

Legal Analysis Of Judges' Decisions On The Imposing Of Sanctions For Perpetrators Of The Criminal Act Of Murder Study Of Decision NO. 264/PID.B/2024/PN RHL

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Abstract

The method used in this research is normative legal research, namely research into problems by looking at the sources of applicable regulations relating to the title. Legal Analysis of Judge's Decision on the Imposition of Sanctions on Murder Perpetrators Study of Decision No. 264/PID.B/2024/PN RHL. In The decision of the Rokan Hilir District Court No. 264/Pid.B/2024/PN Rhl has declared the Defendant Hari Kurniawan alias Ari bin Sugianto and has been proven legally and convincingly guilty of committing the crime of premeditated murder, as in the indictment of the Public Prosecutor by sentencing the Defendant to a prison sentence of 19 (nineteen) years. is very much in accordance with the concept of justice mentioned by John Rawls that the justice enforcement program with a people's dimension must pay attention to two principles of justice, namely: Providing equal rights and opportunities for the broadest basic freedoms as broad as the same freedom for everyone. The results of the study show that the judge in this decision based his considerations on Article 338 of the Criminal Code concerning ordinary murder, by adjusting the trial facts to the elements of the article. The judge's considerations involved subjective aspects, such as the defendant's psychological condition, and objective aspects, such as evidence and witness statements. Although the decision reflects elements of justice, several aspects, such as the application of maximum sanctions and efforts to prevent similar crimes, still require further evaluation. This study concludes that law enforcement in this case reflects the application of the principle of legality, but there is room for increased effectiveness through regulatory reform and more progressive implementation of criminal law.

Keywords: Legal Analysis, Judge's Decision, Imposition Of Sanctions.

INTRODUCTION

The crime of murder is regulated in the Criminal Code (KUHP) and Islamic criminal law. In the KUHP, murder is explained in Articles 338, 341, 343, 344, 345, and 346 to 349. Murder is always interpreted as meaning that the victim must die and this death is desired by the perpetrator. (Berencana, 2021) Thus, the definition of murder implicitly contains an element of intent. If there is no element of intent or no intention or purpose to kill a person, but then it turns out that the person dies, (C.D.M. et al., 2020) the act cannot be qualified as a criminal act of murder according to this verse.

In Article 458 paragraph (1) of Law 1/2023, the element "intentionally" is not included, because this has been regulated in Article 36 and Article 54 letter j of Law 1/2023. Thus, the judge will prioritize considering the motive, method, means, or attempt to kill, as well as the consequences and impact of a murder on society (Dedi Romadhan et al., 2021).

(Duha, 2022) If examined from a linguistic perspective, according to KBBI, murder comes from the word kill which means to take life. Furthermore, according to Adam Chazawi, murder is a matter or act of killing, it can also be interpreted as a person or tool that kills. (Giawa et al., 2025) So, murder or the act of killing carried out by a murderer (doodslag) means anyone who intentionally takes the life of another person

It should be noted that the crime of murder is included in crimes against life (misdrijven tegen bet leven) in the form of an attack on the life of another person. The legal interest that is protected and which is the object of this crime is human life (leven) (Kewarganegaraan et al., 2023).

The object of research in this article refers to the Decision of the Rokan Hilir District Court NO. 264/PID.B/2024/PN RHL; in which the defendant Hari Kurniawan alias Ari Bin Sugianto together with witness Zainuddin alias Udin Bin Fendi together with witness Ismail alias Mail Bin Sarjum on Monday, January 16, 2024 at around 16.00 WIB or at least at another time in 2024 at Jalan Jendral Sudirman RT 027 RW 009 Kepenghuluan Sungai Daun, Pasir Limau Kapas District, Rokan Hilir Regency, precisely at the palm wine stall owned by the defendant HARI KURNIAWAN alias ARI Bin SUGIANTO or at least in a place that is still included in the Jurisdiction of the Rokan Hilir District Court which has the authority to examine and try this case, "those who deliberately provide assistance, those who deliberately provide opportunities, means or information to carry out, with prior planning to take the lives of others," which was carried out by the defendant in the following manner:

It started because of the hurt feelings of Witness Zainuddin Alias Udin Bin Fendi, Witness Ismail Alias Mail Bin Sarjum and Defendant Hari Kurniawan Alias Ari Bin Sugianto towards the victim, namely Mr. Bayu Aksara (Victim), because Mr. Bayu Aksara (Victim) had reported Witness Zainuddin Alias Udin Bin Fendi, Witness Ismail Alias Mail Bin Sarjum and Defendant Hari Kurniawan Alias Ari Bin Sugianto to Mr. Ucok regarding the actions of Witness Zainuddin Alias Udin Bin Fendi, Witness Ismail Alias Mail Bin Sarjum and Defendant Hari Kurniawan Alias Ari Bin Sugianto who took oil palm fruit belonging to Mr. Ucok without permission.

That then on Monday, January 16, 2024 at around 16.00 WIB when Witness Zainuddin Alias Udin Bin Fendi, Witness Ismail Alias Mail Bin Sarjum and Defendant Hari Kurniawan Alias Ari Bin Sugianto were gathering at a palm wine stall owned by Defendant Hari Kurniawan Alias Ari Bin Sugianto located at Jalan Jenderal Sudirman RT 027 RW 009 Kepenghuluan Sungai Daun, Pasir Limau Kapas District, Rokan Hilir Regency, then Defendant Hari Kurniawan Alias Ari Bin Sugianto said to Witness Zainuddin Alias Udin Bin Fendi and Witness Ismail Alias Mail Bin Sarjum with the words "IT'S SUITABLE TO KILL THAT PERSON (BAYU)" hearing this then Witness Zainuddin Alias Udin Bin Fendi and Witness Ismail Alias Mail Bin Sarjum agreed with the idea of Defendant HARI KURNIAWAN Alias ARI Bin SUGIANTO so that Mr. Bayu Aksara (the victim) can no longer report the actions of Witness Zainuddin alias Udin Bin Fendi, Witness Ismail alias Mail Bin Sarjum and Defendant Hari Kurniawan alias Ari Bin Sugianto who took oil palm fruit without permission.

Next, Witness Zainuddin alias Udin Bin Fendi, Witness Ismail alias Mail Bin Sarjum and Defendant Hari Kurniawan alias Ari Bin Sugianto made a plan to kill Mr. Bayu Aksara (Victim), where Defendant HARI KURNIAWAN alias ARI Bin SUGIANTO gave an idea to Witness Zainuddin alias Udin Bin Fendi and Witness Ismail alias Mail Bin Sarjum to pretend to invite Mr. Bayu Aksara (Victim) to use drugs and the way to kill Mr. Bayu Aksara (Victim) was by tying his body using plastic rope and immediately immersing him in a ditch, after explaining the idea, Defendant Hari Kurniawan alias Ari Bin Sugianto immediately gave a piece of plastic rope to Witness Zainuddin alias Udin Bin Fendi and then Defendant Hari Kurniawan alias Ari Bin Sugianto went into his house while taking salt which was then wrapped by Witness ISMAIL ALIAS MAIL BIN SARJUM using cigarette plastic to resemble crystal methamphetamine.

Then at 23.30 WIB, Mr. Bayu Aksara (Victim) passed in front of the palm wine stall owned by Mr. Hari Kurniawan. Seeing this, Witness ISMAIL ALIAS MAIL BIN SARJUM called Mr. Bayu Aksara (Victim) to stop by the palm wine stall. Then Witness Ismail Alias Mail Bin Sarjum began to carry out the idea that had been planned previously by Witness Ismail Alias Mail Bin Sarjum inviting Mr. Bayu Aksara (Victim) to use narcotics in the form of crystal methamphetamine. Hearing this, Mr. Bayu Aksara (Victim) agreed.

That then Witness ZAINUDDIN ALIAS UDIN BIN FENDI brought a plastic rope that was stored in his pocket and then Witness Zainuddin Alias Udin Bin Fendi together with Witness Ismail Alias Mail Bin Sarjum and Mr. Bayu Aksara (Victim) also left the palm wine stall belonging to the Defendant Hari Kurniawan Alias Ari Bin SUGIANTO using 1 (one) Honda

Revo motorcycle (List of Searched Goods) driven by Mr. Bayu Aksara (Victim), then on the way Witness ZAINUDDIN ALIAS UDIN BIN FENDI said to Mr. Bayu Aksara (Victim) "just go there Bayu, we'll use it near the bananas, that's where the tool is" hearing this then Mr. Bayu Aksara (Victim) agreed and followed the direction of Witness ZAINUDDIN ALIAS UDIN BIN FENDI.

Next, Witness ZAINUDDIN ALIAS UDIN BIN FENDI together with Witness ISMAIL ALIAS MAIL BIN SARJUM and Mr. Bayu Aksara (Victim) went to the agreed place, namely an oil palm plantation located at Jalan Lintas PU RT.027 RW.007 Dusun Telaga Suka, Sungai Daun Headquarters, Pasir Limau Kapas District, Rokan Hilir Regency. Upon arriving at the location at 00.30 WIB, Witness ZAINUDDIN ALIAS UDIN BIN FENDI said to Mr. Bayu Aksara (Victim) "Why are you blowing me off, Yu?" while Witness ZAINUDDIN ALIAS UDIN BIN FENDI hit Mr. Bayu Aksara's (Victim) face until Mr. Bayu Aksara (Victim) lay on the ground, then Witness ZAINUDDIN ALIAS UDIN BIN FENDI immediately took the plastic rope that stored in his trouser pocket and tied Mr. Bayu Aksara's (Victim) feet using the rope while Witness ISMAIL ALIAS MAIL BIN SARJUM held both of Mr. Bayu Aksara's (Victim) hands.

After Witness Zainuddin Alias Udin Bin Fendi finished tying both of Mr. Bayu Aksara's (Victim) legs, then Witness Zainuddin Alias Udin Bin Fendi sat on Mr. Bayu Aksara's (Victim) chest and pressed Mr. Bayu Aksara's (Victim) chest using his left knee until Mr. Bayu Aksara (Victim) screamed for mercy and then Witness ISMAIL ALIAS MAIL BIN SARJUM pulled both of Mr. Bayu Aksara's (Victim) hands towards his neck, then Witness ISMAIL ALIAS MAIL BIN SARJUM immediately tied both of Mr. Bayu Aksara's (Victim) hands using a plastic rope, after Witness ISMAIL ALIAS MAIL BIN SARJUM finished tying both of Mr. Bayu Aksara's (Victim) hands, then Witness Zainuddin Alias Udin Bin Fendi pulled the clothes worn by Mr. Bayu Aksara (Victim) towards his face until it covered Mr. Bayu Aksara's (Victim) face.

Next, Witness Zainuddin Alias Udin Bin Fendi and Witness ISMAIL ALIAS MAIL BIN SARJUM lifted the body of Mr. Bayu Aksara (Victim) where both of Mr. Bayu Aksara's (Victim) feet and hands were already tied with plastic rope and were going to be thrown into the ditch, where at that time Mr. Bayu Aksara (Victim) had time to say to Witness ZAINUDDIN ALIAS UDIN BIN FENDI and Witness ISMAIL ALIAS MAIL BIN SARJUM "don't throw me into the ditch, bro" but Witness ZAINUDDIN ALIAS UDIN BIN FENDI and Witness ISMAIL ALIAS MAIL BIN SARJUM still threw the body of Mr. Bayu Aksara (Victim) into the ditch while Mr. Bayu Aksara's (Victim) feet and hands were tied with plastic rope so that when he was in the ditch Mr. Bayu Aksara (Victim) could not save himself.

After the body of Mr. Bayu Aksara (Victim) was thrown into the ditch, Witness Zainuddin Alias Udin Bin Fendi and Witness Ismail Alias Mail Bin Sarjum remained at the location for approximately 5 (five) minutes to ensure that Mr. Bayu Aksara (Victim) had drowned with his hands and feet tied by a plastic rope causing Mr. Bayu Aksara (victim) to be lifeless (dead) then after ensuring that Mr. Bayu Aksara (victim) was no longer moving, Witness Zainuddin Alias Udin Bin Fendi and Witness Ismail Alias Mail Bin Sarjum left the location. How are the legal provisions regarding the crime of murder regulated by positive law? What is the basis for the judge in issuing a verdict in the case of the crime of murder based on case No.246/Pid.B/2024/PN-RHL?

That based on the results of the Visum Et Repertum number VER/08/I/KES.3/2024/RSB dated January 25, 2024 issued by the Bhayangkara Pekanbaru Hospital and signed by dr. Mohammad Tegar Indrayana, Sp.FM in conclusion explained that the examination of a male corpse that had undergone a decomposition process (Advanced decomposition) found bruises on the base of the tongue, blood seepage on the inner scalp, connective tissue under the skin of the neck, connective tissue covering the tongue bone, chest muscles, fractures of the nasal cavity septum, tongue bone and sternum due to blunt force. Furthermore, foreign objects were found in

the form of sand and black mud in the windpipe and esophagus. The cause of death of this corpse was due to blunt force trauma to the neck which resulted in a fracture of the tongue bone, causing airway obstruction. Blunt force alone to the chest area can cause death. Skin and soft tissue that disappears in the head, back, groin and back of the right leg can be caused by bites from carrion animals. Estimated time of death 3-7 days before the examination. The defendant's actions as regulated and threatened with criminal penalties in Article 340 in conjunction with Article 56 of the Criminal Code

Based on the description that has been put forward above, it is important to carry out a study on Legal Analysis Of Judge's Decision On The Imposition Of Sanctions For Perpetrators Of The Criminal Act Of Murder Study Of Decision NO. 264/PID.B/2024/PN RHL

The crime of murder is regulated in the Criminal Code (KUHP) and Islamic criminal law. In the KUHP, murder is explained in Articles 338, 341, 343, 344, 345, and 346 to 349. Murder is always interpreted as meaning that the victim must die and this death is desired by the perpetrator. Thus, the definition of murder implicitly contains an element of intent. If there is no element of intent or no intention or purpose to kill a person, but then it turns out that the person dies, the act cannot be qualified as a criminal act of murder according to this verse.

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(Patel, 2019) It should be noted that the crime of murder is included in crimes against life (misdrijven tegen het leven) in the form of an attack on the life of another person. The legal interest that is protected and which is the object of this crime is human life (leven).

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After the body of Mr. Bayu Aksara (the victim) was thrown into the ditch, Witness Zainuddin alias Udin Bin Fendi and Witness Ismail alias Mail Bin Sarjum remained at the location for approximately 5 (five) minutes to ensure that Mr. Bayu Aksara (the victim) had drowned with his hands and feet tied by a plastic rope causing Mr. Bayu Aksara (the victim) to be lifeless (dead). Then after ensuring that Mr. Bayu Aksara (the victim) was no longer moving, Witness Zainuddin alias Udin Bin Fendi and Witness Ismail alias Mail Bin Sarjum left the location.

That based on the results of the Visum Et Repertum number VER/08/I/KES.3/2024/RSB dated January 25, 2024 issued by the Bhayangkara Pekanbaru Hospital and signed by dr. Mohammad Tegar Indrayana, Sp.FM in conclusion explained that the examination of a male corpse that had undergone a decomposition process (Advanced decomposition) found bruises on the base of the tongue, blood seepage on the inner scalp, connective tissue under the skin of the neck, connective tissue covering the tongue bone, chest muscles, fractures of the nasal cavity septum, tongue bone and sternum due to blunt force. Furthermore, foreign objects were found in the form of sand and black mud in the windpipe and esophagus. The cause of death of this corpse was due to blunt force trauma to the neck which resulted in a fracture of the tongue bone, causing airway obstruction. Blunt force alone to the chest area can cause death. Skin and soft tissue that disappears in the head, back, groin and back of the right leg can be caused by bites from carrion animals. Estimated time of death 3-7 days before the examination. The defendant's actions as regulated and threatened with criminal penalties in Article 340 Jo Article 56 of the Criminal Code. Based on the description that has been presented above, it is important to conduct a study on Legal Analysis Of Judge's Decision On The Imposition Of Sanctions For Perpetrators Of The Criminal Act Of Murder Study Of Decision NO. 264/PID.B/2024/PN RHL.

RESEARCH METHODS

This study uses a normative legal research method. Normative legal research is researching law from an internal perspective with the object of research being legal norms. In other words, legal research that places law as a building of a norm system. The norm system in question is about the principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings). This research uses a legislative approach and a conceptual approach. The legislative approach is used to obtain an overview of the Legal Analysis of Judge's Decisions Regarding the Imposition of Sanctions on Perpetrators of the Crime of Murder Study of Decision No. 264/PID.B/2024/PN RHL.

RESULT AND DISCUSSION

1. Position of the Case Regarding the Imposition of Sanctions Murder Crime Perpetrator Study of Decision NO. 264/PID.B/2024/PN RHL;

If we look at the position of the case as stated in the Public Prosecutor's indictment which has been stated in the background, it is clear The defendant's actions are as regulated and subject to criminal penalties in Article 340 in conjunction with Article 56 of the Criminal Code (Pokhrel, 2024).

After going through the trial examination mechanism at the Rokan Hilir District Court, the Public Prosecutor at the Rokan Hilir District Attorney's Office prosecuted the defendant so that the Panel of Judges at the Rokan Hilir District Court who examined and tried this case would decide as follows:

DEMAND:

1. Stating that the Defendant Hari Kurniawan alias Ari Bin Sugianto has been proven legally and convincingly guilty of committing the crime of "Those Who Intentionally Provide Assistance, Those Who Intentionally Provide Opportunity, Means or Information to Do, with prior planning to take the life of another person," as regulated and threatened with criminal penalties in the Single Indictment of the Public Prosecutor Violating Article 340 Jo Article 56 of the Criminal Code.
2. Sentencing the Defendant Hari Kurniawan alias Ari Bin Sugianto to 18 (Eighteen) years in prison minus the detention he has served and ordering that the defendant remain in detention.
3. Stating evidence in the form of:
 - 1 (One) Piece of Black T-shirt
 - 1 (One) Watch
 - 1 (One) Brown Shoulder Bag
 - A Black Rapia Rope
(Used in Other Cases by ZAINUDDIN ALIAS UDIN BIN FENDI, et al)
4. Charge the defendant with paying court costs of Rp. 2,000 (two thousand rupiah).

Then, regarding the Public Prosecutor's Demands, the Panel of Judges at the Rokan Hilir District Court issued a verdict as per the Rokan Hilir District Court Decision No. 264/Pid.B/2024/PN Rhl, the verdict of which reads:

TO JUDGE:

1. Declaring that the Defendant Hari Kurniawan alias Ari bin Sugianto, mentioned above, has been proven legally and convincingly guilty of committing the crime of premeditated murder, as stated in the Public Prosecutor's indictment;
2. Sentencing the Defendant to 19 (nineteen) years imprisonment;
3. Determine that the period of arrest and detention that has been served by the Defendant is deducted in full from the sentence imposed;
4. Determine that the Defendant remains in detention;
5. Stating evidence in the form of:
 - 1 (one) black T-shirt;
 - 1 (one) watch;
 - 1 (one) brown sling bag;
 - A piece of black rapia rope;Returned to the Public Prosecutor to be used as evidence in the case. Zainuddin alias Udin bin Fendi, et al;
6. Charge the Defendant with paying court costs amounting to Rp. 5,000.00 (five thousand rupiah);

2. Legal Analysis of Judge's Decision on the Imposition of Sanctions on Murder Criminals Study of Decision NO. 264/PID.B/2024/PN RHL

Decision of the Rokan Hilir District Court No. 264/Pid.B/2024/PN Rhl, the ruling of which is to declare that the Defendant Hari Kurniawan alias Ari bin Sugianto mentioned above has been legally and convincingly proven guilty of committing the crime of premeditated murder, as in the indictment of the Public Prosecutor by sentencing the Defendant, therefore, according to the Researcher, a sentence of 19 (nineteen) years in prison is appropriate;

The sentence of premeditated murder is based on the judge's consideration that the element of premeditation in this case is appropriate (Pratama et al., 2018). If a defendant is found guilty of premeditated murder and sentenced to 20 years or life imprisonment. The elements of the crime of murder are subjective elements (intentionally). Intentionally means that the act must be intentional and the intention must arise immediately, because the intention (*opzet/dolus*) referred to in Article 340 of the Criminal Code is an intentional act to take the life of another person which is formed with prior planning.

(Putusan et al., 2022)JE Sahetapy stated that the problem of retaliation is that if the punishment is imposed with the sole purpose of revenge and intimidation, then it is not certain that this goal will be achieved, because the defendant does not necessarily feel guilty or regretful, it is possible that the opposite, he even harbors a sense of revenge. In my opinion, retaliating or intimidating the perpetrator with a cruel punishment violates the sense of justice.

The severity of the sentence is not a measure to state whether the prisoner is conscious or not. A severe sentence is not a guarantee to make the defendant conscious, it may even be more evil. Even a light sentence can sometimes encourage prisoners to commit crimes again. (Sanjaya et al., 2022)Therefore, efforts to make prisoners aware must be linked to various factors, such as whether the perpetrator of the crime has a job or not. If the perpetrator of the crime does not have a job, then the problem will remain a vicious circle, meaning that once they have finished serving their sentence there is a tendency to commit crimes again.

Viewed from the aspect of justice, Decision of the Rokan Hilir District Court No. 264/Pid.B/2024/PN Rhl which stated that the Defendant Hari Kurniawan alias Ari bin Sugianto above, has been legally and convincingly proven guilty of committing the crime of premeditated murder, as in the indictment of the Public Prosecutor by imposing a sentence on the Defendant, therefore, according to the Researcher, a prison sentence of 19 (nineteen) years is in accordance with the aspect of justice.

In relation to the principle of justice, John Rawls in his theory called pure procedural justice, states that the procedure for determining fair results must be carried out properly. Because in this case there are no independent criteria that can be used as a reference so that the real results can be fair. John Rawls further stated that we cannot say that a certain condition is fair because it can be achieved by following a fair procedure. This would be too much and absurdly lead to unfair consequences. To ensure the achievement of justice, according to John Rawls, everyone must have equal rights. This equality is supported by general natural facts, not just by a procedural rule without substantive truth (Widianto, 2016).

The concept of justice according to John Rawls is that the justice enforcement program with a people's dimension must pay attention to two principles of justice, namely, first, giving equal rights and opportunities for the broadest basic freedoms as wide as the same freedom for everyone. Second, being able to reorganize the social gap that occurs so that it can provide reciprocal benefits for everyone, both those who come from fortunate and unfortunate groups.

So, viewed from the perspective of justice, Decision of the Rokan Hilir District Court No. 264/Pid.B/2024/PN Rhl which stated that the Defendant Hari Kurniawan alias Ari bin Sugianto above, has been legally and convincingly proven guilty of committing the crime of premeditated murder, as in the Public Prosecutor's indictment by sentencing the Defendant to a prison sentence of 19 (nineteen) years. It is very much in accordance with the concept of justice

mentioned by John Rawls that the program for enforcing justice with a people's dimension must pay attention to two principles of justice, namely:

- 1) Granting equal rights and opportunities to the broadest basic freedoms as broad as the same freedoms for everyone.
- 2) Able to reorganize the social gap that occurs so that it can provide reciprocal benefits for everyone, both those who come from fortunate and unfortunate groups.lucky

CONCLUSION

Decision of the Rokan Hilir District Court No. 264/Pid.B/2024/PN Rhl which stated that the Defendant Hari Kurniawan alias Ari bin Sugianto above, has been legally and convincingly proven guilty of committing the crime of premeditated murder, as in the Public Prosecutor's indictment by sentencing the Defendant to a prison sentence of 19 (nineteen) years.It is very much in accordance with the concept of justice mentioned by John Rawls that the program for enforcing justice with a people's dimension must pay attention to two principles of justice, namely: Providing equal rights and opportunities for the broadest basic freedoms as broad as the same freedom for everyone.

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