

Analysis of The “Coffee Cyanide” Case: Unveiling Judicial Decisions From A Constructivist Paradigm Perspective

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Article Info	Abstract
<p>Received: 02-11-2023 Revised: 20-11-2023 Accepted: 20-12-2023</p> <p>Keywords: Judge's Decision; Cyanide Coffee; Constructivism Paradigm.</p>	<p>The judicial verdict fundamentally embodies the effort of legal enforcement to actualize the ideals of justice, certainty, and utility. It stands as the culmination of the paradigm believed by the judiciary. This study scrutinizes the judicial considerations within the constructivist paradigm, focusing on the case of cyanide coffee. Conducted qualitatively, this research delves into conceptual ideas examining the guidelines for legal discovery by judges in cases of premeditated murder involving cyanide coffee, employing a paradigmatic analysis through the lens of legal philosophy. The findings reveal that judicial decisions in cyanide coffee cases within the constructivist paradigm have yet to fully reflect a sense of justice. Therefore, legal efforts are imperative to instill a sense of fairness within society.</p>
Info Artikel	Abstrak
<p>Kata Kunci: Putusan Hakim; Kopi Sianida; Pradigma Konstruktivisme.</p>	<p>Putusan hakim pada prinsipnya merupakan gambaran dari usaha penegakan hukum untuk mewujudkan tujuan dan gagasan keadilan, kepastian dan kemanfaatan. Putusan hakim merupakan ejah wantah dari paradigma yang diyakini oleh hakim. Penelitian ini dilakukan terhadap putusan perkara kopi sianida dengan mengulas pertimbangan hakim dalam paradigma konstruktivisme. Penelitian dilakukan secara kualitatif atau gagasan konseptual yang mengkaji pedoman penemuan hukum oleh hakim dalam kasus pembunuhan berencana kopi sianida dengan kajian paradigmatis, yaitu melalui telaah filsafat hukum. Pada penelitian ini ditemukan bahwa putusan hakim dalam perkara kopi sianida dalam paradigma konstruktivisme belum mencerminkan rasa keadilan. Untuk itu upaya hukum perlu dilakukan untuk memberikan rasa keadilan di tengah masyarakat</p>



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INTRODUCTION

The judicial policy in rendering a verdict holds a close relationship with the pertinent factors surrounding the case under consideration (Yang, Di, and Negeri 2007). A judge's paradigm not only reflects their pattern of reasoning, perspective, or outlook towards the legal reality at hand. Beyond that, it signifies the relationship between the judge and the reality faced. Moreover, the paradigm is employed to discern solutions to the challenges posed by the reality encountered. These aspects are not exclusive to judges; rather, they are inherent in every rational human being (Maulidya 2016).

Recently, the judicial policy concerning the case of the cyanide-laced coffee murder involving the defendant Jessica Kumala Wongso (Jessica) has once again sparked debates, especially among seekers of justice. This case resurfaced prominently after the release of the Netflix documentary film titled “Ice Cold: Murder, Coffee, and Jessica Wongso” on September 28, 2023 (RAHARJA 2023). The documentary revisits the substance of Jessica's case, featuring exclusive interviews involving various relevant parties, news footage related to the cyanide case, and even excerpts from several CCTV recordings at the scene. The cyanide coffee case originated on Wednesday, January 6, 2016 (Andryanto 2023). On that day, Jessica had a scheduled meeting with Wayan Mirna Salihin (Mirna), Hani (Hani) Boon Juwita, and Vera at Oliver Café, Grand Indonesia, Central Jakarta. Jessica arrived before 4:00 PM WIB, prior to the arrival of her friends. Upon arrival, Jessica immediately ordered a bottle of mineral water for herself, Vietnam Ice Coffee (VIC) for Mirna, and Cocktail Old Fashion and Sazerac for Hani and Vera. At 5:18 PM WIB, Mirna and Hani arrived at the location. Mirna and Hani then sat at table 24 on the sofa with coffee drinks on the table. Shortly after, CCTV footage from the location showed Mirna beginning to convulse and subsequently faint after drinking the coffee ordered by Jessica. Mirna later passed away at the hospital at 6:30 PM WIB.

Upon the occurrence, in the courtroom, Mirna was declared deceased due to cyanide poisoning, with Jessica identified as the perpetrator of the homicide. Subsequently, Jessica was apprehended on January 29, 2016, and underwent a protracted legal proceeding. Consequently, on October 27, 2016, Jessica was adjudged guilty and sentenced to 20 years of imprisonment by the Panel of Judges of the Central Jakarta District Court Direktori Mahkamah Agung Republik Indonesia, Putusan PN Jakarta Pusat Nomor 777/Pid.B/2016/PN.JKT.PST Tanggal 27 Oktober 2016 (Indonesia, 2016). Mirna then pursued legal recourse through an appeal, albeit denied by the Jakarta High Court on April

27, 2017 Direktori Mahkamah Agung Republik Indonesia, Putusan PT JAKARTA Nomor 393/PID/2016/PT.DKI Tanggal 7 Maret 2017 (Indonesia, 2017). Jessica then lodged a cassation appeal on July 21, 2017, and filed for Judicial Review (PK) with the Supreme Court, yet her PK was again dismissed on June 7, 2018 (Mumpuni 2023).

Several antecedent studies have delved into the “Cyanide Coffee” Case, including inquiries into the potency of expert testimony in proving the crime of murder (Hutapea, Efendi, and Etorita 2020), examinations of the application of circumstantial evidence by judges in delivering verdicts (Priyono et al. 2022), studies regarding the juridical review of premeditated murder and its legal consequences (Siagian 2021), analyses of the position of Closed Circuit Television (CCTV) recordings in the criminal justice system (Made and Dewi 2021), and explorations of causality doctrine in homicide cases (Muh. Nizar, Amiruddin 2019). In contrast to prior research, this paper scrutinizes the judicial considerations underlying the cyanide coffee murder case, particularly concerning the defendant Jessica Kumala Wongso, through the lens of the Constructivist Paradigm. This study aims to investigate the construction of the constructivist paradigm and its application in analyzing the cyanide coffee case involving Jessica. It is hoped that the utilization of the Constructivist Paradigm will provide deeper insights into the appropriate perspective in assessing justice in law enforcement regarding the cyanide coffee murder case, while also offering valuable input for all parties involved in the case.

RESEARCH METHOD

Scientific research typically aims to address problem formulations and achieve a comprehensive understanding of the subject matter (Tan 2021). In pursuit of these objectives, this study employs qualitative inquiry or conceptual analysis to examine the guidelines for judicial decision-making, utilizing a paradigmatic approach through the lens of legal philosophy. Qualitative research methodology emphasizes profound comprehension of an issue rather than a generalized exploration, employing in-depth analysis to scrutinize cases individually, as qualitative methodologies assert that the nature of one problem differs from another (Erwinsyahbana and Ramlan 2017). With such conceptual underpinnings, this study aligns with a research paradigm focused on meaning and interpretation (hermeneutics) (Disemadi 2022). It is hoped that these insights will serve as a guide for every legal practitioner, particularly judges, in the process of examination, adjudication, and judgment to uphold the principle of justice.

RESULTS AND DISCUSSION

The Construction of Constructivism Paradigm

The increasingly complex nature of societal life demands the enforcement of law capable of meeting the public's sense of justice. The enforcement of law must elucidate the meaning and purpose of law itself, namely justice, utility, and legal certainty (Handayani, Pirma, and Kiki 2018). In reality, achieving this desire is not easy, especially considering the gap between law as written in legislation (law in book) and law in practice or empirical reality (law in action) (Sutrisno 2020). The inability of the law to address social issues beyond its scope will adversely affect its credibility. Society entrusts the legal system to resolve conflicts and disputes within its environment, yet in practice, law enforcement has not been able to fulfill public expectations. Consequently, justice becomes elusive (Wibowo et al. 2023).

One obstacle to law enforcement is the divergence in legal paradigms (Filsafati and Hakim 2023). This discrepancy occurs in interpreting the law, determining its objectives, and understanding its essence. Furthermore, these paradigms strongly influence a judge's decisions. Judges are tasked with resolving conflicts governed by legislation (Dewanto, Hakim, and Perdata 2020). They exercise judicial authority to ensure the proper functioning of the judiciary. Guided by their adopted paradigms, judges render their judgments (Jailani Tanjung, Purwadi, and Hartiwiningsih 2019).

The paradigm serves as a foundational philosophical system, an archetype, or an overarching framework constructed from specific ontological, epistemological, and methodological principles, each comprising a distinct set of fundamental beliefs or worldviews that cannot be readily interchanged with those of other paradigmatic ontologies, epistemologies, and methodologies (Indarti 2010). It presents a particular system or set of fundamental beliefs that dictate how the world is perceived, understood, comprehended, and studied, invariably guiding the thoughts, attitudes, words, and actions of its adherents (Indarti 2010).

Functioning as a scientific endeavor, the paradigm serves as research guidance through models of problems and solutions (Natasya et al. 2022). According to Aulis Aarnio, the paradigm can also function as the central cognitive resource for scientific endeavors, determining the scientific rationality within the respective discipline (Riwanto 2016). Paradigms can shift from old to new, engendering changes in perspectives,

evaluations, and goals regarding issues seeking resolution. This aligns with Thomas Kuhn's assertion that scientific progress occurs revolutionarily through what he termed paradigm shifts (Kesuma and Hidayat 2020). In his seminal work “The Structure of Scientific Revolutions,” published in 1962, Kuhn positions the paradigm at the core of his argument to refute the common assumption that scientific development proceeds cumulatively (Sabila 2019).

In qualitative research, the paradigm plays a crucial role by fulfilling two critical functions (Kajian and Kewarganegaraan 2023). Firstly, qualitative methods serve an alternative paradigm to conventional, experimental, or positivist research. This alternative paradigm is also referred to as phenomenological, interpretative, ethnographic, constructivist, or naturalistic. The aim of such research is to provide explanations, deep understanding of social phenomena (*verstehen*). Secondly, paradigms serve to create “cognitive economy.” A paradigm is a worldview, a comprehensive philosophical system guiding how researchers perceive reality and how reality may be dissected, understood, or investigated. Paradigms function as metaphysical and methodological frameworks to socialize practitioners into their respective disciplines, thereby practitioners of the discipline may comprehend some aspects of their paradigm well while other parts may remain intuitive (Salam 2020).

According to S. Brodjo Soedjono, to birth a paradigm, it must meet several criteria: 1) there must be findings considered fundamental and groundbreaking; 2) these findings surpass other findings of its era; 3) they have the capacity to inspire or catalyze the emergence of other works derived from or referring to that paradigmatic work; and 4) it can serve as a guiding orientation for scholars in a particular field of study at that time (Dahwir 2020). In the comprehensive and systematic understanding of paradigms, which are dense and rational, Guba and Lincoln offer four paradigms: Positivism; Postpositivism, Critical Theory et al; and Constructivism (Rasdi 2022). These paradigms are distinguished from one another through their responses to questions of ontology, epistemology, and methodology. Ontology pertains to fundamental inquiries about the nature of reality, Epistemology questions how we come to know something and the relationship between the researcher and knowledge. Methodology focuses on how we acquire knowledge (Unkriswina and Pandarangga 2021).

Constructivism is a paradigm that reveals the truth of a social reality as being constructed socially and the truth of a social reality as relative (Gupta 2017). The idea of

constructivism emerged as early as the 5th century BCE, illustrated by Buddha Gautama (560-477 BCE) in the East and by Heraclitus (535-474 BCE) in the West. Since then, the constructivist perspective saw limited development until Giambattista Vico (1668-1774) rewrote it in the 17th century. While many scholars agree on Immanuel Kant (1724-1804) as the main proponent of constructivism, it was in his Critique of Pure Reason that Kant elucidated the mind's incessant transformation of chaos into order (Immanuel Kant 1881). Kant explained that the mind absorbs information through the senses and interprets it personally (perception). Therefore, various information received by individuals from the external world may be captured by the same senses but controlled and interpreted differently by each individual, depending on their previous knowledge and experiences (Sumitro 2019).

The constructivist paradigm resides within interpretivism, which is divided into three types: symbolic interactionism, phenomenological, and hermeneutics as delineated in the following table:

Question	Constructivism
Ontology	Relativism
	Multiplex and diverse realities, based on social-individual, local, and specific experiences
Epistemology	Transactional/Subjectivist
	The researcher and the investigative subject interactively construct findings together
Methodology	Hermeneutical/Dialectical
	The process of 'construction' unfolds through the interplay between the researcher and the object of inquiry, employing hermeneutical techniques and dialectical exchanges. 'Construction' is subjected to interpretation, aimed at distillation, consensus, and resultant elucidation.

In the constructivist paradigm, the thought processes and actions of the guided individual will exhibit characteristics in accordance with the ontology of this paradigm. Ontology is the science that studies the essence (Nurasa, Natsir, and Haryanti 2022). In essence, ontology reveals the traits of how adherents of a paradigm think and act in their

daily lives. The ontology within the constructivist paradigm holds the basic belief of “relativism” (Aflisia, Natsir, and Haryanti 2021). Relativism implies that individuals guided by the constructivist paradigm perceive everything as plural, not singular, as intangible mental constructions, socially and experientially based, local and specific, and dependent on the form and content held by the individual or group constructing them. Thus, individuals will view everything as open to interpretation by anyone (Sinaulan 2021).

Within the ontology of the constructivist paradigm, there exists a world view, which is the perspective of adherents of a paradigm in viewing the world. In the ontology of the constructivist paradigm, the world view is as follows: 1. Reality is diverse and plural based on individual social experiences, local, and specific. Adherents of the constructivist paradigm perceive law as something not singular but plural. This plurality is grounded in the social, individual, local, and specific experiences of someone. Thus, each person can interpret “how” the law is based on its subjectivity; 2. It is a mental/intellectual construction of humans. This means that according to adherents of this paradigm, law is based on things constructed within oneself, thus leading to an understanding within oneself of “how” the law truly is; 3. Form and substance are returned to adherents who can become informed and/or sophisticated human beings. This means that the information obtained from adherents of this paradigm will be digested and understood within oneself, thus giving rise to an understanding of the law in its true sense (Imran and others 2013).

The epistemological paradigm of constructivism is transactional and subjectivis (Malik and Nugroho 2016). Researchers and the object of investigation are assumed to be interconnected interactively, thus “findings” are literally made as the investigation unfolds. The methodology of the constructivist paradigm is hermeneutic and dialectic (Kelana et al. 2022). The variable and personal nature (intramental) of social constructions suggests that individual constructions can only be elicited and refined through interactions among researchers and respondents. The constructivist paradigm approaches perceptions, rather than unifying them. Given the multitude and diversity of perceptions on everything, each person's perception may not necessarily be the same. For the constructivist paradigm, the universe is a construction, meaning that the universe is not understood as autonomous, but socially constructed.

Exploring the Constructivism Paradigm in the Case of Cyanide Coffee

In essence, the constructivist paradigm emerges as an antithesis to the positivistic paradigm (Akhmaddhian 2020). Unlike constructivism, positivism fundamentally trivializes thought and prioritizes observable reality (Rosika and Fitrisia 2023). Specifically, within the positivist paradigm, law is construed strictly and rigidly as asserted by thinkers, emphasizing rationality, non-empiricism, and deduction. Within the positivist paradigm, law is measured and its truth is based on mathematical logic, which tends to be linear, definite, rigid, and mechanistic (Sudiyana and Suswoto 2018). Law is regarded as a natural science in general, thus determining truth and justice in law through exact science models, leaning towards positivism (Malik 2021). Consequently, law rejects empiricism and truths based on the evolving reality of its context. However, law must not be construed rigidly but must align with the values and developmental needs of society (Al Arif 2019). This is where the constructivist paradigm becomes indispensable.

The constructivist paradigm positions law as an inseparable part of empirical reality and the social dynamics of society. With its strengths, the constructivist paradigm is closely linked to humanistic philosophy (Ahmad Sadzali 2018). In this perspective, humans are placed as the source of all sources and the primary focus of life in the world, including in the field of law. Law does not solely regulate society but serves a larger purpose, namely justice (Yanto 2020).

If the law relies solely on rationality, then ultimately it will become legalistic-formalistic (Sholahudin 2019). The law becomes rigid with written rules. This is a common occurrence in law enforcement in Indonesia (Marilang 2017). Many courts face negative stigma, where there is a widespread belief that the rulings coming out of the courtroom do not reflect justice, including the accusation of being involved in the murder with cyanide-laced coffee against Jessica Kumala Wongso. The case of the cyanide-laced coffee murder, resulting in the death of Wayan Mirna Salihin, resurfaced as a public discussion following the release of the Netflix documentary film titled *Ice Cold: Murder, Coffee, and Jessica Wongso* on September 28, 2023. Post the Netflix documentary, at least 4 points have sparked debat (Saputro 2023). First, evidence is deemed insufficient, or even non-existent. One missing piece of evidence is the coffee sample consumed by Mirna before her death (Santoso 2016). This sample is crucial in determining whether the coffee Mirna consumed contained cyanide or not. Consequently, the autopsy results indicating cyanide in Mirna's body are met with disbelief. Second, the length of time for the autopsy. Mirna's autopsy

was conducted a considerable time after her death (Sohuturon 2016). This raises doubts about the autopsy results in determining Mirna's cause of death medically. Medical procedures should ideally be performed promptly after someone's death to obtain accurate results.

Third, the discussion revolves around the conclusion regarding cyanide. The discovery of cyanide as the cause of Mirna's death remains a subject of debate among forensic experts involved in the case (Zuraya 2016). Some experts argue that the cyanide findings are not consistent with the symptoms experienced by Mirna prior to her demise, thus casting doubt on the validity of the results leading to her death. Fourth, the opaque implementation of autopsy procedures. The autopsy procedures in this case lacked transparency (Pramono 2016). Several parties involved in the case have stated their lack of full access during the autopsy supervision process. This fact heightens doubt regarding the certainty of the autopsy results. In criminal cases, autopsies are of paramount importance for evidentiary purposes. They provide crucial information for the investigation and prosecution of criminal cases. Autopsies aid in determining the cause of death, whether due to accident, suicide, natural causes, or homicide. They furnish vital information about the cause and process of death, including the presence of toxic substances that can serve as evidence in court.

Based on these considerations, the examination of the constructivist paradigm regarding the cyanide coffee murder case presents an intriguing proposition. Firstly, in the cyanide coffee case, Jessica Wongso stands accused of premeditated murder, as deemed in violation of Article 340 of the Indonesian Criminal Code (KUHP). Criminal law in Indonesia at the time was based on the Criminal Code. The article states: “Whoever intentionally and with premeditation deprives another of life, shall be punished, for premeditated murder, with death or life imprisonment or for a certain period, up to 20 years.”

However, the reality of law takes the form of rules (Hamdani et al. 2023). In the constructivist paradigm, law is the understanding created by everyone. Thus, rules are not what is written, but depend on the mental constructions of everyone. These various mental constructions then come together to form a consensus or agreement. In achieving justice for society, law enforcement, especially judges, should not be confined solely to the written legal provisions found in Article 340 of the Criminal Code. Law is not singular, but pluralistic. Justice must consider the social realities that occur (Alhidayat 2021).

In the constructivist paradigm, realism entails diverse mental constructions, including those of victims, perpetrators, witnesses, the community, public prosecutors, and judges. The epistemology of the constructivist paradigm is transactional and subjective. This means the role of judges and the subject matter can be assumed to be interactively linked, so that “findings” are literally made during the process of examination, adjudication, and decision-making. The methodology of the constructivist paradigm is hermeneutic and dialectic (Filsafati and Hakim 2023). The mental constructions of judges and the subject matter are interpreted using hermeneutical techniques and constructed through dialectical exchange. Based on this explanation, the constructivist paradigm must assess the mental constructions of everyone in the case of the cyanide coffee, namely Jessica as the perpetrator, Mirna (the family) as the victim, the surrounding community, murder witnesses, prosecutors, and each judge, to then have the panel of judges reach a consensus decision, which is the result of various differing mental constructions.

To ascertain Jessica's mental constructs in the alleged murder, pertinent inquiries include: 1) did Jessica indeed commit premeditated murder; 2) what motivated Jessica to commit premeditated murder; 3) what is Jessica's physical and mental health status; 4) does Jessica harbor any grudge against Mirna; and 5) other relevant inquiries. Subsequently, understanding the victim's (family) mental constructs involves questions such as: 1) is Jessica's action deserving of punishment or imprisonment; 2) will the victim's family forgive and accept if Jessica is found not guilty or accidentally caused Mirna's death; 3) what if Jessica is indeed not the perpetrator of Mirna's murder; and 4) other related questions. Furthermore, grasping the societal mental constructs is pursued through inquiries like: 1) what is the public perception regarding Mirna's death involving Jessica; 2) can Jessica be deemed as the perpetrator of Mirna's murder; and other relevant queries.

Further exploration into witness mental constructs involves questions such as: 1) has Jessica truly committed the criminal act of premeditated murder; 2) is Jessica's action considered illicit or permissible by societal standards; 3) to what extent did Jessica prepare to commit premeditated murder against Mirna; and 4) other pertinent inquiries. Subsequently, delving into each judge's mental constructs post-assessment of various mental constructs and through self-inquiries involves questions like: 1) does Jessica fulfill the elements of premeditated murder; 2) are there justifiable reasons or mitigating circumstances for Jessica's actions; 3) what sanction is appropriate for Jessica; and 4) other

related questions. Only upon answers to these constructivist paradigm questions, do the panel judges then render a verdict as a consensus or resultant outcome.

Secondly, the epistemology of the constructivist paradigm. In the case of cyanide coffee, the judge and the subject matter are assumed to be interactively linked so that “findings” are literally made during the process of examination, adjudication, and decision-making. The judge is not merely a conduit of the law alone, but must also take into account the realities of society, the feelings and legal needs of the community members, as well as societal consciousness (Suherman 2019). Therefore, judges should also delve into other social sciences such as sociology, politics, economics, anthropology, and so forth. Justice is achieved when the freedom of every individual, family, group, society, and/or institution to actively construct law is realized, and then democratically materialize the resultant construction or reach consensus/agreement on legal findings in the process of criminal justice. The process of constructing-reconstructing legal understanding in criminal justice proceedings may contain unjust elements, especially if based on weak or flawed information (Agung Purnomo 2017).

Following the screening of the Netflix documentary, there is a matter of great interest regarding the perceived inadequacy of evidence. Upon closer examination, in Decision Number: 777/Pid.B/2016/PN.JKT.PST, the judge sentenced Jessica to 20 years in prison based on circumstantial evidence as the basis for the verdict. The judge packaged circumstantial evidence as indicative evidence. Its presence becomes evidence that can instill conviction (in the judge) regarding the crime that occurred. In this case, there were no eyewitnesses who saw Jessica putting cyanide into the VIC served to the victim, Mirna.

Article 1 point 26 of the Criminal Procedure Code (KUHAP) states that to be considered a witness, one must be someone who sees, hears, and experiences it firsthand. However, in all the witnesses presented in the trial, not a single witness saw that the VIC drink had indeed been poisoned beforehand by Jessica. None of the witnesses presented in the case have any value as evidence of Jessica's guilt as alleged by the Public Prosecutor. The use of CCTV for evidentiary purposes in this case also does not demonstrate when and how Jessica inserted the NaCN into the VIC consumed by the victim.

In essence, the utilization of indirect evidence in criminal cases is a common occurrence, often serving as crucial pointers (Mahyani, Mardhatillah, and Mahyani 2019). Its application must evoke conviction regarding the committed crime. The indirect evidence employed by judges should ideally be sufficiently robust (Kurniawan 2019).

Criminal law does not suffice with mere subjective speculation; rather, it necessitates evidence that fosters conviction, especially in identifying compelling motives (Haris 2016). Moreover, if indeed proven subsequently that innocent individuals are convicted, it will inevitably have dire consequences on the societal sense of justice (Yepriadi 2023).

Thirdly, based on the methodology of the constructivist paradigm, the mental constructs of judges and the subject matter are interpreted using hermeneutical techniques and constructed through dialectical exchanges. The mental construction carried out by the judges in the case of the cyanide coffee has resulted in the judgment of the Central Jakarta District Court No. 777/Pid.B/2016/PN.JKT.PST, which essentially states that 1) Jessica has been validly and convincingly proven guilty of premeditated murder; 2) imposing a 20-year prison sentence on Jessica; and 3) determining the evidence consisting of a glass and a bottle containing remnants of the VIC beverage. The paradigm utilized by the panel of judges at the trial level was further reinforced by the Court of Appeal Decision No. 393/PID/2016/PT.DKI, Cassation Decision 498K/PID/2017, and Judicial Review Decision No. 69PK/Pid/2018.

In the constructivist paradigm, judges are expected to exhibit professionalism in upholding law and justice as the primary authorities or actors in the legal adjudication process. While judges are granted latitude in interpreting legal rules, they are obliged to consider the values of justice within society. Fundamentally, law represents an endeavor to attain justice. Constructivist justice entails recognizing the social realities perceived by individuals, which cannot be generalized across all, as commonly practiced in positivist paradigms.

Judges operating within the constructivist framework decide cases with a high degree of judicial subjectivity. They do not solely rely on normative laws (such as the Criminal Code and Criminal Procedure Code), but endeavor to unearth societal values to inform their adjudication (Haryadi 2017). Especially if, in due course, it becomes evident that Jessica was not the perpetrator of the premeditated murder. Such an outcome could undermine public faith in justice (Lindsey et al. 2023). In the case of the cyanide-laced coffee with the defendant Jessica Kumala Wongso, legal action should be pursued if the prerequisites for doing so are met. An age-old adage might once again find consensus: “It is better to acquit a thousand guilty persons than to convict one innocent.”

CONCLUSION

In essence, law enforcement is influenced by paradigms. In the case of the cyanide coffee, which has resurfaced as a topic of discussion, an examination is necessary to ensure justice. Achieving justice requires more than just relying on normative law; it also involves a sense of fairness and the social reality that exists within society. The examination needed is one rooted in the constructivist paradigm. This examination, employing the constructivist paradigm, begins with questions: 1) ontology, with its basic belief in “relativism”; 2) epistemology, viewed as transactional and subjective; and 3) methodology, approached hermeneutically and dialectically. From this examination, it becomes apparent that in handling the cyanide coffee case involving Jessica Kumala Wongso, law enforcement has yet to reflect true justice. True justice is one that is not extensively debated in its existence. Therefore, if there is still an opportunity, legal efforts must be pursued. Especially so, if it is later proven that an individual, who has endured punishment for a crime they never committed, is indeed innocent. Within the constructivist paradigm, judges must clearly consider all constructions of judgment pertaining to each element involved, to achieve the goal of a just legal system.

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