



Legal Studies Related To The Vina Murder Case In Realizing A Just Law

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Abstract. This journal discusses the case of Vina's murder in Cirebon, which has been in the public spotlight because of its heartbreaking tragedy and demands for justice. This study uses a juridical-normative method with a case study approach to analyze the legal remedies in handling the case. The data used consisted of primary data, such as laws and regulations and court documents, and secondary data in legal literature and related articles. The analysis is carried out qualitatively with descriptive-analytical techniques, evaluating the effectiveness and fairness of the legal process applied and the protection of the rights of victims and witnesses. The study results show that there are irregularities in the investigation, including a lack of transparency and professionalism of law enforcement officials, which can damage public trust in the legal system. The journal recommends increased transparency in the investigation process and fair law enforcement to ensure justice for victims and suspects. The conclusion emphasizes the importance of objective and professional application of the law in every stage of the criminal justice process to achieve true justice.

Keywords: Vina's murder, investigation, legal system, justice.

INTRODUCTION

Fair law is a legal concept that emphasizes the principle of justice, where the law aims to provide certainty and order and guarantee that every individual gets fair rights and treatment. This concept is often associated with the principle of social justice, which requires the law to pay attention to each party's particular situation and conditions so that the decisions taken are under human values. A law that is just is orderly and without oppressing the human dignity of

every citizen of society, or in other words, a law that always serves the interests of justice, order, order, and peace to support the realization of a prosperous society born and inside (Yusuf, 2015).

The case of Vina's murder in Cirebon became one of the events that touched the hearts of many people and triggered widespread attention from the public. This tragic event began when Vina, a young woman who was well known to her surroundings, was found dead in a remote place in the Cirebon area. The discovery of Vina's body was carried out by residents, who were initially suspicious when they saw something unusual at the location. After approaching, they found the body of a woman in a terrible condition, which turned out to be Vina.

As soon as the body was found, residents reported this to the police. Shortly afterward, officers came to the scene and processed the crime scene. From the results of the initial investigation, the police confirmed that Vina died as a result of violence. The discovery sparked speculation among citizens and the media about who might have been involved in her death, as well as what happened to Vina before the horrific event happened.

Previously, Vina's family had reported that she had been missing for several days. Vina's disappearance worried her family and those closest to her until, finally, the report led to the discovery of her body. In further investigation, the police collected various pieces of evidence from around the crime scene, including footprints, belongings belonging to the victim, and other clues that could help uncover the perpetrator behind the murder.

After several days of intensive investigation, the police managed to identify a suspect who was strongly suspected of being involved in Vina's death. Based on the evidence found, including witness statements and digital data, the authorities arrested and secured the suspect. The investigation showed that the motive for this murder was related to personal problems between the victim and the perpetrator. It is known that the suspect felt hurt towards Vina, although full details regarding their relationship and the specific triggers were not fully revealed at that time.

The suspect's arrest brought this case to a more formal legal realm. The police compiled the case file and submitted it to the prosecutor's office to process the case further. With the evidence collected, the legal process is ongoing, and the suspect must be held accountable for his actions before the court. In the trial held, the judge, prosecutor, and victim's lawyer will

analyze in depth the suspect's statement, the evidence submitted, and the testimony of people who know about this incident.

Vina's murder case aroused the feelings of many parties, especially because she was the victim of a heartbreaking tragedy. The community demands justice for Vina, and public attention is focused on the ongoing legal process. This incident is also an essential reminder of the need to protect women and vulnerable groups. It emphasizes that law enforcement must be carried out firmly and fairly to realize justice for victims.

METHOD

This study uses a juridical-normative method with a case study approach, which aims to analyze the legal remedies carried out in the case of Vina's murder in Cirebon and its implications for the creation of legal justice. This approach relies on the analysis of laws and regulations, especially the Criminal Procedure Code (KUHAP), and the study of documents related to the case.

Juridical-Normative Approach

This research focuses on normative studies, namely analyzing relevant and applicable legal norms in handling the Vina murder case. The main data sources are laws and regulations, such as the Criminal Code, the Law on the Protection of Witnesses and Victims, and related legal literature that discusses criminal law enforcement procedures and the protection of the rights of victims and witnesses in the judicial process.

Data Collection

The data used in this study consists of two types, namely:

1. **Primary Data:** In the form of laws and regulations that regulate the mechanism of criminal law enforcement, and trial documents.
2. **Secondary Data:** This will include legal literature, academic journals, and news articles relevant to the Vina murder case and the legal process applied.

Data Analysis

The collected data was analyzed qualitatively, using descriptive-analytical analysis techniques. This process involves discussing how the stages in the Criminal Procedure Code are applied in handling the Vina case and evaluating the effectiveness and fairness of the legal remedies. This analysis will also see whether the rights of victims and witnesses have been optimally protected under applicable regulations.

Data Validation and Verification

The validity of the research is maintained by triangulation of data sources, namely comparing and verifying data obtained from various sources, such as laws and regulations, court documents, and academic literature. This is done to ensure that the study's results can provide a comprehensive and accurate picture of the legal remedies in this case.

DISCUSSION

Reporting is the first step in the criminal justice system regulated in Article 108 of the Criminal Code. Everyone who knows of a criminal act can report it to the authorities, such as the police or prosecutor. According to Journalists and Friends (2010), accurate and detailed reports are essential for effective investigation. In the case of Vina's murder, reports made by the victim's family or eyewitnesses played a crucial role in opening the investigation. The report submitted must include important information such as the time, place of the incident, the identity of the victim, the suspect, and preliminary evidence so that the investigation can run smoothly.

After receiving the report, the police investigated under Articles 102-138 of the Criminal Code. An investigation is a process of gathering evidence that is carried out objectively and professionally to ensure justice. Hiariej (2016) emphasizes that investigations must be free from external influences. Some crucial steps in the investigation include summoning witnesses, detaining suspects if necessary, and searching and confiscating evidence. Transparency in investigations is vital to avoid abuse of authority and corruption.

After the investigation is completed and sufficient evidence is collected, the case will proceed to the prosecution stage, regulated in Articles 137-144 of the Criminal Code. The Public Prosecutor (JPU) is tasked with assessing and reviewing the case files submitted by the police. According to Setiadi (2017), the prosecutor is responsible for ensuring that the evidence collected is strong enough to bring the case to court. Prosecution must be carried out transparently and accountably so that the legal process runs fairly.

After the prosecution stage, the case enters the trial stage, where the judge openly examines evidence and witness statements in accordance with Articles 145-196 of the Criminal Code. The trial is an arena where the principles of justice must be upheld. Damais (2018) emphasizes the importance of professionalism from all parties involved—judges, prosecutors, and lawyers. The evidence submitted must be examined carefully to ensure the verdict is genuinely fair. In the case of Vina's murder, the judge will examine every piece of evidence to ensure justice for all parties.

Suppose one of the parties is not satisfied with the court's decision. In that case, they can file further legal remedies such as appeal, cassation, or review (PK) as stipulated in Articles 233-269 of the Criminal Code. Marzuki (2019) said that this legal remedy is important to ensure that the court's decision reflects justice and truth. In this case, an appeal or cassation can be filed if there is an alleged mistake in the legal process.

In addition, the protection of witnesses and victims is also an important part of the criminal justice process. Based on Law Number 13 of 2006, witnesses and victims have the right to legal protection to give testimony without intimidation or threats. Syafrudin (2018) explained that this protection is important so that witnesses can testify freely, supporting efforts to achieve justice. This protection provides a sense of security to witnesses and victims in cases such as Vina's murder, which is crucial to ensure that the legal process runs fairly.

Non-Transparent Investigation Process

One of the irregularities that is often encountered in criminal cases, including murder, is the lack of transparency in investigations. In the case of Vina, there were questions from the public regarding whether the investigation was carried out correctly and professionally. Several aspects that must be considered in the investigation process include crime scene processing, forensic evidence collection, and witness interviews. This is supported in Article 7 paragraph (1) letter j of the Criminal Procedure Code, which regulates the obligation of investigators to carry out investigative actions to collect evidence and clarify criminal acts, Article 75 of the Criminal Procedure Code which states that the investigation must be notified to the suspect, and the suspect's family or other related parties are also entitled to information related to the investigation. Finally, the National Police Chief's Regulation No. 6 of 2019 concerning Criminal Investigation Management explains that investigations must be carried out objectively, transparently, and professionally. Investigators must ensure that all evidence is collected lawfully and ensure the integrity and credibility of the investigation.

An investigation process that is not transparent can create loopholes for evidence manipulation, neglect of important facts, or even violations of legal procedures. If the investigation in Vina's case is not carried out in accordance with applicable legal standards, this can weaken the evidence in the trial and potentially result in perpetrators who are not actually punished or innocent suspects who are turned into scapegoats.

In the murder process, transparency is crucial because the community and the victim's family have the right to know the development of the case. The lack of information regarding the

investigative steps carried out by the police can lead to suspicions that there is an attempt to cover up the facts or evidence.

Lack of Strong Evidence to Ensnare the Suspect

In every criminal case, especially murder, the evidence submitted by the public prosecutor (JPU) must meet strong legal standards to trap the suspect. In Vina's case, there are concerns that the evidence presented is not strong enough or is only based on witness statements without supporting physical evidence, such as fingerprints, DNA, or CCTV footage. Article 184 of the Criminal Code explains that valid evidence according to criminal law is witness statements, expert statements, letters, instructions, and the defendant's statements. The combination of this evidence must conclusively show the suspect's involvement in the crime. In addition, the testimony of witnesses cannot be used as the only concrete evidence, where the witness testimony must be strengthened with other evidence to be used as a basis for determining punishment for the suspect, such as the results of forensic examinations or autopsy results as regulated in Articles 185 & 186 of the Criminal Code.

In the normative juridical context, the lack of strong evidence linking the suspect to the crime of murder is a serious problem. If the proof relies on only one type of evidence (e.g. witness statements) in the absence of strong physical or forensic evidence, then this can weaken the case. This is contrary to the principle of *nulla poena sine lege* or no punishment without sufficient evidence.

In Vina's case, if physical or forensic evidence is not submitted or found, this will impact the judge's confidence in making a decision. Evidence that is not strong or irrelevant can lead to the release of the suspect, even if the suspect was actually involved in the crime.

Suspect's Human Rights Violation

In the law, it has been regulated regarding what rights are given to suspects to defend themselves, such as in Article 28D paragraph (1) of the 1945 Constitution, which guarantees the right of everyone to get fair treatment before the law and the correct legal process, Articles 50-51 of the Criminal Code which regulate the rights of suspects to know what is alleged against them, the right to self-defense, as well as the right to be accompanied by legal counsel, as well as Article 56 paragraph (1) of the Criminal Procedure Code which explains that in the event that a suspect is threatened with a criminal sentence of five years or more, he has the

right to be accompanied by a legal advisor since the investigation began. The suspect also has the right not to be forced to give information that incriminates him (*nemo tenetur).¹

Criminal procedure law clearly regulates suspects' rights in the investigation and arrest process. One of the irregularities often found in criminal cases is the violation of suspects' rights, such as interrogation without legal counsel, detention beyond the specified time limit, or even violent acts used to force suspects to confess.

If, in Vina's case, the suspect has violated his rights, such as not being given the opportunity to be accompanied by a lawyer during the interrogation process, or if there is an indication of the use of physical or mental violence in forcing a confession, then the confession is not valid according to the law. This kind of human rights violation is a serious irregularity that can abort the investigation's results and undermine the fair judicial process.

Furthermore, confessions given under pressure or coercion cannot be used as valid evidence in legal practice. If evidence of coercion is found, the investigators involved can be subject to criminal or administrative sanctions.

Manipulation or Removal of Evidence

In some criminal cases, including murder, there is the potential for manipulation or omission of evidence by interested parties to cover up the facts or protect the perpetrator. In Vina's case, if there is a suspicion that relevant evidence is missing or manipulated, this can affect the case's integrity and the investigation process's validity. Therefore, Article 216 of the Criminal Code regulates the prohibition of acts that obstruct the investigation process, including concealing or eliminating evidence related to criminal acts. Article 221 of the Criminal Code also regulates where anyone deliberately concealing or eliminating evidence can be subject to criminal penalties. This includes the manipulation or destruction of evidence related to criminal acts. Finally, in the Regulation of the National Police Chief No. 14 of 2012 concerning Investigation Management, it is stated that investigators are obliged to maintain the integrity and integrity of the evidence obtained during the investigation process.

If it is proven in this case that evidence has been omitted or manipulated, either by the investigator or by other parties, this will greatly damage the validity of the entire legal process.

¹ Luis E. Chiesa. *Beyond Torture: The Nemo Tenetur Principle In Borderline Cases*, (New York, Boston College Third World Law Journal, 2009) p. 35.

The manipulation of evidence directly violates the principle of justice and also harms victims and the public, who expect a clean judicial process.

Lack of Professionalism in Law Enforcement

The professionalism of law enforcement officials is one of the key components in carrying out a fair judicial process. In the case of Vina's murder, there was an allegation that there was a lack of professionalism in handling the case, both in terms of too long investigation time, incomplete investigation, and in the handling of evidence and witnesses. Article 7, paragraph (1) of the Criminal Procedure Code stipulates that investigators are obliged to perform their duties correctly and professionally and are responsible for the investigation's results. This is supported by Article 13 of Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, which explains that the police play a role in maintaining public security and order and ensuring professional and fair law enforcement. Law No. 48 of 2009 concerning judicial power states that judges in deciding cases must be based on applicable law and fair, without any influence from outsiders.

A lack of professionalism in law enforcement can lead to procedural errors that impact the case's final outcome. If unprofessionalism in handling Vina's case, such as delays in handling or negligence in collecting evidence, results in legal defects that have the potential to harm both the victim and the suspect.

Public Pressure and Media Influence

Cases that receive widespread attention from the public and the media often face public pressure that can potentially disrupt the independence of law enforcement officials. In the case of Vina, if there is an indication that pressure from the public or the media influences the decisions taken by investigators or judges, this will cause irregularities from the perspective of law enforcement. Article 27, paragraph (1) of the 1945 Constitution states that every citizen has the same position before the law. There should be no discrimination or pressure from outside parties in the judicial process. Article 8, paragraph (1) of the Criminal Procedure Code, states that the court must be free from outside influence and pressure as a justice enforcement institution.

Public pressure can make law enforcement officials act hastily or make decisions not based on strong evidence alone but to meet public demands. This is dangerous because the legal process should run without the influence of external factors that can affect independence and objectivity.

CONCLUSION

The conclusion of the discussion of the irregularities of the Vina murder case in Cirebon shows the importance of fair, transparent, and professional application of the law in every stage of the criminal justice process. Based on Article 108 of the Criminal Code, accurate and complete reporting is an important first step. However, in Vina's case, there were indications of a lack of transparency in the investigation, which sparked public concern. In accordance with the Regulation of the National Police Chief No. 6 of 2019, the investigation must be objective and professional, but irregularities in the processing of crime scenes and the collection of evidence raise questions related to the investigation's credibility.

In addition, the lack of physical evidence, such as DNA or CCTV footage that corroborates witness statements, can weaken the legal position of this case, by Article 184 of the Criminal Code. Insufficient evidence will make it difficult for law enforcement to determine justice. Potential violations of the rights of suspects are also a concern, where suspects may not be accompanied by legal counsel during interrogation, violating Articles 50-51 of the Criminal Code.

Manipulation or omission of evidence is another irregularity that often occurs in major cases, and it is regulated in Articles 216 and 221 of the Criminal Code. If evidence is lost or manipulated, it can undermine the justice process. In addition, the lack of professionalism of law enforcement officials in handling this case, such as the slow investigation, can damage public trust in the legal system.

Public pressure and media influence also have the potential to influence law enforcement decisions, which can lead to unfair judicial processes. Based on the normative juridical research method, every stage of the judicial process must be carried out in accordance with the law so that justice for victims and suspects can be achieved without any external influences. Without improvement, these irregularities will damage the integrity and public trust in the legal system.

SUGGESTION

From the discussion of the irregularities in the case of Vina's murder in Cirebon, several suggestions can be put forward to improve the integrity and transparency of the criminal justice system:

1. Increase Transparency in Investigations

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The investigation process must be more open and accessible to the public, especially for the victims' families. The National Police must implement better transparency standards in accordance with the National Police Chief's Regulation No. 6 of 2019, ensuring that every step of the investigation, from crime scene processing to summoning witnesses, is carried out accurately and professionally, and is reported in detail to the relevant parties.

2. Strengthening External Supervision

Stricter supervision is needed from independent external institutions such as the National Police Commission (Kopolnas) or other supervisory agencies to ensure that there is no manipulation or abuse of authority by law enforcement officials in investigations, prosecutions, and trials.

3. Improving the Quality of Evidence Collection

There is a need for further training for investigators and law enforcement officials related to forensic evidence collection techniques and modern technology, so that the evidence submitted does not only depend on witness statements, but is also supported by stronger physical evidence, such as DNA or CCTV footage, in accordance with the provisions of Article 184 of the Criminal Code.

4. Protection of Suspect and Victim Rights

The police must better respect the rights of suspects, especially in terms of assisting legal counsel during the investigation and interrogation process. Acts of violence or coercion against suspects must be avoided to maintain the integrity of the judicial process and avoid human rights violations, under Articles 50-51 of the Criminal Code and Article 56 of the Criminal Code.

5. Increasing the Professionalism of Law Enforcement Officials

Law enforcement officials need to improve professionalism in carrying out their duties, especially in handling major cases that receive public attention. Continuous training and stricter enforcement of the code of ethics can help reduce errors or omissions in handling cases, by Article 7 paragraph (1) of the Criminal Code and Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia.

6. Handling Public and Media Pressure

Law enforcement officials must maintain independence and objectivity in carrying out their duties despite pressure from the public or the media. The media and the public must continue to have access to the correct information, but without interfering with the ongoing

legal process, by the principle of court independence in Article 8 paragraph (1) of the Criminal Code.

7. By implementing these suggestions, it is hoped that the judicial process can run more fairly, transparently, and accountably so that justice can be upheld for both victims and suspects in the Vina murder case and other cases.

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