

ABSTRAK

Pengambilan nyawa orang lain secara sengaja dikenal sebagai pembunuhan. Seorang pelaku harus melakukan sejumlah langkah untuk mengambil nyawa orang lain secara kesengajaan dengan direncanakan (*Dolus Premeditatus*) akibatnya berupa hilangnya nyawa orang lain tersebut. Pada umumnya, tindak pidana pembunuhan seringkali didasari atas rasa dendam, rasa tidak suka terhadap orang lain, lawan politik, kecemburuan, membela diri, dan banyak motif lainnya. Metode kajian ini bersifat nomatif. Sumber data primer dan sekunder digunakan untuk mendapatkan informasi penelitian. Penelitian yang dilakukan di perpustakaan berfungsi sebagai sarana pengumpulan data. Hasil investigasi mengarah kepada hukuman bagi pelaku pembunuhan berencana tersebut dijatuhkan pidana penjara selama 20 tahun sebagaimana diatur di dalam Pasal 340 KUHPidana Jo Pasal 55 Ayat (1) ke-1 KUHPidana. Namun Jaksa Penuntut Umum mengajukan upaya Hukum Banding karena keberatan atas putusan Pengadilan Negeri Medan. Bahwa terkait penerapan hukum di Pengadilan Negeri Medan yang kurang mempertimbangkan terkait hal tersebut, maka di dalam upaya Hukum Banding, Hakim Tinggi pada Pengadilan Tinggi Medan lebih menilai terkait hal dimaksudkan. Maka dalam Amar Putusan tersebut, Hakim Tinggi Pada Pengadilan Tinggi tingkat Banding memberi vonis maksimal yakni Hukuman Mati, dimana telah tindakan itu di tunjukkan secara persasif dan legal. Kesimpulan dalam peristiwa pembunuhan berencana tersebut dipicu adanya peristiwa perselingkuhan. Dalam pertimbangan hukum hakim, terdapat perbedaan pendapat hukum antara putusan pertama dengan putusan tingkat banding. Dalam putusan pertama, terdakwa dijatuhkan pidana penjara selama 20 tahun. Namun dalam putusan tingkat banding, terdakwa dijatuhkan pidana mati.

Kata Kunci : Pembunuhan, Berencana, Bersama-sama.

ABSTRACT

Homicide is the deliberate killing of another person. To kill another person's life, an actor must carry out a series of intentional actions with a plan (Dolus Premeditatus) leading to the other person's demise. In general, criminal acts of murder are often based on revenge, dislike of other people, political opponents, jealousy, self-defense, and many other motives. This

research method is normative juridical research. Sources for the research data include both primary and secondary sources. Library research served as the means of data collection. According to the study's findings, those who commit premeditated murder are subject to a criminal penalty of 20 years in jail, as provided for in Article 340 of the Criminal Code in combination with Article 55 Paragraph (1) First of the Criminal Code. However, the Public Prosecutor filed an appeal due to objections to the Medan District Court's decision. Whereas in relation to the application of law at the Medan District Court which did not take into account this matter, in the legal appeal, the high judge at the Medan High Court considered the matter intended. So in the Amar Ruling, the High Court Judge at the High Court of Appeal level gave the maximum sentence, namely the Death Penalty, It has been demonstrated to have performed the act legally and convincingly. The conclusion of the planned murder event was triggered by an affair. In the judge's legal considerations, there is a difference of legal opinion between the first decision and the decision at the appeal level. In the first decision, The offender received a 20-year jail term. However, in the decision at the appeal level, The prosecution received a death verdict.

Keywords: Murder, Planning, Together.