

RINGKASAN

Andrian Pratama 217410102001 **Penegakan Hukum terhadap Tindak Pidana Pembunuhan Berencana di Pengadilan Negeri Simpang Tiga Redelong (Studi Putusan Nomor 57/Pid.B/2021/PN Str. dan Nomor 38/Pid.B/2021/PN Str.)**

(Dr. Muhammad Hatta, S.H., LL.M., dan Dr. Marlia Sastro, S.H., M.Hum.,)

Penegakan hukum terhadap tindak pidana pembunuhan berencana di Pengadilan Negeri Simpang Tiga Redelong dilatarbelakangi adanya disparitas putusan pemidanaan oleh hakim. Putusan pidana oleh hakim tersebut dianggap tidak tepat, maka akan menimbulkan reaksi kontroversi dan juga bisa menjadikan kecemburuan sosial serta mendapat pandangan negatif oleh masyarakat terhadap institusi peradilan Indonesia.

Tujuan penelitian ini untuk mengetahui dan menganalisis pertimbangan hakim dalam penegakan hukum terhadap tindak pidana pembunuhan berencana di PN Simpang Tiga Redelong dengan Putusan Nomor 57/Pid.B/2021/PN Str. dan Nomor 38/Pid.B/2021/PN Str., faktor penyebab terjadinya disparitas dan upaya yang dilakukan untuk mengatasi faktor penyebab terjadinya disparitas.

Penelitian ini menggunakan jenis kualitatif, pendekatan yuridis empiris, dan penelitian bersifat preskriptif analisis. Sumber data berdasarkan data primer dan data sekunder. Teknik pengumpulan data melalui observasi, wawancara dan dokumentasi dan teknik analisis data melalui reduksi data, penyajian data dan penarikan kesimpulan mengenai penegakan hukum terhadap tindak pidana pembunuhan berencana.

Hasil penelitian bahwa pertimbangan hakim dalam penegakan hukum terhadap tindak pidana pembunuhan berencana yaitu pertimbangan yang didasari secara yuridis dan non yuridis serta reaksi sosial masyarakat, fakta-fakta yang terungkap dalam persidangan terhadap terdakwa, dan unsur-unsur yang terdapat dalam Pasal 340 KUHP yaitu unsur barangsiapa, unsur dengan sengaja dan direncanakan lebih dahulu, dan unsur menghilangkan nyawa orang. Pertimbangan hakim didasari dengan keadaan yang memberatkan dan meringankan. Faktor penyebab terjadinya disparitas pidana pada putusan hakim yaitu kebebasan hakim dalam memutus perkara, keadaan-keadaan memberatkan dan meringankan, fakta perkara, akibat perbuatan terdakwa, tujuan pemidanaan, dan sikap terdakwa di persidangan. Upaya yang dilakukan untuk mengatasi faktor penyebab terjadinya disparitas yaitu dibentuknya standarisasi/pedoman pemidanaan, putusan hakim berdasarkan hukum pembuktian dan evaluasi dan pembinaan hakim.

Rekomendasi yang penulis berikan yaitu diharapkan kepada hakim dalam penjatuhan Pidana oleh Majelis Hakim harus memperhatikan hukuman maksimal yang ada dalam Pasal 340 KUHP. Aparat penegak hukum diharapkan dapat memberikan pemahaman terhadap masyarakat, bahwa disparitas pemidanaan merupakan hal yang wajar jika memiliki alasan serta landasan yang kuat.

Kata Kunci: *Penegakan Hukum, Pembunuhan Berencana, dan Pengadilan Negeri Simpang Tiga Redelong*

SUMMARY

Andrian Pratama 217410102001 **Law Enforcement of the Crime of Premeditated Murder at the Simpang Tiga Redelong District Court (Study of Decisions Number 57/Pid.B/2021/PN Str. and Number 38/Pid.B/2021/PN Str.)**

(Dr. Muhammad Hatta, S.H., LL.M., and Dr. Marlia Sastro, S.H., M.Hum.,)

Law enforcement regarding the crime of premeditated murder at the Simpang Tiga Redelong District Court was motivated by disparities in sentencing decisions by judges. The criminal decision by the judge is considered inappropriate, it will cause a controversial reaction and can also create social jealousy and give the public a negative view of the Indonesian judicial institution.

The purpose of this research is to determine and analyze the judge's considerations in enforcing the law regarding the crime of premeditated murder at the Simpang Tiga Redelong District Court with Decision Number 57/Pid.B/2021/PN Str. and Number 38/Pid.B/2021/PN Str., factors causing disparities and efforts made to overcome the factors causing disparities.

This research uses a qualitative type, empirical juridical approach, and research is prescriptive analysis. Data sources are based on primary data and secondary data. Data collection techniques through observation, interviews and documentation and data analysis techniques through data reduction, data presentation and drawing conclusions regarding law enforcement regarding the crime of premeditated murder.

The results of the research show that the judge's considerations in enforcing the law regarding the crime of premeditated murder are considerations based on juridical and non-juridical considerations as well as the social reaction of the community, the facts revealed in the trial of the defendant, and the elements contained in Article 340 of the Criminal Code, namely the element of whoever, elements of deliberate and premeditation, and elements of taking people's lives. The judge's considerations are based on aggravating and mitigating circumstances. Factors that cause criminal disparities in judges' decisions are the judge's freedom in deciding cases, aggravating and mitigating circumstances, case facts, consequences of the defendant's actions, the purpose of the sentence, and the defendant's attitude at trial. Efforts made to overcome the factors that cause disparities include the establishment of standardization/sentencing guidelines, judge decisions based on the law of evidence and evaluation and guidance of judges.

The recommendation that the author gives is that it is hoped that the judge in imposing a crime by the Panel of Judges must pay attention to the maximum sentence in Article 340 of the Criminal Code. It is hoped that law enforcement officials can provide an understanding to the public that disparities in punishment are normal if they have strong reasons and foundations.

Keywords: Law Enforcement, Premeditated Murder, and Simpang Tiga Redelong District Court.