

THE PERFECT CRIME

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Just as in health sciences there is a term well known as "*4 sehat 5 sempurna*" (4 healthy and 5 perfect), so in criminology there are four elements of crime plus a fifth so that it becomes a perfect crime. The four elements of a crime are: (1) motive, (2) plan, (3) perpetrator of the crime and (4) witnesses and/or evidence, as well as an alibi or even a scapegoat which makes it a perfect crime. A perfect crime is usually difficult to bring to justice. Even if it is brought to court, in the end the defendant is forced to be released, or the case is considered null and void.

Recently, many have accused the general election organizers and/or (one of) the participants, of committing structured, systematic and massive fraud (TSM) with the support of government (officials). The parliament has even attempted to roll out a right of inquiry to investigate the fraud. Even if the right of inquiry is rolled out, it will not necessarily produce sufficient evidence to bring this fraud case to criminal court. But at least there is still hope for that, although of course it will be very difficult, especially if the fraud is committed as a perfect crime.

The party who submits this fraud to the criminal court must be able to show 4 (four) criminal elements to make it an "ordinary" crime which is not a perfect crime. If not, especially if the accused party manages to obtain an alibi that does not allow him to commit the alleged fraud, then the fraud will be a perfect crime, which is almost the same as no crime. At most, a perfect crime will only become political "rumor", but can never actually be presented as a legal case so that truth and justice can be upheld.

For example, the first element, namely the motive element. The motive of the party who cheats is to want to win even though they actually lose. This motive by itself is non-existent or difficult to show, if the party accused of cheating actually won. So the party claiming fraud must first show that the party alleged to have cheated lost, so that there was a motive to cheat. If you've won, why cheat?

The second element is the planning element. The party making the accusation must be able to show that the fraud was planned from the start, especially if the accusation is that TSM cheated, which is impossible without planning. Whether or not this planning existed can not only be put forward before

the court as a guess or assumption, but "physical" evidence must be shown, so that it is clear who carried out the planning and how. The third element, namely the perpetrator of the crime in the form of fraud, must be clear as a legal subject, whether it is an individual person, or a group, or a legal institution, for example an organization or agency, when, where and how the crime of fraud occurred in detail. All of this must be supported by valid material evidence, as well as witnesses, both ordinary witnesses and expert witnesses who are willing to testify under oath. If these four elements cannot be obtained by investigators, coupled with the existence of an alibi that does not allow the suspect to commit the alleged crime, then this case will most likely fail in pre-trial, or even be cancelled by the public prosecutor.

If fraud in the general election is a perfect crime, then it can never be filed as a criminal case, so it must be considered as never legally existing. Politically, of course, the issue is different.