

**PENILAIAN *CIRCUMSTANTIAL EVIDENCE* SEBAGAI
DASAR KEYAKINAN HAKIM DALAM PERTIMBANGAN HUKUM
TENTANG PEMENUHAN UNSUR PASAL 340 KUHP
(Studi Komparatif Putusan Nomor 194/Pid.B/2023/PN Sit dan Putusan
Nomor 777/Pid.B/2016/PN Jkt Pst)**

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ABSTRAK

Circumstantial evidence telah banyak digunakan dalam pembuktian perkara pidana Indonesia. Dimana hal ini tampak pada pembuktian perkara pembunuhan berencana dalam Putusan Nomor 777/Pid.B/2016/PN Jkt Pst dan Putusan Nomor 194/Pid.B/2023/PN Sit. Penelitian ini bertujuan untuk menganalisis pengaturan *circumstantial evidence* dalam KUHP serta penerapannya dalam pembuktian tindak pidana pembunuhan berencana dalam Putusan Nomor 194/Pid.B/2023/PN Sit dan Putusan Nomor 777/Pid.B/2016/PN Jkt Pst. Penelitian ini menggunakan metode yuridis normatif dengan metode pendekatan perundang-undangan, kasus, komparatif, dan konseptual. Adapun spesifikasi penelitian yang digunakan yaitu preskriptif. Jenis dan sumber bahan hukum yang digunakan adalah data sekunder yang diperoleh dengan cara studi pustaka. Sumber bahan hukum dianalisis dengan metode yuridis kualitatif untuk kemudian disajikan dalam bentuk teks naratif. Hasil Penelitian menunjukkan bahwa *circumstantial evidence* tidak di atur dalam KUHP baik secara eksplisit maupun implisit. Selain itu, dalam pembuktian perkara dengan Putusan Nomor 777/Pid.B/2016/PN Jkt Pst dan Putusan Nomor 194/Pid. B/PN Sit *circumstantial evidence* sama-sama dinilai sebagai bukti utama yang menjadi dasar keyakinan hakim dalam menyatakan terpenuhinya unsur Pasal 340 KUHP. Namun, penilaian bukti tidak langsung dalam kedua perkara tersebut belum mampu membuktikan kesalahan terdakwa tanpa menyisakan keragu-raguan.

Kata Kunci: *Circumstantial Evidence*, Pembuktian, Pembunuhan Berencana

**ASSESSMENT OF CIRCUMSTANTIAL EVIDENCE AS THE BASIS
FOR THE JUDGE'S BELIEF IN LEGAL CONSIDERATIONS REGARDING
THE FULFILLMENT OF THE ELEMENTS OF ARTICLE 340 OF THE
CRIMINAL CODE**

***(Comparative Study of Decision Number 194/Pid.B/2023/PN Sit and Decision
Number 777/Pid.B/2016/PN Jkt Pst)***

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ABSTRACT

Circumstantial evidence has been widely used in proving criminal cases in Indonesia. Where this can be seen in the proof of premeditated murder cases in Decision Number 777/Pid.B/2016/PN Jkt Pst and Decision Number 194/Pid.B/2023/PN Sit. This research aims to analyze the regulation of circumstantial evidence in the Criminal Procedure Code and its application in proving the crime of premeditated murder in Decision Number 194/Pid.B/2023/PN Sit and Decision Number 777/Pid.B/2016/PN Jkt Pst. This research uses normative juridical methods with statutory, case, comparative, and conceptual approaches. The research specification used is prescriptive. The types and sources of legal materials used are secondary data obtained by means of literature study. Sources of legal material are analyzed by qualitative juridical methods and then presented in the form of narrative text. The results showed that circumstantial evidence is not regulated in the Criminal Procedure Code either explicitly or implicitly. In addition, in proving the case with Decision Number 777/Pid.B/2016/PN Jkt Pst and Decision Number 194/Pid.B/PN Sit circumstantial evidence is equally considered as the main evidence that forms the basis of the judge's conviction in stating the fulfilment of the elements of Article 340 of the Criminal Code. However, the assessment of circumstantial evidence in both cases has not been able to prove the defendant's guilt without leaving doubts.

Keywords: *Circumstantial Evidence, Evidence, Murder*