) the life of another person". Therefore, the Panel of Judges decided to acquit the Defendant from all charges of the Public Prosecutor.

3.3.3 Judges' Considerations in the Independent Verdict

The Panel of Judges of the Surabaya District Court decided to convict Gregorius Ronald Tannur in the murder charge against Dini Sera Afrianti with the following evidence:

a. Lack of Strong Evidence

The panel of judges revealed that they did not find strong enough and convincing evidence to prove that Gregorius Ronad Tannur was guilty of the murder charge against Dini Sera Afrianti. In the trial, the judge said that the evidence presented by the Public Prosecutor (JPU) could not

corroborate the existence of an action that directly caused the victim's death. This is an important basis for the judge to make the decision to release the defendant.

b. No Witnesses Witnessed the Incident

According to the judge's statement, there were no witnesses who directly saw the incident of persecution or acts of violence carried out by Ronald Tanur against the Early Victim Sera. The judge considered that the absence of this witness made it difficult to conclude that the defendant committed an act of violence that led to Sera's early death. Witnesses presented at the trial only give testimony according to allegations or observations after the incident took place, so it is not strong enough to be used as a basis for a verdict.

c. Victim's Cause of Death Questionable

During the trial, the judge considered that Dini Sera Afrianti's death was not directly caused by injuries or injuries due to alleged acts of violence from the defendant. The judge considered that other factors contributed to the victim's death, one of which was the consumption of large amounts of alcohol that could trigger health problems. Therefore, the judge argued that the medical evidence presented at the trial was not sufficient to show a causal relationship between the Defendant's actions and the victim's death.

d. Errors in Evidence by the Public Prosecutor

The judge also considered that the Public Prosecutor was not optimal when presenting strong and relevant evidence to support his charges. The evidence presented at the trial was considered incapable of giving confidence to the judge that Roald Tannur was guilty of the charges filed.

4. CONCLUSION

The inconsistency of the acquittal in the Surabaya District Court Decision Number: 454/Pid.B/2024/PN. Sby Defendant Gregorius Ronald Tannur. The defendant was charged by the Public Prosecutor with alternative and cumulative charges, namely: Article 338 of the Criminal Code (Murder); Article 351 paragraph 3 of the Criminal Code (Persecution causing death); Article 359 of the Criminal Code and Article 351 paragraph 1 of the Criminal Code (negligence resulting in death and persecution). The Public Prosecutor charged the defendant with a sentence of 12 years in prison and restitution of Rp. 263,673.00 to the heirs of the victim Dini Sera Afrianti. In the facts of the trial, the Panel of Judges was of the opinion that there was no action of Ronald Tannur intended to kill or take the life of another person, then the Panel of Judges decided to acquit the defendant and the charges and revealed that the defendant's actions were not legally and convincingly proven, so that the defendant was completely free from the charges of the Public Prosecutor. The Panel of Judges' consideration on the acquittal for the Defendant Gregorius Ronald Tannur had several factors, namely: Lack of strong evidence, In the trial, the judge said that the evidence presented by the Public Prosecutor (JPU) could not corroborate the existence of an action that directly caused the victim's death; There were no witnesses who witnessed the incident directly, there were no witnesses who directly saw the incident of persecution or acts of violence carried out by Ronald Tanur against the Early Victim of Sera; The cause of the victim's death is questionable, the judge considered that other factors that contributed to the victim's death, one of which was the consumption of large amounts of alcohol that could trigger health problems. The verdict given by the Panel of Judges has given rise to a significant debate about justice and legal certainty, mainly due to the neglect of very important evidence by setting aside the existing evidence, namely witness testimony, expert testimony and visum letters, where the judge believes and considers that the victim Dini Sera Afrianti died due to alcohol contained in the victim's stomach and blood and not due to violence committed by the defendant Gregorius Ronald Tannur.

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