

ABSTRAK

PENJATUHAN PIDANA PENJARA MAKSIMAL OLEH HAKIM DALAM PUTUSAN TINDAK PIDANA PEMBUNUHAN BERENCANA (Studi Putusan Nomor:2/Pid.B/2021/PN Gdt)

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Tindak pidana pembunuhan berencana merupakan salah satu bentuk kejahatan paling serius dalam sistem hukum pidana Indonesia karena secara langsung melanggar hak untuk hidup serta menimbulkan keresahan sosial yang mendalam. Penjatuhan pidana penjara maksimal oleh hakim menjadi isu penting dalam mewujudkan keadilan, kepastian hukum, dan perlindungan masyarakat dari kejahatan berat. Studi ini berupaya menganalisis bagaimana hakim mempertimbangkan unsur yuridis dan non-yuridis dalam menjatuhkan pidana penjara maksimal terhadap pelaku pembunuhan berencana serta menilai kesesuaiannya dengan prinsip keadilan dalam Kitab Undang-Undang Hukum Pidana (KUHP).

Penelitian ini menggunakan pendekatan yuridis normatif. Data diperoleh melalui studi kepustakaan serta wawancara dengan hakim Pengadilan Negeri Gedong Tataan dan dosen Fakultas Hukum Universitas Lampung bagian Hukum Pidana. Data dianalisis secara deskriptif untuk memperoleh gambaran menyeluruh antara teori dan praktik penjatuhan pidana penjara.

Hasil penelitian menunjukkan bahwa penjatuhan pidana penjara maksimal 20 tahun terhadap terdakwa sebagai *medepleger* (turut serta melakukan) telah memenuhi aspek proporsionalitas melalui integrasi pertimbangan yuridis, filosofis, dan sosiologis. Secara yuridis, hakim berfokus pada pemenuhan unsur Pasal 340 juncto Pasal 55 ayat (1) ke-1 KUHP sesuai asas legalitas dan kewajiban pembuktian minimal dua alat bukti sah berdasarkan Pasal 183 KUHP, yang dalam perkara ini terbukti secara sah melalui sinkronisasi alat bukti termasuk bukti ilmiah *Visum et Repertum*. Secara sosiologis, pertimbangan hakim meluas pada latar belakang personal dan sosial terdakwa serta dampak destruktif terhadap stabilitas sosial, guna memastikan putusan memberikan manfaat nyata bagi masyarakat melalui fungsi pencegahan umum, rehabilitasi pelaku, serta perlindungan terhadap hak korban. Secara filosofis, hakim menekankan

pemidanaan sebagai instrumen edukatif dan sarana pembinaan yang mempertimbangkan derajat kesalahan (*degree of culpability*) untuk memperbaiki perilaku terdakwa agar menyadari kesalahannya di masa depan. Hakim berhasil menyeimbangkan prinsip equality of arms (keseimbangan hak prosedural) dengan kebutuhan akan efek jera (*deterrence*), sehingga vonis tersebut diterima sebagai keputusan yang logis, proporsional, dan resonan dengan rasa keadilan yang hidup dalam masyarakat sebagai upaya memulihkan tatanan moral dan sosial yang terganggu.

Saran penelitian ini agar hakim secara konsisten mengintegrasikan aspek yuridis, filosofis, dan sosiologis demi mewujudkan keadilan substantif dalam setiap putusan. Selain itu, diperlukan penguatan edukasi hukum kepada masyarakat mengenai konsekuensi pidana bagi pelaku maupun pihak yang turut serta (*medepleger*) dalam pembunuhan berencana sebagai upaya preventif yang efektif.

Kata Kunci: Pertimbangan Hakim, Putusan Pidana, Pidana Penjara, Pembunuhan Berencana.

ABSTRACT

IMPOSITION OF MAXIMUM IMPRISONMENT BY THE JUDGE IN THE VERDICT OF PREMEDITATED MURDER (Verdict Study Number: 2/Pid.B/2021/PN Gdt)

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Premeditated murder is one of the most serious crimes in the Indonesian criminal justice system because it directly violates the right to life and causes deep social unrest. The imposition of maximum prison sentences by judges is an important issue in realising justice, legal certainty and the protection of society from serious crimes. This study seeks to analyse how judges consider legal and non-legal elements in imposing maximum prison sentences on perpetrators of premeditated murder and assess their compatibility with the principles of justice in the Criminal Code (KUHP).

This study uses a normative juridical approach. Data was obtained through literature studies and interviews with judges from the Gedong Tataan District Court and lecturers from the Faculty of Law, University of Lampung, specialising in criminal law. The data was analysed descriptively to obtain a comprehensive overview of the theory and practice of imposing prison sentences.

*The results of the study indicate that the imposition of a maximum prison sentence of 20 years on the defendant as an accomplice (participant) has fulfilled the aspect of proportionality through the integration of legal, philosophical, and sociological considerations. Juridically, the judge focused on fulfilling the elements of Article 340 in conjunction with Article 55 paragraph (1) of the Criminal Code in accordance with the principle of legality and the obligation to provide at least two pieces of valid evidence based on Article 183 of the Criminal Procedure Code, which in this case was proven through the synchronisation of evidence, including scientific evidence from the *Visum et Repertum*. Sociologically, the judge's considerations extended to the personal and social background of the defendant and the destructive impact on social stability, in order to ensure that the verdict provided real benefits to society through the functions of general prevention, rehabilitation of the perpetrator, and protection of the victim's rights. Philosophically, the judge emphasised punishment as an educational instrument and a means of guidance that takes into account the degree of culpability in order to reform the defendant's behaviour so that they realise their mistakes in the future. The judge successfully balanced the principle of equality of arms (procedural rights) with the need for deterrence, so that the verdict was accepted as a logical, proportional decision that resonated with the sense of justice that exists in society as an effort to restore the moral and social order that had been disrupted.*

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This research suggests that judges should consistently integrate legal, philosophical, and sociological aspects in order to achieve substantive justice in every decision. In addition, it is necessary to strengthen legal education for the public regarding the criminal consequences for perpetrators and accomplices in premeditated murder as an effective preventive measure.

Keywords: Judge's Considerations, Criminal Verdict, Maximum Prison Sentence, Premeditated Murder.