

## CHAPTER V

### CLOSING

#### A. Conclusion

1. Evidence in a criminal act in decision Number 6/Pid.B/2020/PN Bms uses four pieces of evidence that have met the formal and material requirements: 18 (eighteen) statements of witnesses, expert statements, letters, and statements of the defendant. The information given by the Witness has based on the experience of the Witness himself, or the Witness has heard, or the Witness has seen it for himself so that it is not a personal assumption and the information given is by other witnesses, it can be concluded that the principle of evidence in case Number 6/Pid.B/2020 /PN Bms has fulfilled all the components contained in the Criminal Procedure Code (KUHAP). Based on the facts, they have revealed in the trial that the defendant's fault was only in the form of assistance in the crime of premeditated murder, not as the main perpetrator or mastermind of the murder.

2. The judge's consideration in case Number 6/Pid.B/2020/PN BMS includes two things: juridically and non-juridically. Juridically, the Panel of Judges decided on the crime using Article 340 of the Criminal Code regarding premeditated murder in conjunction with Article 56 Paragraph (2) of the Criminal Code, but based on the chronology of the case and the facts revealed in the trial, the Panel of Judges was

considered wrong in imposing a criminal decision on the Defendant. In reviewing the actions of the Defendant, which were only limited to assisting, the sentence should be reduced using Article 57 Paragraph (2); thus, the Panel of Judges should not issue a life sentence for the Defendant but a prison sentence of 15 (fifteen) years. Non-judicially, the Panel of Judges did not consider the mitigating factors for the Defendant, but by looking at the chronology and facts revealed in the trial, some things could be used as reasons for mitigating the Defendant, including the Defendant, who had admitted all his guilt, the threat of closing the well. By the victim, Sugiono bin Supardi who was the primary water source for the Defendant's family, Defendant's involvement was limited to the accompaniment and not the main perpetrator of the murder.

#### **B. Recommendations**

The Panel of Judges should be more careful and thorough in considering non-judicial reasons and making decisions following the case by taking into account the legal facts revealed in the trial, such as witness statements, expert statements, and statements from the Defendant, as well as evidence presented before the trial, a chronology of the case. And the attitude of the Defendant during the trial as well as the appropriate articles in classifying the criminal acts of assistance following Article 57 Paragraphs (1) and (2).