

ABSTRAK

Tindak pidana pembunuhan yang didahului pembunuhan berencana disebut pembunuhan berencana. Namun, Kitab Undang-Undang Hukum Pidana (KUHP) tidak mengatur definisi dan istilah unsur-unsur perencanaan pembunuhan berencana. Kepekaan hakim dalam menganalisis, mempertimbangkan, dan memutuskan masalah diperlukan dalam penelitian ini, seperti dalam putusan Nomor 2537/Pid.B/2021/PN Mdn yang dimohonkan menjadi putusan Nomor 326/Pid.Sus/2022/PT Mdn . Bagaimana penerapan hukum materiil dalam perkara ini dan apa pertimbangan majelis hakim dalam putusan putusan Nomor 326/Pid.Sus/2022/PT Mdn. Metode penelitian yang digunakan ialah yuridis normatif dengan pendekatan UU serta konseptual. Hukum materiil yang digunakan majelis hakim adalah ketentuan Pasal 340 juncto Pasal 55 ayat (1) juncto Pasal 56 ke-1 KUHP dan Undang-Undang Nomor 8 Tahun 1981 Tentang Hukum Acara Pidana dan putusan hakim tidak benar dalam memutuskan kasus. Seharusnya majelis hakim memeriksa perkara dan memeriksa setiap unsur yang terkandung dalam Pasal 340 serta memperhatikan kelengkapan pelaksanaan rencana dan ketenangan.

Kata Kunci: Tindak Pidana; Pembunuhan Berencana; Sekelompok Orang

ABSTRACT

Premeditated murder is a murder offense that comes before another murder offense. However, the Criminal Code (KUHP) does not define or control the phrases used in the elements of the criminal law planning of a premeditated murder. In this study, the sensitivity of judges is needed in analyzing, considering and deciding a case, as in decision Number 2537/Pid.B/2021/PN Mdn which was appealed to become decision Number 326/Pid.Sus/2022/PT Mdn. How is the application of material law in this case and what are the considerations of the judicial panel that rendered judgment 326/Pid.Sus/2022/PT Mdn. The research method used is normative law with legal approaches and konseptual approaches used. The material law used by the panel of judges is the provisions of Article 340 in conjunction with Article 55 paragraph (1) in conjunction with Article 56 1st of the Criminal Code and Law Number 8 of 1981 Concerning Criminal Procedure Law and the judge's decision is not correct in deciding cases. The panel of judges should have

investigated the case and examined every element contained in Article 340 and paid attention to the completeness of the implementation of the plan and calm.

Keywords: Criminal act; Planned Murder; Group of People