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Defining Murder Across Legal Traditions: Toward a Transsystemic Theory of Intentional Homicide

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ABSTRACT

Comparative homicide scholarship lacked a framework for identifying a common basis for intentional homicide without treating national offence categories as doctrinal equivalents. This study developed a transsystemic explanation that preserved differences in culpability and offence structure across legal traditions. It used normative legal research with statutory, case, conceptual, and comparative approaches, drawing on legislation, selected decisions, official law reform documents, and academic literature from England and Wales, France, Germany, Indonesia, Pakistan, and South Africa. The findings showed that the most consistent basis arose when death was intended, while knowledge of practical certainty remained functionally close but could not serve as a universal standard. Serious injury intent and *dolus eventualis* could not be placed on one linear scale because they differed in the consequence intended and the offender's awareness of death. Premeditation, motive, method, and connections to other offences produced different legal effects according to their position within each offence structure. These findings supported the *Core-Gradient-Architecture Model*, which separated relatively stable culpability, variations in the offender's mental attitude toward death, and national choices concerning offence labels and aggravation. The model provided a more precise basis for fair labelling and comparative analysis without reducing distinct national categories to false equivalents.

INTRODUCTION

Prohibitions on killing exist in almost every legal system, yet a person labelled a murderer in one jurisdiction may not occupy an equivalent category in another. Law determines not only that one person caused another's death, but also what form of intent must be proved, when planning aggravates the offence, and how the stigma of murder is assigned. One system may place several forms of culpability under a single label, while another differentiates them through separate offences. The issue concerns the fit between culpability, offence label, and criminal condemnation.

Mord and *Totschlag* in German law cannot simply be mapped onto *murder* and *manslaughter*. In France, *meurtre* and *assassinat* are separated by premeditation or lying in wait, whereas English law does not make planning an element of murder. Literal translation can therefore distort the comparison (Kusik, 2024a). Terms that appear close may carry different thresholds of culpability and different functions within offence classification. They operate as juridical false friends because linguistic proximity suggests equivalence that may extend no further than the fact of death (Valdenebro, 2023).

The mismatch becomes more serious when death is not the only consequence contemplated by the offender. Some offenders seek death, while others pursue a different end knowing that death is almost certain. Harder cases arise when the intention extends only to serious injury or when a fatal risk is foreseen and accepted. English law still allows an intention to cause grievous bodily harm to constitute murder. In June 2026, the Law Commission provisionally proposed separating first-degree murder based on an intention to kill from second-degree murder based on an intention to cause serious injury. South African law presents another boundary through *dolus eventualis*, which requires subjective foresight and acceptance of possible death. These positions determine whether law is judging purpose, knowledge, or a decision to proceed despite a fatal possibility. The mental state must be inferred from the circumstances, leaving the boundary between intention and conscious negligence exposed to dispute.

Homicide scholarship has long examined intention, but much of it remains organised through domestic categories (Kadir, 2026c, 2026d, 2026a). Comparative studies may align offences through statutory wording or prescribed penalties, even though functional similarity does not establish doctrinal equivalence (Kusik, 2024b). This approach struggles to explain why the same factor forms an element in one jurisdiction, an aggravating circumstance in another, or a sentencing consideration elsewhere. The International Classification of Crime for Statistical Purposes includes deaths caused with an intention to cause death or serious injury within intentional homicide. That formulation aids statistical comparison but does not settle whether the two objects of intention deserve the same criminal label. What remains missing is a framework that separates common elements from functional resemblance. Otherwise, systems may appear equivalent because they use the same translation or prescribe similarly severe penalties, bringing fair labelling into direct contact with the attribution of blame (Eskauriatza, 2021).

The six jurisdictions draw the line differently when death is intended, understood as practically certain, or accepted as a risk. This article asks how intentional homicide can be explained transsystemically without forcing national categories into uniformity. It argues that an intention to kill offers the most stable point of comparison, while serious-injury intent and risk acceptance remain less settled. Premeditation, motive, and method derive their significance from each offence structure. The *Core-Gradient-Architecture Model* therefore compares culpability before offence names without seeking to replace national doctrine.

The urgency of this inquiry lies in the risk of legal distortion created when national homicide labels are treated as interchangeable. Inaccurate equivalence can obscure the form of culpability actually required, alter the meaning of premeditation, and weaken fair labelling in comparative scholarship and legal reform. Accordingly, this study explicitly aims to identify the most consistent basis of intentional homicide across the six jurisdictions and to explain how differences in serious-injury intent, risk acceptance, and aggravating structure are converted into national offence categories. The resulting theory is intended to improve comparative accuracy without proposing a universal homicide code or displacing the doctrinal choices of each legal system.

RESEARCH METHODS

This article uses normative legal research through statutory, case, conceptual, and comparative approaches (Negara, 2023). The statutory approach examines homicide provisions, general rules on intention, and provisions that treat premeditation or other circumstances as grounds of aggravation. The case approach is used selectively where judicial decisions form or clarify the boundaries of intention, particularly in England and Wales and South Africa. The conceptual approach distinguishes an intention to kill, an intention to cause serious injury, knowledge of a fatal consequence, and acceptance of the risk of death. The comparative approach identifies similarities and differences in the way each legal system defines intentional homicide. The comparison is organised around common legal problems rather than country reports, avoiding the treatment of one system as the default frame (Majeed et al., 2023). Primary legal materials include criminal statutes and selected judicial decisions. Official law-reform documents, journal articles, books, and doctrinal commentary are used as secondary materials where the debates cannot be fully understood from legislation and judgments alone.

The units of analysis are the basic definition of intentional homicide, the level of culpability required to establish it, and the place of premeditation and aggravating factors within homicide classifications (Taekema, 2021). Causation and unlawfulness remain relevant elements of homicide, but they are not developed as independent comparative themes. Evidentiary issues are likewise confined to the way courts infer an offender's mental state from the facts of selected cases. The article does not compare the six jurisdictions' evidentiary systems as a whole. Legal materials were collected through library-based research of official legislation portals, case-law databases, law-reform reports, and verifiable academic literature. Official legal texts are primary. Reliable translations are used where available, while original terms are retained when no accurate English equivalent exists (Engberg, 2020). Judicial decisions are selected for their relevance to the formation or clarification of intention and homicide classification. Secondary literature explains doctrinal disagreement and legal context, but it does not replace legislation or judicial reasoning as the basis for statements of positive law.

The six jurisdictions were chosen because they display clear variation in the definition of intentional homicide and provide official legal materials that can be examined. England and Wales recognise an intention to cause serious injury as sufficient for murder. France and Germany employ markedly different offence structures despite their frequent placement within continental legal traditions. Indonesia provides the setting of a newly operative national criminal code. Pakistan locates *qatl-i-amd* within a structure involving *qisas*, *diyat*, and *ta'zir*. South Africa supplies a developed account of *dolus eventualis*. The selection does not represent every legal system. Statutes and judgments are first interpreted within their domestic context and are then compared through the object of intention, the offender's awareness of death, the position of premeditation, and the consequences for offence classification. The discussion therefore does not consist of six self-contained national reports. Each section brings relevant jurisdictions into the same legal problem, allowing similarities and differences to support the eventual formulation of the *Core-Gradient-Architecture Model*. The conclusions remain limited to patterns supported by the legal materials from these jurisdictions.

RESULTS AND DISCUSSION

1. Murder as a False Universal

Death as a result is not enough to make homicide law equivalent across systems. Divergence begins when a legal order determines which elements must be proved, which factors change the level of the offence, and which name is attached to the conduct. Planning may create a separate category in one jurisdiction but operate only as an aggravating circumstance elsewhere. Motive and method are likewise not always located at the same doctrinal stage. Comparative analysis therefore cannot end with the observation that all systems prohibit killing (Kadir, 2024). It must examine how each system constructs the legal reasons for treating one killing as more serious than another.

The official German translation illustrates the problem clearly. *Totschlag* is translated as 'murder', while *Mord* appears as 'murder under specific aggravating circumstances'. That translation conveys a general hierarchy to English readers, but the relationship between the two offences is not the same as the relationship between murder and manslaughter in English law. The same difficulty arises with *assassinat*. Ordinary usage may associate the term with the killing of a political figure, yet the French Penal Code links it to premeditation or lying in wait. Translation error can change how readers understand offence elements and the grounds for a more serious classification. The mistake persists when offence names become proxies for seriousness without attention to their relationship with other domestic provisions.

France and Indonesia both attach a distinct legal consequence to planning, although they do so through different drafting techniques. Article 221-1 of the French Penal Code defines *meurtre* as intentionally causing another person's death. When *meurtre* is committed with premeditation or lying in wait, Article 221-3 classifies it as *assassinat*. The Indonesian Criminal Code regulates murder in Article 458 and premeditated murder in Article 459 (Iriyanto & Halif, 2021). That surface resemblance might suggest that the two systems follow the same pattern. Yet the Indonesian mental element cannot be read from Article 458 alone. Article 36 provides the general basis that criminal responsibility rests on intention or negligence, while negligence is punishable only where expressly provided. French law places the voluntary causing of death directly in the specific definition. Planning changes the offence classification in both systems, but the relationship between the special provision and the general law of culpability remains different. An element absent from a particular provision may still operate through a general rule. Similar structure therefore does not establish an identical definition. French law states the mental element in the homicide provision, while Indonesian law requires a reading across provisions before Article 458 can be fully explained (Nursyaumi et al., 2024).

England and Wales show that prior planning is not a general condition of murder. The offence remains a common-law crime and may be established where the offender intends to kill or to cause grievous bodily harm. A prior plan may support proof of intention and may affect sentence, but it is not an element that must always be present. A killing committed without prolonged preparation may still be murder once the act and the required intention are proved. This undermines the assumption that the most serious homicide category must be built around premeditation and shows that the same factor may perform a different function in English law. The absence of prior planning does not by itself reduce the offence to manslaughter.

The relationship between *Totschlag* and *Mord* is further removed from a simple division between ordinary and premeditated killing. Section 212 of the German Criminal Code covers killing where the special circumstances in section 211 are absent (Davaanyam et al., 2021). *Mord* is constituted through specified features directed at the offender's reasons, manner of acting, or relationship between the killing and another offence. Greed or another base motive may qualify, as may cruel conduct or the treacherous exploitation of a victim's defencelessness. Section 211 also covers killing committed to facilitate or conceal another crime. Premeditation does not stand as the single threshold. An offender may plan a death without necessarily satisfying a *Mordmerkmal*, while a killing without extended preparation may fall within *Mord* once a statutory characteristic is proved. Factors that might operate only at sentencing elsewhere determine the offence category in Germany. Treating *Mord* as a direct equivalent of murder removes the reason for the distinction. The structure attaches distinct condemnation to particular reasons and methods of killing.

Qatl-i-amd likewise cannot be understood from its name or the fatal result alone. Section 300 of the Pakistan Penal Code includes conduct undertaken with an intention to kill, an intention to cause bodily injury through an act that is likely in the ordinary course of nature to cause death, or knowledge that the act is so imminently dangerous that death will in all probability result (Munir et al., 2023). Section 302 then provides different legal consequences through *qisas* and *ta'zir*. The offence category is closely connected to the basis on which punishment is imposed (Ahmad & Mahmood, 2020). Pakistan is better understood as a hybrid system than as a single representative of Islamic law. Its structure connects the definition of conduct to available forms of responsibility and legal consequence.

Assassinat, *Mord*, premeditated murder, and murder may all occupy the most serious area of homicide law, but that proximity does not establish identical elements. Their resemblance may be functional because each provides a severe response to killings considered especially serious. Equivalence in elements requires a different inquiry, since premeditation, motive, method, and ulterior purpose are not located uniformly. Similar maximum penalties are less conclusive because this article does not examine sentencing practice. An offence name is not a neutral marker. It communicates why an act receives a particular degree of condemnation and determines what must be proved before that label is imposed. Fair labelling becomes concrete at this point. The accuracy of the label depends on the relationship among the offence name, the culpability proved, and the grounds of aggravation recognised by the applicable law.

The universality of homicide law ends at its basic prohibition (Kadir, 2026e). The categories used to name and aggravate killing are built through different choices concerning planning, motive, method, and links to other offences. Those choices matter to fair labelling because the same label may conceal different grounds of culpability, while different labels may perform closely related functions. Moving a factor from the offence definition to sentencing may leave punishment unchanged, yet it alters what must be proved and the reason stated in the conviction. Offence names are therefore an insufficient basis for a transsystemic theory. The comparison must turn to a harder question concerning the offender's mental relation to death. Table 1 consolidates these differences in offence architecture.

Table 1 Comparative Architecture of Intentional Homicide

Jurisdiction	Basic Intentional Homicide	Placement of Aggravation
England and Wales	Murder may rest on intent to kill or to cause grievous bodily harm.	Premeditation is not a required element. Planning and surrounding circumstances affect the legal assessment and sentence.
France	*Meurtre* requires intentionally causing death.	Premeditation or lying in wait changes the offence to *assassinat*.
Germany	*Totschlag* covers intentional killing outside the characteristics listed in Section 211.	*Mord* depends on statutory characteristics concerning motive, method, or the connection with another offence.

Jurisdiction	Basic Intentional Homicide	Placement of Aggravation
Indonesia	Article 458 governs intentional deprivation of life when read with the general rule in Article 36.	Prior planning creates the distinct offence under Article 459.
Pakistan	*Qatl-i-amd* includes intent to kill and specified injury-based routes.	The statutory scheme connects classification with *qisas*, *diyat*, and *ta'zir*.
South Africa	Murder may be established through direct, indirect, or eventual intention.	Premeditation is not a universal element of murder and instead affects the assessment of seriousness.

Source. Authors' synthesis from the statutes and legal materials, 2026

2. The Culpability Frontier

A fatal result does not by itself reveal the offender's form of culpability. Two people may cause the same result through different mental states. One may seek death, while another intends only injury or acts despite recognising a fatal risk. That difference determines whether the label of murder accurately describes the culpability proved or simply follows the gravest consequence (Lamond, 2021). Comparative analysis therefore cannot stop at the word intention. It must examine what the offender sought to achieve, how strongly death was understood to follow, and whether the possibility was accepted when the conduct continued.

An intention to kill generates the least disagreement. The offender directs the conduct toward death, and the loss of life is the intended result. French *meurtre*, the intention-to-kill limb of section 300 of the Pakistan Penal Code, and the mens rea of murder in English law all recognise this form, even though the surrounding offence structures differ. This common feature does not make their definitions identical. It shows only that death as the offender's objective provides the strongest basis for classification as intentional homicide. Here, variations in terminology do not alter the fact that death lies within the offender's purpose and supplies the principal ground of criminal condemnation (Ashton, 2023).

A harder problem arises where death is not the ultimate objective but is understood as an almost certain consequence. In *R v Woollin*, the House of Lords rejected a direction based merely on a substantial risk because it expanded the mental element of murder too far. A jury may find intention where death or serious injury is a virtual certainty from the defendant's conduct and the defendant appreciates that certainty. The decision does not state that foresight is always intention. It permits intention to be found in the narrow setting where the fatal consequence is almost inseparable from the chosen act. The danger of the act and the circumstances assist the jury in determining what the defendant understood, but they do not replace the subjective requirement. Knowing that death is virtually certain remains psychologically different from desiring it. The law may nevertheless treat the two forms as comparably culpable because the defendant proceeds while understanding that the fatal result is practically unavoidable. Their legal proximity rests on the level of knowledge. *Woollin* remains useful without becoming a universal test (Leigh, 2022).

A substantial risk remains below the threshold described in *Woollin*. An offender may appreciate a possibility of death without understanding it as virtually certain. If a substantial risk alone were sufficient, murder would reach highly dangerous conduct even where the offender still believed that death could be avoided. The virtual-certainty standard preserves that boundary. Although the finding still depends on inference from facts, the law demands more than conduct that appears obviously dangerous to others. The offender's knowledge of the consequence must be established rather than replaced by an objective assessment made after the victim has died. The distinction between certainty and risk therefore supplies a useful comparative question even where other jurisdictions do not adopt the English formulation (Krstić, 2026).

English law allows an intention to cause grievous bodily harm to constitute murder when the victim dies. Death need not be proved as either the offender's objective or an outcome understood as virtually certain. The Pakistan Penal Code also moves beyond an intention to kill, but it does so through a different formulation. Section 300 includes an intention to cause bodily injury through an act that is likely in the ordinary course of nature to cause death. Pakistan therefore retains a connection between the intended injury and the ordinary likelihood of a fatal result, whereas English law centres on an intention to cause really serious injury. Both systems extend intentional homicide beyond an intention to kill, but the legal basis of the extension differs. The comparison matters because death changes the offence classification even where injury alone was intended (Dambe & Balule, 2024). In England, the merger can place an offender who intended serious injury under the same label as an offender who intended death. In Pakistan, the nature of the act and its likelihood of causing death remain within the statutory formula. Their similarity lies in the expansion of the category, not in identical language, thresholds, or justification.

Offence labels and punishment severity must be kept separate. An offender who deliberately causes serious injury may be highly culpable and may deserve severe punishment. That conclusion does not answer whether the offence label accurately describes the culpability proved. Fair labelling requires the conviction to communicate whether death was intended or followed violence directed toward injury. Differentiating the label need not lead to lenient punishment. It prevents proportionality from obscuring the distinct objects of intention. Fair labelling concerns the accuracy of the offence description, while proportionality concerns the severity of the legal consequence (Cornford, 2024).

The Law Commission's June 2026 consultation exposes the pressure created by the current merger. Its provisional proposal separates first-degree murder based on an intention to kill from second-degree murder based on an intention to cause serious injury. The proposal is not positive law. Its relevance lies in the reason for reform. Placing materially different forms of culpability under one offence may create *culpability compression* when the conviction no longer reveals the difference between intended death and fatal serious injury. The concept is not an automatic indictment of every broad offence label. It identifies circumstances in which the label may conceal an important distinction in culpability.

South African *dolus eventualis* places the possibility of death directly within the offender's awareness. In *Director of Public Prosecutions, Gauteng v Pistorius*, the Supreme Court of Appeal required subjective foresight that a person might die and acceptance of that possibility when the offender continued to act. The victim's identity was not decisive. Awareness that the person behind the door might die could suffice even though the defendant was mistaken about who that person was. The test remains subjective. The question is whether the defendant, not a reasonable person, recognised the danger of firing the shots. Acceptance cannot be inferred merely from the fact that the conduct continued. The court must still determine the defendant's attitude toward the fatal possibility (Mosaka, 2023).

Continued conduct does not invariably prove acceptance of death. *Humphreys v S* demonstrates that limit. The defendant drove a minibus across a railway crossing and caused the deaths of passengers, yet the Supreme Court of Appeal substituted culpable homicide for murder. The evidence did not establish that he reconciled himself with the possibility of death. His conduct remained consistent with a belief, however irrational, that the vehicle could cross safely. The risk was extreme, but the irrational belief did not automatically convert conscious negligence into *dolus eventualis*. Treating every person who proceeds after recognising a risk as accepting death would remove the limiting work performed by the subjective element (Hagglund & Khan, 2020).

Serious-injury intent and *dolus eventualis* cannot be arranged on one straight line. Serious-injury intent has a clear object of purpose, but death may never enter the offender's contemplation. *Dolus eventualis* requires awareness of possible death even though death is not the objective. The two forms differ along two measures. One concerns the consequence sought, while the other concerns the degree to which death entered the offender's knowledge. Proximity to intentional killing cannot therefore be assessed by placing one form above the other (Kadir & Mappaselleng, 2025; Mappaselleng & Kadir, 2025). Awareness of death and the object of intention may move independently (Stark, 2020). Table 2 consolidates this two-dimensional comparison.

Table 2 Two-Dimensional Mapping of Homicide Culpability

Form of Culpability	Consequence Intended	Awareness of Death	Comparative Position
Intent to kill	Death	Death is desired as the result.	The most stable basis of intentional homicide across the systems examined.
Practical certainty or *oblique intent*	Another result may be pursued.	Death or serious injury is understood as virtually certain.	Functionally close to the core, although the Woollin test is not universal.
Serious-injury intent	Serious bodily injury	Awareness of death need not always be proved.	An expansion based mainly on the object of intention.
Dolus eventualis	Death is not the purpose.	The possibility of death is foreseen and accepted.	An expansion based on subjective risk acceptance.
Conscious negligence	Another result	A fatal risk is foreseen but believed avoidable.	Outside intentional homicide in the compared cases.

Source. Authors' synthesis from the comparative cases and doctrines, 2026

The most consistent forms of culpability arise when death is intended or understood as practically certain. Beyond that point, legal treatment becomes more varied. Serious-injury intent extends the offence through a different object of purpose, while *dolus eventualis* extends it through foresight and acceptance of a fatal possibility. Each extension may be supported by positive law, but neither is the same mental state as an intention to kill. The remaining question is how a transsystemic theory can preserve the relatively stable common ground while explaining national choices about offence labels, aggravation, and legal consequence (Irfan et al., 2025).

3. Toward a Transsystemic Theory

Cross-system similarity is easiest to identify when death is the result the offender seeks. The problem changes once death is understood as virtually certain, follows an intended injury, or is accepted as a possibility. Each system must still decide where culpability and aggravating factors are located. A single measure is insufficient. The offender's mental state must be distinguished from the way national law names, divides, and aggravates the offence. The *Core-Gradient-Architecture Model* is developed from that need as a limited explanatory framework for the relationship between culpability and offence structure in the six systems examined, not as a universal homicide provision.

Death as an intended result is the most consistent form of culpability across the jurisdictions considered. French law locates it within *meurtre*. Pakistan includes it as one route to *qatl-i-amd*, while English law recognises intent to kill as a basis of murder. Reading Article 458 of the Indonesian Criminal Code together with Article 36 also places murder within the framework of intention, although the precise object of intention still requires interpretation. The common feature is not statutory form, penalty, or offence name. It is the direction of the offender's purpose toward death. This form occupies the *Core* because it depends least on national classification. Premeditation is excluded. France and Indonesia give planning a special classificatory consequence, English law does not make it an indispensable element of murder, and Germany builds *Mord* through features extending well beyond prior planning (Al-Baloul, 2022). The *Core* therefore refers to the most consistent form of culpability rather than every element associated with the gravest homicide category. It supplies a basis for comparison before motive, method, or another offence changes the legal level of the killing, preventing aggravated homicide from being absorbed into a uniform definition.

Knowledge that death is virtually certain sits close to this form but is not identical to it. *Woollin* shows that virtual certainty may allow a jury to find intention where the defendant understands a fatal consequence as practically unavoidable. That doctrine is an English common-law response. Other systems may evaluate comparable knowledge without using the same test. Practical certainty is therefore not made a universal element of the *Core*. It is treated as functionally proximate because the defendant's level of knowledge leaves very little distance from an intention to kill. This avoids elevating one English judgment into a compulsory transsystemic rule while recognising the strong culpability involved.

Serious-injury intent and *dolus eventualis* show why a single continuum of intention is inadequate. In serious-injury murder, injury is the object of purpose and death may not have been contemplated. *Pistorius* involves a different configuration. Death need not be the objective, but the fatal possibility enters the offender's awareness and is accepted. *Humphreys* marks the boundary because the risk was recognised without proof of acceptance, the defendant still believing that the result could be avoided. The comparison reveals two independent measures, the consequence sought and the strength of the offender's awareness of death. The *Gradient* operates across these measures rather than as a single ladder from lesser to greater culpability. Serious-injury intent is not automatically closer to intentional homicide than *dolus eventualis*. One form contains a strong purpose directed at injury, while the other includes direct awareness of a possible death. The model describes both without declaring them identical. In *Woollin*, awareness approaches certainty even though death may not be the final objective. In serious-injury murder, the purpose regarding injury is strong while awareness of death may be weaker. These positions disappear when intention is arranged only from low to high.

Differences in mental state must still be converted into offence structure. The scope of *Architecture* is deliberately limited. It describes where a legal system places culpability and aggravating factors within the definition of an offence, the division of categories, or prescribed legal consequences. France and Indonesia give a special position to premeditation (Kadir, 2026b). English law retains a broad murder label. Germany uses specified characteristics to distinguish *Mord* from *Totschlag*, while Pakistan connects *qatl-i-amd* to the normative structures of *qisas* and *ta'zir*. The location of a factor determines what must be proved before the most serious label may be imposed. *Architecture* does not include sentencing practice, prosecutorial policy, or the historical development of homicide law. These limits prevent it from becoming a residual category for differences left outside the *Core* or *Gradient*.

The usefulness of CGA is visible in serious-injury murder. The model does not declare the murder label incorrect. It identifies the distance between the consequence intended and the consequence that determines classification. If a system uses one label, the reason for the extension must be explained without equating an intention to injure with an intention to kill. Fair labelling operates at that point. The offence name should communicate the culpability proved, while proportionality determines the severity of punishment. An offender may deserve a very severe sentence even though the label should distinguish intended injury from intended death. The same applies to *dolus eventualis*. Awareness of possible death must remain visible rather than being redescribed as unproved direct intention.

For Indonesia, the interpretive difficulty lies in the relationship among Articles 36, 458, and 459 of the Criminal Code. Article 458 should not apply merely because the offender deliberately used violence and the victim died (Simanullang et al., 2026). Interpretation must still determine whether intention was directed at death or whether Indonesian doctrine recognises another form of intention as sufficient for murder. Article 459 adds planning as a ground for changing the classification, rather than as a definition of intention to kill (Agusta et al., 2025). CGA helps prevent the fatal result from replacing proof of the object of intention. This is a normative claim because the study did not collect Indonesian judgments systematically. It does not place every fatal assault outside Article 458. It requires a clear doctrinal reason for the classification used (Faisal et al., 2023).

CGA is best understood as a limited explanatory theory. Its proposition is that equivalence across systems is strongest when death is intended, while the role of national choice increases as culpability moves away from that form and law decides how to label, aggravate, and attach consequences to the conduct. The model does not explain the historical or political reasons for those choices and does not represent all legal traditions. It separates the quality of the offender's culpability from the legal structure through which it is managed. A comparison can then move beyond offence-name translation and ask when a national category accurately communicates culpability and when an extension of murder requires a stronger justification. The proposition remains open to testing in other jurisdictions rather than presenting the six-system analysis as a completed universal account.

CONCLUSION

The comparison of six jurisdictions shows that intentional homicide cannot be defined through the translation of murder alone or through the common fact of death. The most consistent form of culpability appears where the offender intends death. Knowledge that death is virtually certain may be treated as closely comparable to an intention to kill, but the jurisdictions do not employ a common test. Serious-injury intent and *dolus eventualis* cannot be placed on one simple line because they differ in both the consequence sought and the offender's awareness of death. Premeditation, motive, and manner of acting acquire legal meaning from their position within each offence structure. Functional similarity or comparable punishment therefore does not prove equivalent elements or culpability.

The *Core-Gradient-Architecture Model* explains this relationship by separating relatively consistent culpability, variations in the offender's mental attitude toward death, and national choices concerning offence labels and aggravation. It neither prescribes a universal definition nor a single sentencing structure. For Indonesia, Article 458 should not be applied merely because violence was intentional and death occurred. Interpretation must still identify whether intention was directed at death or rested on another doctrinal basis capable of supporting murder. Article 459 then treats planning as a reason for changing the classification rather than as a substitute for proof of an intention to kill. The findings remain limited to six jurisdictions and do not describe prosecution or sentencing practice. The framework nevertheless compares homicide law without converting different categories into false equivalents.

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