

## **COMPARISON OF THE ELIMINATOR OF THE STATUTE OF PREMEDITATED MURDER IN THE INDONESIAN AND GERMAN CRIMINAL LEGAL SYSTEMS**

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### *Abstract*

*Expiration in law criminal is a restrictive instrument that states the authority of the state to demand the perpetrator's action after a certain term, which is justified on the basis of certainty and the efficiency of law enforcement. However, its implementation of premeditated murder causes problematic issues in perspective, justice, and protection of the victim's rights. Under the system law, Indonesian criminal law remains in effect, with a maximum penalty of 20 years, as provided in Constitution Number 1 of 2023. In contrast, German criminal law has been deleted and is no longer applicable to murder premeditated with a confirmed characteristic crime, as it cannot fall by time (imprescriptible). Research: This use method is juridical-normative, employing a conceptual, regulatory-legislative, and comparative approach to analyze differences. The results of the study show that arrangements in Indonesia are more certainty-oriented than formal law. At the same time, Germany emphasizes substantive justice and the protection of fundamental rights, including the right to life. Implementation fell short of its crime-prevention potential, hindering access to justice and openness, leading to impunity. Moreover, in the context of development, modern forensic technology can reveal crimes over time. Therefore, it is necessary to reorient the policy and law of Indonesian criminal law towards the deletion of the expired murder premeditated.*

**Keywords:** *Expiration; Premeditated Murder; Comparative Law*

### **INTRODUCTION**

In every civilization, premeditated murder always becomes the darkest evil that leaves behind wounds social, moral, and psychological for the victim's family and society. Time passes. Once, truly delete the impact of disappearance. One life consequence, careful planning, and will evil deeds be done in a way aware. Although the law is positive, it often imposes temporal limitations through the expiration of the draft, so that the perpetrator's prosecution can fall only because of the passage of time. In Indonesia, through the Criminal Code, which is still rooted in traditional colonial law, maintaining provisions that make

murder premeditated are still bound by a time limit for prosecution.

In a way, the concept of Expired (verjährung) is a fundamental principle in criminal law that regulates the end-state authority to demand and execute criminal consequences after a certain time has elapsed since the criminal action was committed. This principle aims to create certainty of law (rechtszekerheid) and prevent prolonged legal processes in which evidence may be missing, and witnesses may be unavailable. No, again, remember the incident clearly. (Ashworth & Horder, 2013) . However, its application to criminal acts, specifically murder, premeditation, cause, dilemma, law, and a deep sense of justice in society.



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Enforcement expired on crimes involving robbery, life in a systematic and planned way, often perceived as a form of impunity that denies the rights of victims and families to get justice.

In the system law of Indonesia, the basic law of criminal prosecution is arranged in Articles 78 to 83 of the Criminal Code (KUHP). For the crime of premeditated murder, as regulated in Article 340 of the Criminal Code, the perpetrator is threatened with a criminal death sentence or a life imprisonment term, or a term of a maximum of twenty years. If the term expires, the perpetrator's prosecution is 18 years, as regulated in Article 78, paragraph (1). This means that if, in a period of 18 years since the crime was committed, prosecution has not yet started, the state's right to demand is stated as extinct (Moeljatno, 2021). In reality, time limitations are prone to cause injustice, especially in cases of high complexity, involving power, or where the perpetrator succeeds in systematically hiding or hindering investigation (Lengkong, 2024).

along with the implementation of the National Criminal Code under Constitution Number 1 of 2023, regulations on the updating of substantial criminal prosecution experience. Provisions about expired No Again solely referring to Articles 78 to 85 of the old Criminal Code, but arranged systematically in Articles 132 to 143 of Law No. 1 of 2023. For action, the criminal penalties that are threatened with criminal death or criminal prison for life, including murder premeditated, the new Criminal Code sets a term of twenty years for prosecution, as arranged in Article 136 paragraph (1) letter e Law no. 1 of 2023.

In addition, during term time for two years, they can view more natural cosmetics (cosmetic reform) than structural, because no touch root problem about how system law criminal face action criminals who have a level of seriousness as well as often difficult to reveal in a short time, such as murder premeditated. In practice, many cases of crime remain serious, and new cases can be revealed years later. Due to limitations in technology and investigations into the past, there are structural obstacles in the investigation process, as well as new tools that are only discovered in later days.

Problems expired. No stop at the level of concept, but rather at the level of reality, reflected in concrete cases that shake the public's sense of justice. One of the most highlighted cases of tragic impact is the case of the murder of human rights activist Munir Said Thalib. Munir died as a result of poisoning with arsenic in Garuda Indonesia flight to Amsterdam on September 7, 2004. Handling a very long and complex case involving suspicious actors, influential figures, and various obstacles in the investigation process. If the incident is positioned as a premeditated criminal murder, as arranged in Article 340 of the Criminal Code, then the threat expires prosecution during eight to twelve years, becoming a real risk that can abort the enforcement process law before the perpetrator succeeds in revealing. (Sukma Kanthi Conscience, 2024) . Condition: This shows that expired potential becomes mechanisms that do not directly allow impunity in cases of serious crime.

A phenomenon similar to this also appears in the case of Murder Marsinah, a laborer (1993). Marsinah, an activist

laborer woman, was found dead after experiencing torture and heavy post-action strike work in Sidoarjo. Although from the beginning, there is an indication of the involvement of officers and perpetrators in a strong, structured position, the judicial process precisely colors engineering cases and criminalizes parties who are not relevant. The Supreme Court later acquitted the defendants because no valid and convincing evidence was provided that once touched the intellect behind the murder. Until now, a failed state has been held accountable for the real crime. In the context of this validity having expired, the prosecution functions as a mechanism of structural impunity, because, in a way, juridically, there is a close possibility of returning the case to the criminal court. However, the case is a social fact, and evidence is new. Keep going, emerging. Several studies confirm that Marsinah's case reflects a failure of the Indonesian criminal law system in protecting the right to life. The rights of crime victims are heavy, and at the same time show that the death penalty is not always in harmony with objective modern criminalization that emphasizes substantive justice and human rights protection (Ilham, 2025). The problem of expiration also looms over settlement cases past gross human rights violations, such as the events of 1965–1966, the May 1998 Tragedy, and the practice of forced disappearances of people. Although in a way, international law considers international crimes as crimes against humanity that are not known to have expired, in practice, Indonesian national law, which is out of date, remains a latent obstacle to effective prosecution.

In criminal law discourse, the issue of expired prosecutions raises a tension between two fundamental principles, viz., legal certainty and substantive justice. In one side, expiration is formed to ensure certainty of the law with a limited state authority to prosecute after a certain term, so that an individual is not in danger of prosecution without a time limit. Principle: this is also related to practical issues, such as the possibility of tool evidence disappearing, weakening the power of witness testimony, and the need for a stable guard system in criminal justice. (Andini, Shodiq, & Asyisyifa, 2025).

In this context, the study of comparative laws becomes very important for identifying alternative policies of justice. Germany offers a perspective relevant to progress. Post World War II and the rise of consciousness on the cruelty of the Nazi regime, Germany carried out fundamental reforms to rule expired. Initially, murder (*Mord*) in Germany also had an expiration date. However, through debate, the philosophical law of murder was removed from the rule, and the rule was repealed by amendment legislation in 1979 (Werle & Jessberger, 2020). The legal basis is now laid out in 78 Paragraph (2) Strafgesetzbuch (StGB – German Criminal Code), which states that prosecution for threatened crimes with criminal prison for life, like murder, no longer expires. Policy: This is based on the thought that very serious crimes are beyond the interest of the individual perpetrator. For the sake of certainty, the law. Here is the general interest in revealing the truth, restoring justice, and

maintaining the collective. Far more important. (Roxin & Greco, 1992).

Germany was chosen as a comparison country because the Indonesian legal system, as part of the tradition of civil law, shares the same roots with the German legal system through the influence of Dutch law. Relationship historical: This makes comparison an apples-to-apples nature, so that analysis of policy expired in Germany can serve as a gauge for relevant measurement in evaluating the effectiveness and rationality of provision in Constitution Number 1 of 2023 concerning the Criminal Code, in particular related to the criminal action of premeditated murder.

Several studies have previously analyzed the institutions' statutes of limitations in the Indonesian criminal law system. As Rudy Antow, in his article published in *Lex Crimen*, discusses how expired delete authority demand in case of criminal murder in Indonesia. Research this to describe the base law expired in *Wetboek van Strafrecht (KUHP)*, as well as how the authority of prosecution for criminal murder can be deleted after a certain period of time (depending on the threat of the criminal in Article 78 jo. Article 338 of the Criminal Code). However, the study is limited to aspects of explanation in normative terms and conditions, discussed in more depth in philosophical and substantive justice, and in criminal justice. (Antow, 2019).

Other relevant research, although it does not discuss murder premeditated directly, focuses on the prosecution in a more contextual context, widespread in Indonesia and other countries. An article in *Juridica: Journal Faculty of Law,*

*Gunung University Rinjani* examines the position of expired prosecution in the system of Indonesian and Malaysian criminal law, found that even though Indonesia still applies a time limit up to 20 years, even For crime heavy like murder, Malaysia, adhering to common law tradition does not know the time limit prosecution For action criminal weight. Comparison. This reveals the existence of tension between certainty law and substantive justice in the arrangement expired, but the study. This has no link in a way explicit with draft victim protection or justification deep philosophy. (Yuni Ristanti, 2025).

As for the study comparison cross-country available in the literature international, such as an academic article academic Martin Clausnitzer in *the International and Comparative Law Quarterly*, points out How system German law once had a time limit prosecution For murder, but Then delete provision This in total for prevent perpetrator crime Serious like the Nazis still got away with it accountability under the law. This shows a base academic historical-related philosophy of inprescriptibility for crime, certain. However, the article is more natural, historical, and comparative, without a direct link to legal reform in other contemporary countries (Clausnitzer, 1980).

Based on the condition said, research on a specific aim for study relevance and rationality enforcement led to the action of criminal murder premeditated in the system of Indonesian criminal law. In addition, research does a comparison with the system law of German criminals who have been sentenced for premeditated

murder to find a philosophical, juridical, and practical background for policy. Through a comparative approach to law research, this is expected to enable the formulation of a policy recommendation that is more criminal-oriented towards victim protection, prevention of impunity, and enforcement of substantive justice, without ignoring the principles of the rule of law.

## **RESEARCH METHODS**

Study this use of the approach juridical-normative, with a focus on the analysis of legal norms, positive doctrine, and principles relevant to criminal law, to issue an expired action for premeditated criminal murder. Research was done through three approaches. First, the approach is conceptual, namely examining ideas and thoughts about criminal law rationality, as well as his position in the modern legal system. Second, the approach to regulation legislation reviews the old Criminal Code (Wetboek van Strafrecht) and the new Criminal Code (Law No. 1 of 2023) to analyze the orientation of change in response to victim protection and the administration of justice. Third, the approach is comparable to the system of German law that has deleted the death penalty for murder since the 1979 reforms to evaluate the differences in philosophical, purpose criminalization, and consideration of criminal-political background policy. (M. Marzuki, 2017)

Research data sources consist of primary material, such as Indonesian and German legislation, as well as secondary material, in the form of books, articles, journals, and expert opinions. Data collection was carried out through library

research in general, systematic studies, whereas data analysis was carried out in a qualitative way through grammatical, systematic, and teleological interpretation. To produce comprehensive argumentation about the urgency of the deletion of expired criminal murder premeditated action.

## **RESULTS AND DISCUSSION**

### **1. Arrangement Expiration To Crime of Murder Premeditated in Indonesian and German Criminal Law**

Expiration (*verjährung*) in Indonesian criminal law is an institution that limits the state's right to initiate or pursue criminal proceedings after a certain period has elapsed. According to Satochid Kartanegara, expired is something condition if someone at a time moment do crime or violation, will but towards that person No quick done prosecution, therefore crime (act) criminal not yet known or the person run self, then if moment do crime or violation That has past several time as determined term time by law, then to suspect No can done prosecution Again Because authority For stage prosecution That has been deleted. (Kartanegara, 1965) .

Draft expired in Language English, often called a "statute of limitations," namely something related to matters with a set deadline for demanding or judging a criminal action. This is aimed at ensuring the certainty of the law and that criminal actions can be tried in a reasonable time after the incident. The old Criminal Code and the new Criminal Code (Law Number 1 of 2023) recognize 2 types of expired criminal cases: those that expired due to

demand and those that expired due to the imposition of punishment.

Expiration of criminal prosecution limits the term of a criminal action to a set time. In doctrine, the intent was to provide certainty in the law, prevent prolonged uncertainty for suspected individuals, and encourage countries to enforce the law promptly and efficiently. (Ali, 2022) . Another thing that underlies the expired as reasons for aborting criminal prosecution is associated with the human ability to remember, and the circumstances nature allows , instruction tool, proof disappeared, or no own mark, for law proof. Memory man: Good as a defendant and as a witness; often no capable of describing return events that have occurred; happen in the future, then. The materials needed in case of the more difficult situations, for being accountable for damage caused by other things (Poernomo, 1990) .

In the system of law in Indonesian criminal law, expiration is known in two forms: expired prosecution and the statute of limitations for criminal cases. Expired prosecution criminal related to delete it; state authority to prosecute the perpetrator; criminal action before the existence of a court of competent jurisdiction; law still. Meanwhile, the expired journey criminal related to the deletion of the state authority to carry out crimes that the court has imposed after the past term time, for a certain period. (Barda Nawawi Arief, 2016) . Arrangement about expired prosecution in the old Criminal Code (KUHP) is regulated in Article 78 and Article 79. Article 78 of the Criminal Code states that the state authority to demand something of the criminal develops a disability after

a certain period of time, specified by the severity of the threat to the criminal. The heavier the threat of criminal acts regulated by law, the longer the grace period is, and the longer the expiration date given to the state to prosecute. Arrangements reflect the principle of proportionality in law, which states that the seriousness of a crime influences the time given to the state to enforce the law. (Moeljatno, 2021) .

Article 79 of the Criminal Code, hereinafter, sets out the moment when the calculation period for prosecuting a criminal case expires. In general, the expiration date is counted from the day after the criminal action is done. However, there are several exceptions to the principle, especially in criminal cases, which may result in certain consequences . The law does not necessarily apply to new situations that can only be known after an incident has occurred. Settings: This is intended to ensure that perpetrators do not profit from hidden action crimes committed.

In the latest development, provisions regarding expired prosecutions are also regulated in Constitution Number 1 of 2023, which concerns the new Criminal Code. Article 136, paragraph (1), of the law confirms that the state authority's power to prosecute and impose criminal penalties is removed if it has exceeded a certain grace period, as specified, based on the threat of criminal action against the criminal in question. In the system, these act as criminal penalties that are threatened with the most severe criminal penalties, including criminal prison for a lifetime, or criminal death. The grace period expires after the longest

prosecution period, namely, twenty years (Republic of Indonesia, 2023).

Furthermore, Article 137 of Law Number 1 of 2023 regulates the moment when the calculation period for the beginning of the term ends. Expired counted since the next day after the criminal action is done. However, as in the case in point in the old Criminal Code, the new law also provides an exception to criminal action with certain consequences; the new law applies after an incident has occurred. Settings expired in law Indonesian criminal law is not only related to the state's interests in demanding the perpetrator's criminal action, but also has implications for the victim's rights in seeking justice. In perspective, the basic human victims of crime are criminals in their own right. For get protection, law, and access to justice (access to justice). If the law is not implemented for very serious crimes like murder, premeditated, there is a possibility that the victim or the families of the victims will lose their chance to get justice only because of the time limitations determined by law. (Principles, 2005) .

In addition to the expiration prosecution, Indonesian criminal law also recognizes the expired-journey criminal, namely the person who has lost the state authority to carry out crimes imposed by the court after the expiration of a certain term. In the old Criminal Code, the provisions were arranged in Articles 84 and 85. Article 84 determines that the state's authority to operate criminal cases expires after the past grace period, calculated based on the type of criminal action, penalties, and the duration of the sentence imposed (Bawole, 2016) In the

new Criminal Code, the regulations regarding the expired journey criminal are set out in Articles 142 and 143 of Law No. 1 of 2023. Article 142 stipulates that the authority's implementation of criminal cases falls after the past term, at the same time as the expired prosecution, plus one-third of the said time. The provisions demonstrate the continuity and systematic continuity between the expired prosecution and the implementation of the statute of limitations in criminal law in Indonesia. Criminal Code (Republic of Indonesia, 2023) .

Unlike the system of law in Indonesia, the German system of law arranges murder planned (Mord) in § 211 Strafgesetzbuch (StGB). Act criminal: This distinguished it from the usual murder (Totschlag) because of the presence of special elements, such as a very despicable motive (niedrige Beweggründe), a cruel execution, or specific instrumental goals, such as the cover action of others. crimes (Ambos, 2019) . Because of the seriousness of the case, German criminal law stipulates that prosecution for the crime of Mord No Once is barred because the case has expired. Terms. This is confirmed in § 78 paragraph (2) StGB, which states that a crime according to § 211 StGB is not subject to expiration prosecution. (Fischer, Schwarz, Dreher, & Tröndle, 2020) .

Deletion of the crime of murder is premeditated in German criminal law, which is not only based on technical considerations of criminal law but also on strong philosophical and constitutional grounds. In the system of post-World War II German law, the principle of human dignity (Menschenwürde), as regulated in

Article 1 of the Grundgesetz, is established as a mark of constitutional law, the highest to be protected by the state. Therefore, the violation of the right to life through premeditated murder is viewed as a crime that cannot be deleted from their responsibility, no matter how much time passes.

In addition, the policy of premeditated murder is also influenced by the experience of German history in the face of crimes committed by the National Socialist regime during World War II. In the 1960s and 1970s, intense public debate emerged about the possibility of an expiration date for crimes, murders, and mass killings carried out during that period. The debate. This raises concern that the expired will function as a form of veiled amnesty (kalte Amnesty) for perpetrators of serious crimes. Pressure from public civilians and groups, academics, then pushed for a change in policy, law, and criminal offenses that ultimately produced a decision in 1979 to delete the requirement for premeditation in murder cases. (Friedrich, 2005).

## **2. Comparison and Implications of Criminal Law for Murder Premeditated in Indonesia and Germany**

The difference in arrangements, expired actions, and criminal murder between Indonesia and Germany basically reflects differences in orientation, marks of law, and historical experiences in each system of law. Indonesia, good in the old Criminal Code (Article 78 of the Criminal Code) and the New Criminal Code (Article 136 of Law No. 1 of 2023), maintaining the time limit expired until maximum 20 years For crime heavy, reflecting trend system Indonesian law for

make the time limit expire as a deadline procedural for certainty legal *certainty* and stability enforcement law in time certain. (Kaligis, 2018) . Meanwhile, in German law provisions, the statute of limitations is arranged in § 78 StGB, Mord (murder), with its characteristic features, is specifically excluded from expiration. The same applies because of its nature as deeds that show “Vorsatz ” and inherent evil, such as an appearance, so that time is not capable of deleting substantive errors. (Clausnitzer, 1980) .

Difference: This is solely a technical difference, but related to a choice of normative (legal ideology) system of law. In the German tradition, there are confessions that for crimes outside the norm, especially murder, with characteristic features specifically threatening fundamental values of rights, basic human imprescriptibility, or imprescriptibilité, is a form of commitment to justice, substantive that is not just equalizing the rights of the defendant with the interests of the public, but also paying attention to victims' rights and values, protecting life as a mark of the highest. On the contrary, the arrangement in Indonesia is more influenced by pragmatism, the enforcement of laws and traditions, and the codification of civil law, which still prioritizes certain laws and limitations on enforcement while aiming to prevent demands that exceed the term limits set out in the Constitution.

However If something action criminal murder happen before the New Criminal Code comes into effect and the trial new ongoing after the enactment of the New Criminal Code (2026), in context principle transitional period as regulated

in Article 3 of Law No. 1 of 2023 is enforced principle *lex favor reo*, the principle of Lex Favor Reo is determining principle its validity something rule law criminal in matter occurrence change regulation legislation. In our old Criminal Code, we can look at Article 1, paragraph (2), which explains that " If, after actions done, there is a change in legislation, then apply the most lenient rule for the *defendant*. " The provisions have the meaning that when a change in legislation occurs after actions are taken, then the most favorable terms for the accused are used. With the chapter, the provision in force changed, becoming lighter between the moment of occurrence and the time of court. Still, the characteristic expired is draft-related, substantive, with victims' rights and interests more public and wide.

On the side, access to justice restrictions time expiration in Indonesia has the potential to hinder victims' constitutional rights to access justice, because state authority to demand ends in a way that is normative after the term ends. However, losses and impacts on the psychosocial status of the victim remain. (Lengkong, 2024) . In perspective, law, humanistic criminal law, and rights: basic human rights, access to justice for victims, including the right to protection, proper laws, and efforts to repair material and immaterial loss as it should be, not just depending on the formal deadline.

In a way, synthesis: the differences between Indonesia and Germany show two orientations. Law in Germany emphasizes imprescriptibility for substantive justice. At the same time, Indonesia maintains the rule of law and pragmatism in bureaucratic enforcement, both of which have their own

consequences for victims' rights and criminal enforcement.

### **3. Urgency Deletion Expiration Crime of Premeditated Murder in Indonesian Criminal Law in the Future**

The existence of institutions in Indonesian criminal law is an inheritance from the paradigm of classic criminal law that emphasizes certainty and formal law (*rechtszekerheid*). "Expired" is understood as a mechanism of restriction that limits the authority to demand or carry out criminal prosecution after a certain period, so that the prosecution can fall, including for serious crimes such as premeditated murder. Terms expired. This is arranged in Article 78 of the Criminal Code, which states that authority prosecution is removed if the perpetrator has not been sued within a certain time period based on a criminal threat in the Criminal Code, so that the expiration can abort authority prosecution. However, proof of substance remains. (Antow, 2019)

First, expiration No. Again, in accordance with character, modern crimes are increasingly complex, organized, and systematic. Crime-heavy mature. This often involves conspiracy, long-term planning, and the ability to hide his identity for many years. In the context of this provision, it expired precisely functioning as a haven that allows the perpetrator to escape accountability. No, because the proof is weak in a substantive way, but rather solely- because of mere temporal factors. Paradox: This shows a mismatch between objective law, modern criminal law, and restrictions on prosecution based solely on the passage of time.

Second, the review comparison shows that several jurisdictions have deleted expired murder cases to maintain their country's authority over time. In the system of German law, for example, the prosecution for murder was deleted firmly through the Strafgesetzbuch reform in 1979, so that murder is, in principle, unverjährbar (no can expire) and can be prosecuted. However, it has been decades since. Approach: This is born from the confession that violations of fundamental rights, such as the right to life, may not be subject to temporal restrictions.

Third, from the perspective of basic human rights (HAM), the abolition of the death penalty has become an absolute condition for countries in transition toward a healthy democracy. To avoid the legacy of “debt of justice ” left behind for the victims and their families. Expired potential violates the victim's rights to justice, truth, and restoration, and is contrary to the principle of non-impunity, which is the foundation of modern human rights against crime. In addition, expired discrimination laws create a situation where perpetrators of crimes are often caught and tried more quickly. In contrast, perpetrators of major crimes who have the power and resources can evade capture until the expiration date is reached, giving them freedom in a way that is not fair to those who are most capable of hiding.

Fourth, rapid developments in knowledge and technology have changed the ability in system-justly handle past matters system-justly through the Scientific Crime Investigation (SCI) approach. SCI is a method of investigation based on knowledge that uses scientific techniques, such as laboratory forensics, DNA analysis,

digital forensics, and method identification. For discovering, developing, and strengthening evidence, including in difficult cases,- it involves conventional methods. SCI implementation is seen as an effort to objectively and accurately reveal factual material, so that obstacles can be overcome and consequences achieved over time. Again, this can be developed into a strong philosophy to uphold accountability for crimes. SCI has been recognized in literature as a basis for proof, systematic and scientific, accountable in a way, law in action, criminal heavy, like murder (Stage et al., 2026) .

Fifth, technological advances in forensic science, such as DNA profiling, have proven to be probative in resolving old cases in various jurisdictions. DNA profiles can identify perpetrators with high accuracy, even if the incident happened dozens of years previously, and have become a key tool in trials. This shows that proof certain nature immortal or No timeless, so that doctrine classic support expired, because proof physique easy to damage. Already No Again relevant in the modern era. Several studies on forensic and SCI applications confirm that scientific evidence, such as DNA, has increased the effectiveness of criminal disclosure actions in a significant way.

Based on philosophical considerations, human rights, development, knowledge, and technology, as well as scientific evidence, there is a need to update Indonesian criminal law. Elimination. This is not just a normative reform, but a strategic step to ensure the country upholds the law in a way

consistent with the most serious and detrimental crimes and fundamental human values.

## **CONCLUSION**

1. The difference in the approach to law between Indonesia and Germany confirms the orientation of different values in the arrangement of criminal murder planning. Indonesian criminal law maintains an expiration period of up to 20 years as a procedural deadline that emphasizes certainty in law and pragmatic enforcement of laws, while German law abolishes the expiration period for premeditated murder. It upholds justice as a substantive, respectful principle of imprescriptibility and protects the right to life as a fundamental value. Differences reflect the choice, normative, and experiential history of each country in balancing the interests of the defendant, the victim, and the public.
2. Expiration in law, a potential Indonesian criminal, hinders victims' rights to access justice due to time limits, which can stop prosecution, although substantive proof is available. Situation: This causes substantive injustice, especially for crime victims who are heavily affected, because the perpetrator, who can avoid legal process, can escape only because of temporal factors. This is a cause of a paradox between objective criminal law and procedural time limitations.
3. Urgency deletion expired for action criminal heavy, especially murder premeditated, increasingly urgent. Complexity in modern crime,

principles of right basic humans, and progress in technology, such as DNA profiling and Scientific Crime Investigation (SCI), allow disclosure and proof of old cases in a general, objective, and accurate manner. With this, the deletion expired. Not only normative reform, but also strategic steps are needed to ensure accountability of perpetrators, protect victims' rights, and improve the effectiveness of the justice system in Indonesian criminal law in the modern era.

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