

CHAPTER V

CLOSING

A. Conclusion

Based on the results of the research and discussion, the following conclusions it can be concluded that:

1. The basis of the judges' legal considerations in the imposition of punishment in Sleman District Court Decision Number 349/Pid.B/2023/PN Smn and Serui District Court Decision Number 50/Pid.B/2019/PN Sru are as follows:
 - a) Based on the conditions of punishment both related to the act and the person
 - b) The existence of evidence based on valid evidence stipulated in Article 184 of the Criminal Procedure Code which is proven at trial.
 - c) In the two decisions, when viewed from the aggravating and mitigating circumstances of the defendant, it is not clear why there are differences in criminal sanctions in the same case.
2. Juridically normative mutilation is not included in the category of elements of advance planning but is included in the way the perpetrator treats the victim after death which does not show humanity. Mutilation is a sadistic, cruel and barbaric crime, so it is reasonable to impose maximum sanctions or the heaviest sanctions.

B. Advice

Based on what has been described above, the authors provide the following suggestions:

There is a need for technical regulations on sentencing guidelines for judges to perpetrators who commit cruel, sadistic and inhumane crimes.

