

ABSTRACT

Starting on Friday 18th July 2014 Supiyan and Delfi would like to kill three children in order to gain his supernatural powers, namely Mawar and Femaisili Maideva and Supiyan picked defendant Dicky bin Amran for fishing and also took a machete and gone fishing place which mawar and Femaisili Maideva had been up there. Upon arrival Supiyan invited Femaisili maideva to eucalyptus forest near the river Kencong And then witness supiyan throttled Femaisili Maideva until not breathe and take a machete to cut the neck and took maideva organ's using a cutter and skinning the entire body.

In prosecuting that cases Indrapura Siak District Court decided that the defendant is guilty of violating Article 340 of the Criminal Code Juncto Article 56 of the Criminal Code to-1 Juncto Article 1 to 3 of Law No. 11 of 2012 on the juvenile justice system and was sentenced to 10 (ten) years

Based on the results of the study showed that the Siak District Court's decisions not exactly on final judgement . The author gives consideration that criminal penalties are more appropriate to the defendant should be 7 ½ (seven one half) year, it is based on Article 57 of the Penal Code paragraph (2) Then of Article 57 Criminal Code subsection (2) has led to Article 1 (3) of Law No. 11 of 2012 on the juvenile justice.

Keywords: juvenile justice system - Murder - Decision of judge (Jurisprudence)

ABSTRAK

Bermula pada hari jumat tanggal 18 juli 2014 Supiyan dan Delfi ingin menghilangkan nyawa tiga orang anak supaya mendapat kesaktian, yaitu sdr Mawar dan sdr.Femaisili Maideva dan kemudian Supiyan menjemput Terdakwa Dicky Pranata bin Amran untuk memancing dan juga membawa sebilah parang dan berangkat ke tempat pemancingan yang disana sudah ada sdr. Mawar dan sdr. Femaisili Maideva. Setibanya ditempat pemancingan Supiyan mengajak sdr. Femaisili maideva ke hutan ekaliptus dekat sungai kencong, saksi supiyan kemudian mencekik leher Femaisili Maideva sampai tidak bernafas dan mengambil sebilah parang untuk memotong leher dan mengambil organ menggunakan cutter dan menguliti seluruh bagian tubuh.

Dalam mengadili kasus tersebut Pengadilan Negeri Siak Indrapura memutuskan bahwa terdakwa bersalah melanggar pasal 340 KUHP Juncto Pasal 56 ke-1 KUHP Juncto Pasal 1 ke 3 UU Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak dan dijatuhi hukuman 10 (sepuluh) Tahun.

Berdasarkan dari hasil penelitian menunjukkan bahwa putusan Pengadilan Negeri Siak kurang tepat dalam menjatuhkan hukuman. Penulis memberikan pertimbangan bahwa hukuman pidana yang lebih tepat pada Terdakwa sebaiknya 7 ½ (tujuh satu perdua) tahun, hal ini berdasarkan Pasal 57 KUHP ayat (2) Kemudian dari Pasal 57 KUHP ayat (2) tersebut mengarah pada Pasal 1 ayat (3) Undang-undang Nomor 11 tahun 2012 tentang Sistem Peradilan Pidana Anak.

Kata Kunci : Pidana Anak - Pembunuhan Berencana - Putusan Hakim (Yurisprudensi)