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Juridical and Medico-Legal Analysis of Infanticide under the Indonesian Penal Code

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ABSTRACT – This research discusses the crime of infant homicide in the Indonesian criminal law system based on the Criminal Code and Law Number 1 of 2023 concerning the Criminal Code. The primary focus of the research is analyzing the normative regulation of infant homicide, the application of forensic medical science in determining the time and living status of the infant, the determination of time limits and victim age boundaries, and the legal implications of distinguishing infant homicide from other related crimes. This normative legal research utilizes statutory, conceptual, and case approaches with primary and secondary legal materials analyzed qualitatively. The research results indicate that infant homicide is regulated as a lex specialis with specific elements that distinguish it from ordinary murder. The interpretation of the time element and the living status of the infant requires a forensic medical science approach, which serves as an important instrument in evidentiary proof. The unclarity of time limits and the term "child" in the formulation of the offense creates legal uncertainty. The distinction in qualifications between infant homicide, abortion, and ordinary murder carries significant criminal consequences. This research recommends the formulation of technical guidelines and the strengthening of synergy between the legal profession and forensic medicine.

Keywords: infanticide, forensic medicine, evidence, elements of an offence, criminal law.

A. INTRODUCTION

The crime of infanticide occupies a distinctive position within the criminal justice system, since it combines elements of offenses against life with the specific psychological condition experienced by the perpetrator. This distinctiveness is reflected in the separate regulation provided by the legislature, which sets this offense apart from ordinary murder. Such differential treatment rests on the consideration that the perpetrator acts under psychological distress caused by fear of being discovered to have given birth outside marriage or under unwanted circumstances. This psychological condition becomes an aggravating factor that instead mitigates the punishment, showing that criminal law is not purely repressive but also weighs humanitarian aspects (Daulay et al., 2023). The social stigma attached to mothers who give birth outside marriage often intensifies this pressure, since prevailing stereotypes tend to restrict acceptance from those around them (Sajjapong et al., 2022), and the stigma reaching the perpetrator's family shows that legal protection cannot stop at the individual alone (Zahid et al., 2022). This special arrangement has long been recognized in the Indonesian criminal justice system and continues to be maintained through the reform of national criminal law.

The ideal condition expected from the regulation of infanticide is clear legal certainty concerning the elements of the offense, the time limits for its commission, and a firm distinction from related offenses. Such certainty is needed so that law enforcement proceeds fairly and consistently, without raising doubt among either officials or the public. Interpretation of the elements of infanticide should be applied uniformly so that no striking disparities appear across court decisions. Consistency of this kind is more likely when judges and law enforcement officers build a shared frame of reference, as uniform learning among legal actors tends to yield steadier application of the law (Kurniawan & Darmawan, 2021), and it becomes even more attainable when legal certainty is formulated with attention to prevailing local values (Mardikaningsih & Darmawan, 2023). A thorough understanding of the time limit "at the time of or shortly after birth" should likewise be shared by all parties involved in the criminal justice process. This ideal condition can only be reached once criminal law and forensic medicine work together effectively in proving infanticide cases.

Interpretation of the elements of infanticide often gives rise to differing opinions among academics and legal practitioners, particularly regarding the time limit "shortly after birth," which is not explicitly defined by law. This vagueness carries the risk of injustice, since an act that should be qualified as infanticide may instead be treated as ordinary murder, or vice versa. This difference in qualification produces very different criminal consequences, given that the threat of punishment for ordinary murder is far heavier than for infanticide. Disputes of this kind are not isolated; controversy surrounding related exceptions in Indonesian criminal law has likewise shown how differing legal interpretations can produce inconsistent outcomes for comparable cases (Saputra et al., 2023). This gap shows that normative regulation has not yet offered adequate guidance for law enforcement officials handling infanticide cases.

The main problem lies in the lack of clarity in the normative regulation of infanticide within the Indonesian criminal justice system. Although provisions on infanticide have been specifically laid down, interpretation of the elements of the offense still invites debate, particularly concerning the meaning of the term "child" and the scope of the time period involved. This ambiguity deserves attention, since the notion of "child" covers a broad developmental range, from the newborn stage onward, making a precise legal boundary essential (Masfufah & Darmawan, 2023). The term "child" in the relevant articles does not clearly indicate the victim's age limit, creating room for multiple interpretations among law enforcement officials. Likewise, the phrase "shortly after birth" lacks a clear definition, so its determination depends heavily on the subjective judgment of the judge in each case. This normative ambiguity produces legal uncertainty that disadvantages both victim and perpetrator. Uncertainty of this kind mirrors broader tensions found in reproductive-related legal disputes, where competing principles between domestic regulation and international human rights standards similarly complicate consistent legal application (Rini et al., 2023). An ambiguous formulation of the offense also makes it difficult for public prosecutors to prepare convincing indictments and evidence at trial.

A further problem concerns the application of forensic medicine in determining the time and status of the infant's life as an element of infanticide. The time element "at the time of or shortly after birth" requires interpretation grounded in medical science, which legal reasoning alone cannot supply. Determining whether the infant was born alive or dead is a fundamental aspect in establishing whether infanticide occurred. Forensic examination of the thorax, lungs, stomach, and duodenum is needed to prove whether the infant had breathed and possessed independent life outside the womb. Without adequate medical evidence, the objective element of infanticide cannot be validly and convincingly established (Haridas et al., 2014). Adequate legal protection for medical practitioners conducting such examinations also needs to be ensured, since unclear protection may discourage practitioners from providing thorough forensic findings (Shinta et al., 2026), while a clear examination mechanism within criminal proceedings, comparable to that applied to other professional witnesses, could strengthen the credibility of forensic testimony presented in court (Roberto et al., 2026). Limited access to forensic medical experts across regions remains a serious obstacle in proving infanticide cases.

Interpretation of the phrases "at the time of" and "shortly after birth" requires clear boundaries grounded in the biological process of birth and the postpartum care phase. The birth process, which unfolds in stages from the onset of contractions to the delivery of the placenta, determines the point at which a person is considered born. Determining this boundary also benefits from attention to the socio-cultural setting in which birth and postpartum care take place, since local customs surrounding newborn care can shape how "shortly after birth" is understood in practice (Oluwatoyin & Mardikaningsih, 2022). The postpartum care phase, covering airway clearance, umbilical cord cutting, and placental handling, marks the outer limit of the "shortly after birth" period. Determination of this limit depends heavily on the medical facts revealed during trial, which often become a source of differing opinions between experts and judges. This uncertainty risks producing injustice, since the difference in qualification between infanticide and ordinary murder carries substantially different criminal consequences.

The difference in qualification among these offenses carries significant consequences for the punishment imposed on the perpetrator. Ordinary murder is threatened with imprisonment far heavier than infanticide, making accurate qualification crucial to the judicial process. This distinction also bears on the application of a sentencing system oriented

toward rehabilitation and social reintegration of the perpetrator. An overly repressive sentencing approach toward perpetrators of infanticide risks running counter to the aims of punishment that is just and humane. Inconsistent enforcement in distinguishing these three offenses can erode public trust in the criminal justice system.

Based on the description of these problems, this research aims to analyze the normative regulation of the crime of infant homicide in the Indonesian criminal law system as well as the interpretation problems arising from the existing offense formulations. This research also aims to examine the application of forensic medical science in determining the time and living status of the infant as elements of the crime of infant homicide. Furthermore, this research aims to review the determination of time limits and victim age boundaries in the crime of infant homicide based on medical and juridical approaches. The final objective of this research is to analyze the legal implications of distinguishing infant homicide from other related crimes, as well as the criminal consequences arising from those qualification differences.

B. METHOD

To initiate the research, an in-depth review of the articles in the Criminal Code and Law Number 1 of 2023 that specifically regulate the crime of infant homicide was conducted. Legal concepts regarding infant homicide, ordinary murder, and abortion were also analyzed to examine the interrelationship among the three. The materials used in this process consist of primary legal materials, such as statutory regulations and jurisprudence, as well as secondary legal materials, including legal literature, scientific journals, and various forensic medical scientific documents. All of these materials were then processed qualitatively through legal interpretation to give meaning to every phrase in the articles, and through legal systematization to unite provisions scattered across various rules into a single logical entity.

The analysis was also carried out by connecting the medical concepts of forensic science to the juridical elements forming the offense of infant homicide. The results of this entire series of analyses are presented descriptively-analytically, aiming to clearly capture existing legal arrangements while identifying problems arising in their implementation. This entire activity is by no means directed at testing a hypothesis, but solely at exploring a comprehensive understanding of the crime of infant homicide and its impact on the criminal law system in Indonesia. Based on the description of these concrete steps, it can be concluded that this research is essentially normative legal research that integratively applies the statutory approach, conceptual approach, and case approach.

C. RESULTS AND DISCUSSION

Legislative Provisions on the Criminal Offence of Infanticide in the Criminal Code

The regulation concerning the criminal act of infanticide in the Criminal Code is specifically formulated in two interrelated criminal provisions, namely Article 341 and Article 342. Article 341 of the Criminal Code provides that a mother who, out of fear that the birth of her child will become known, intentionally takes the life of her child at the time of birth or shortly thereafter, shall be threatened with a maximum imprisonment of seven years for the offense of killing her own child. Article 342 of the Criminal Code provides that a mother who, in order to carry out an intention formed out of fear that it will become known that she is about to give birth, takes the life of her child at the time of birth or shortly thereafter, shall be threatened with a maximum imprisonment of nine years for committing premeditated killing of her own child. Both articles constitute a codification of the offense known in criminal law doctrine as kinderdooslag or infanticide, which carries specific characteristics that distinguish it from ordinary homicide (Riwanto & Maryani, 2025). Comparative studies on criminal offenses related to the beginning of human life within the Indonesian criminal law system also indicate that criminal regulation of acts concerning the early stages of human life consistently contains distinct considerations that set it apart from ordinary offenses against life (Indayanti et al., 2023).

The provisions on infanticide in Article 341 and Article 342 of the Criminal Code function as lex specialis to the provisions on ordinary homicide regulated in Article 338 and Article 340 of the Criminal Code, which function as lex generalis. This position as lex specialis arises because infanticide is, in essence, also a form of ordinary homicide, but because it contains specific elements attached to it, the legislature regulated it in a separate provision. The existence of this special provision reflects the

application of the legal principle that special rules override general rules (specialia generalibus derogant), providing different legal treatment for offenses containing specific elements. The separate regulation in these two articles shows that the legislature paid attention to the psychological condition of mothers who give birth outside marriage or under duress, so that the criminal threat is lighter compared to ordinary homicide. Legal protection for women and children within the family regulatory system also confirms that changes in social structure influence the way the law views the position of a mother under pressure (Aliyah & Mardikaningsih, 2023). A person's capacity to endure social and family pressure is also a factor that influences the actions taken in a pressing situation (Evendi et al., 2024). The significant difference in criminal threat between infanticide and ordinary homicide indicates sociological and psychological considerations on the part of the legislature in formulating the criminal provision (Cahyaningtias & Fithry, 2024).

The reform of national criminal law through Law Number 1 of 2023 concerning the Criminal Code has maintained the existence of the provision on infanticide as a separate criminal offense. Article 460 of Law Number 1 of 2023 provides that a mother who takes the life of her child at the time of or shortly after birth, out of fear that the birth will become known to others, shall be punished for killing her own child with a maximum imprisonment of seven years. If the act is committed with premeditation, the punishment is a maximum imprisonment of nine years. This provision substantially continues the formulation already known in the old Criminal Code, with more modern editorial and systematic adjustments. The regulation in this new law also clarifies that other persons who participate in committing this offense shall be punished with the same punishment as under Article 458 paragraph (1) or Article 459, in accordance with the applicable provisions, so that the extension of legal subjects in this offense becomes clearer. The legal guarantee of children's rights in the fields of education and health confirms that protection of children remains a consistent concern in the formation of statutory regulations in Indonesia (Hariani et al., 2021).

The elements that constitute the criminal act of infanticide in this provision include several important elements that are cumulative in nature. The subjective element is the perpetrator's state of mind in the form of intent (dolus) in taking the child's life, or intent accompanied by premeditation as regulated in Article 342. The objective element covers the act of taking a life, a victim who is the perpetrator's own biological child, and the timing of the act, which occurs at the time of birth or shortly thereafter. The specific motive in the form of fear that others will find out that the perpetrator has given birth is the element that distinguishes this offense from ordinary homicide. This fear must be the driving force (motief) behind the perpetrator's act, and not merely an additional reason that arises afterward. A mother's health condition during pregnancy is also a matter of particular concern in various studies, including the importance of protecting pregnant mothers from various health threats (Issalillah, 2021). Social perceptions of violence experienced by women also influence the psychological condition and recovery process of victims, as found in studies on domestic violence (Issalillah & Khayru, 2021). A person's character also influences the way they act under pressure, as found in studies on the influence of personality on behavior (Darmawan, 2017). With this specific motive, the offense of infanticide is positioned as a crime driven by a particular psychological condition that is situational in nature, rather than a crime carefully planned without psychological pressure.

The position of the term "child" in the formulation of these articles needs to be interpreted systematically to avoid confusion with the meaning of child in other laws and regulations. The term child in the infanticide provision carries the meaning of a direct descendant of the perpetrator, namely a newly born baby, and does not refer to the meaning of child in Law Number 35 of 2014 concerning Child Protection, which covers a broader age range. This systematic interpretation is important because the term child in Indonesian grammar carries a meaning that indicates a person's status within their family, so that even an adult can be referred to as a child in relation to their parents. The use of the term baby as a noun is more appropriate to denote the victim of this offense, namely a young child who has not long been born. However, the provisions in the Criminal Code and Law Number 1 of 2023 still retain the term child because it has become an established legal terminology in Indonesian criminal law doctrine. Legal certainty in the interpretation of the elements of an offense is a fundamental principle in criminal law that must be fulfilled to avoid injustice in the application of sanctions.

A Forensic Medical Review of the Determination of the Time of Death and Vital Status of an Infant

Analysis of infanticide cannot be separated from the application of forensic medicine, since the formulation of the offense in the Criminal Code as well as in Law Number 1 of 2023 contains the phrase "at the time of or shortly after birth," which requires interpretation grounded in medical science. Determining the time at which the child's life was taken carries significant legal consequences, as it forms the objective element distinguishing infanticide from ordinary murder. Legal certainty in interpreting this time element requires a clear boundary regarding what is meant by the moment of birth and the period shortly thereafter. The term "child" as the object of the offense also requires a clear age boundary through a medical approach, namely whether an infant is also categorized as a child, so that the elements of the offense can be fulfilled with legal certainty during the evidentiary process. Clarifying this age boundary aligns with the best-interests-of-the-child principle that underlies various areas of family law, including the determination of custody status after divorce (Fajar et al., 2021), while the role of religious courts in resolving family disputes likewise shows how important clarity of a child's legal status is throughout judicial proceedings (Zahid et al., 2021). Clarity of formal requirements of this kind is also evident in the regulation of marriage contracts conducted through video calls, which affirms that procedural precision plays a decisive role in the validity of a legal act (Aliyah et al., 2023). The application of forensic medicine in infanticide cases is therefore unavoidable, since proving the time element and the infant's life status requires medical knowledge that legal reasoning alone cannot reach (Suryadi et al., 2023).

Infanticide would not occur without pregnancy and birth, so understanding these two biological processes is a prerequisite for criminal law analysis. The pregnancy phase begins with the fertilization of the egg by sperm in the fallopian tube, followed by implantation of the zygote in the uterine wall. The psychological dimension accompanying pregnancy also affects the mother's condition, as seen during the pandemic, which added psychological pressure on pregnant women (Issalillah, 2021). According to obstetric science, fetal growth in the womb develops through two stages, namely the embryonic stage and the fetal stage. The embryonic stage runs from fertilization, that is, two weeks after the last menstruation, up to eight weeks, while the fetal stage runs from the ninth week to the fortieth week in the womb (Awanadi & Bagiastra, 2024). This distinction between stages is relevant to criminal law because it determines when a biological entity begins to be regarded as a prospective legal subject whose right to life is protected by the state. Determining gestational age correlates with criminal provisions, since the more advanced the pregnancy, the stronger the argument for legal protection of the fetus as a prospective legal subject with a right to life.

The process of birth is understood in medical science as a sequence of events unfolding in stages, not as an instantaneous occurrence. Birth begins with contractions of the abdominal muscles in the pregnant woman accompanied by pain, which are initially mild and irregular before becoming stronger and more regular, lasting about half a minute or more. Mucus or blood then emerges from the vagina, followed by the rupture of the amniotic sac and the release of fluid, after which the fetus is delivered from the womb. Ten to fifteen minutes later, the placenta follows and leaves the uterus. This staged process of birth determines the point at which a person is considered to have been born, which is an important element in proving infanticide. Understanding birth as a process rather than an instantaneous event provides the framework for determining the time span of "at the time of" and "shortly after birth" in the formulation of the infanticide offense, since the phrase "at the time of" covers the entire sequence of the birth process from beginning to end (Amri et al., 2025).

Once the birth phase is complete, it is followed by an absolute postpartum care phase, meaning that failure to carry it out may endanger the health of both infant and mother. This care phase includes the following actions: the infant is held with both legs raised and the head lowered to expel fluid from the mouth and throat carried from the womb; both eyes are cleaned and treated with antibiotic drops to prevent infection; once the placenta emerges, the umbilical cord is cut and tied; any remaining placental tissue in the uterus must be removed to prevent bleeding and infection; and the bodies of both infant and mother are cleaned. This care phase marks the outer limit of the "shortly after birth" period, because once care is complete, the likelihood that others will learn of the birth increases, making the perpetrator's fear of discovery no longer relevant. This fear of discovery is increasingly relevant given how quickly information can spread through social media and shape public opinion (Arifin & Rojak, 2022). Interpretation of

the phrase "shortly after" in criminal law must be applied strictly in accordance with the principle of legality, so that no extensive interpretation broadening the meaning of this time span is permitted (Priatna et al., 2022).

Determining whether an infant was born alive or dead is a fundamental aspect in proving infanticide. Forensic medicine distinguishes between being born alive and being viable, where born alive means the infant was alive at the moment of birth, while viable means that a fetus still in the womb would likely be able to live if delivered. The distinction between born alive and viable carries fundamental legal implications, since infanticide can only be established as a crime if the infant was born alive. If the infant was born dead, no life was taken, and the objective element of infanticide is not fulfilled. Determining whether the infant was alive before being killed requires forensic examination of the thorax, lungs, stomach, and duodenum. Examination of the thorax determines whether the infant's chest had drawn breath, since an infant that has breathed will have expanded lungs, causing the chest cavity to expand as well. Examination of the lungs determines whether they contained oxygen, since pink-colored lungs indicate that oxygen has entered them. This forensic examination is absolutely necessary in the evidentiary process to determine whether infanticide occurred, since without proof that the infant was born alive, a charge of infanticide cannot be upheld.

Determining the Time Limit and Age Limit for Victims in the Criminal Offence of Infanticide

Based on the formulation of Article 341, Article 342 of the Criminal Code, and Article 460 of Law Number 1 of 2023, to be qualified as infant homicide, the act must be committed at or shortly after birth. Based on medical science analysis, the phrase "at the time the infant is born" means the moment the infant emerges from the womb until the placenta is completely expelled. When measured by a timeframe, normal birth generally takes place within approximately fifteen to sixty minutes. This timeframe is not absolute because every delivery has different characteristics, so its determination must be done on a case-by-case basis based on existing medical facts. It does not matter how long it takes during the birth process, as long as the infant homicide is committed at the time the infant emerges from the womb or at the time of the placenta expulsion or within the timeframe between those two events (Munandar, 2023). The determination of this time limit heavily depends on the facts revealed during the trial examination process and is the authority of the judge to assess whether an action falls into the category of infant homicide or ordinary murder.

For the phrase "shortly after birth", because the mother who gave birth is afraid that others will know she has given birth, the meaning of shortly after the infant is born must have a timeframe that only lasts within a very brief tempo, namely during the postpartum care phase. A brief time in the care phase makes it possible that other individuals do not yet know about the occurrence of the birth and the infant is in a living state. The care phase referred to is a series of medical actions performed immediately after birth, which include clearing the infant's airway, cutting and tying the umbilical cord, cleaning the infant's body, and handling the placenta. After the care phase is completed, the likelihood of others knowing about the occurrence of the birth becomes significantly greater, so the perpetrator's fear as the primary motive of the act becomes no longer relevant to serve as the basis for applying Article 341, Article 342, or Article 460. If the homicide is committed after the care phase is completed, or after other individuals know about the birth, then the act must be viewed as ordinary murder regulated in Article 338 or Article 340 of the Criminal Code or related articles in Law Number 1 of 2023.

The interpretation of the time limit "shortly" in infant homicide provisions must be carried out strictly in accordance with the legality principle in criminal law. The legality principle demands a non-extensive interpretation of the elements of an offense, because extensive interpretation has the potential to generate legal uncertainty and injustice for the defendant. In the event of doubt regarding whether an action still falls within the timeframe of "shortly after birth" or has exceeded that limit, the judge must decide based on facts revealed at trial by prioritizing legal certainty and the protection of the defendant's rights. The determination of this time limit becomes very important because the distinction in qualifications between infant homicide and ordinary murder carries significantly different criminal consequences (Radja et al., 2023). The lighter criminal threat in infant homicide reflects the consideration of humanity toward the psychological condition of

a mother who gives birth under duress and fear of being discovered by others.

Another problem arising in the interpretation of infant homicide provisions is the inaccurate use of the term "child" in the formulation of related articles. Based on Indonesian grammar, the term child has a meaning that denotes a person's status within their family, so someone who is forty years old in relation to their parents can be called a child. Meanwhile, the term infant means a young child who was recently born. The distinction between the term child and infant creates confusion in legal interpretation, because the term "child" in criminal provisions does not explicitly indicate the age limit of the victim. The use of the term "infant homicide" as a noun expression is more appropriate than the term "child homicide", unless the term "child homicide" is used in a verb expression such as "killing their child". The use of precise terms in criminal law is a necessity to avoid multi-interpretation and guarantee legal certainty for the parties, because a child does not indicate a person's age level, but rather contains the meaning of status within the family, as seen in the expression "their own child".

Provisions in Law Number 1 of 2023 concerning the Criminal Code have used the phrase "child" while maintaining the formulation already known in criminal law doctrine. Therefore, a systematic interpretation is required to understand the lawmaker's intent that the term "child" in infant homicide provisions refers to a newborn infant who is the biological child of the perpetrator. This systematic interpretation must be carried out by paying attention to the entire criminal law system, including provisions concerning ordinary murder, abortion, and child protection. With proper interpretation, legal certainty in the application of infant homicide provisions can be realized, and injustice resulting from different interpretations can be avoided. Legal certainty in interpreting the elements of criminal acts is a fundamental principle in criminal law that must be fulfilled so that injustice does not occur in the application of sanctions.

The Legal Implications of Distinguishing Infanticide from Other Related Criminal Offences

Infanticide bears a close relationship to other offenses concerning the ending of life before or after birth, namely abortion and ordinary murder. Within the framework of criminal law, infanticide refers to the killing of an infant born alive, committed by the woman who gave birth to it, at the time of birth or shortly thereafter. "At the time of birth" is understood as the period from the onset of delivery until the placenta is fully expelled, while "shortly after birth" refers to the period following the completion of postpartum care. This time boundary is cumulative and must be proven convincingly by the public prosecutor during trial. If the killing is carried out through abortion, what is punishable is the termination of an embryo that has already developed into a fetus resembling a human form. Abortion has elements distinct from infanticide and is governed by separate provisions, so the two cannot be applied interchangeably. The fundamental difference between abortion and infanticide lies in the timing of the act, where abortion occurs while the fetus is still in the womb, whereas infanticide occurs at or after birth (Juang, 2024). Regardless of the circumstances surrounding conception or birth, the legal status of the child born must still be recognized, since even a child born outside marriage retains rights that family law is bound to protect, including the right to education (Fajar et al., 2022).

The difference in qualification between infanticide and ordinary murder carries significant consequences for the punishment imposed on the perpetrator. Ordinary murder under Article 338 of the Criminal Code is punishable by imprisonment of up to fifteen years, while premeditated murder under Article 340 is punishable by life imprisonment or imprisonment of up to twenty years. Infanticide under Article 341, meanwhile, is punishable by imprisonment of up to seven years, and premeditated infanticide under Article 342 by imprisonment of up to nine years. This considerable gap in punishment reflects a specific consideration by the legislature toward the perpetrator's psychological condition, driven by fear of discovery that she has given birth. The lighter punishment for infanticide reflects recognition that the perpetrator acts under psychological pressure, so her degree of culpability is regarded as lower than that of an ordinary murderer (Firdaus & Suartini, 2024). This psychological vulnerability is often tied to underlying socio-economic conditions, given that early marriage has been shown to adversely affect household welfare (Aliyah et al., 2023). This distinction aligns with the principle of justice, which weighs the perpetrator's subjective condition in determining the severity of punishment.

Because the time limit for infanticide is determined case by case, judges must carefully assess all facts revealed during trial. Medical facts obtained through post-mortem examination serve as crucial evidence in

determining whether an act falls under infanticide or ordinary murder. Forensic examination to establish whether the infant was born alive, when death precisely occurred, and whether the killing took place within the time span set by law, becomes the primary determinant in qualifying the offense (Krisnalita & Fauziyah, 2022). The accuracy of this qualification depends heavily on how well the various parties involved coordinate throughout the process, since coordination of this kind is generally recognized as one of the key factors that strengthens the effectiveness of a system as a whole (Darmawan, 2024). Without adequate medical evidence, the public prosecutor cannot validly and convincingly prove that the elements of infanticide have been fulfilled. This shows that infanticide is a type of offense strongly dependent on scientific proof through forensic medicine.

The distinction between infanticide and ordinary murder also has implications for the application of a sentencing system oriented toward rehabilitation and social reintegration of the perpetrator. Given that the perpetrator's motive is driven by fear and psychological pressure, and that she often faces social and economic vulnerability, the punishment imposed should take rehabilitation and recovery into account. An overly repressive sentencing approach toward perpetrators of infanticide risks running counter to the aims of just and humane punishment (Loughnan & O'Connor, 2023). This vulnerability can also be understood through the cultural and social norms that shape the burden of roles a person carries in daily life (Eddine & Darmawan, 2022), including the pressure faced by parents in balancing childcare with other responsibilities (Evendi et al., 2023). Judges, in rendering a verdict, need to give thorough consideration to the factors underlying the perpetrator's act, including the social, psychological, and economic conditions that drove her to commit it. Such consideration matters so that the punishment imposed satisfies not only formal justice but also supports the perpetrator's recovery and helps prevent similar offenses in the future.

The existence of infanticide provisions in the Criminal Code and Law Number 1 of 2023 reflects legal recognition of the social reality that this offense carries characteristics distinct from ordinary murder. The lighter punishment given to perpetrators of infanticide reflects a humane legal approach responsive to the perpetrator's psychological condition (Hidayat & Zulfiko, 2025). Yet applying this provision in practice still faces challenges, particularly in proving the time element and the infant's life status, which require the involvement of forensic medicine. This challenge calls for coordination between law enforcement officials and forensic medical personnel in handling infanticide cases, so that law enforcement can proceed fairly and accurately. The regulation of infanticide within the Indonesian criminal justice system thus reflects a balance between legal certainty, justice, and humanity, the three main pillars of just criminal law enforcement.

D. CONCLUSIONS

The crime of infant homicide is regulated as a lex specialis of ordinary murder with special elements consisting of the perpetrator's biological relationship with the victim, the execution time at or shortly after birth, and the motive of fear of being discovered by others. The interpretation of the time element and the living status of the infant requires a forensic medical science approach, which serves as an important instrument in the evidentiary process. The unclarity of the time limit "shortly after birth" and the term "child" in the formulation of the offense creates legal uncertainty that has the potential to lead to injustice. The distinction in qualifications between infant homicide, abortion, and ordinary murder carries significant criminal consequences, thus requiring consistent law enforcement.

The capacity building of judges and prosecutors in understanding forensic medical aspects becomes highly necessary to avoid errors in the qualification of criminal offenses. The synergy between the legal profession and forensic medicine must be strengthened through mechanisms of coordination and sustainable joint training. Policymakers need to consider the refinement of the formulation of the infant homicide offense in future legislation to eliminate normative ambiguity. Legal education in higher education institutions needs to pay greater attention to medical aspects in criminal cases that require scientific proof.

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