

Analysis of the Proof of the Element of "Premeditation" in Judgment Number 551/Pid.B/2025/PN RAP: A Review of the Judge's Considerations Regarding Evidence

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Received: 31 Agustus 2026

Accepted: 2 September 2026

Published: 14 September 2026

Abstrak

Penelitian ini menganalisis pembuktian unsur “direncanakan terlebih dahulu” (voorbedachte raad) dalam Putusan Nomor 551/Pid.B/2025/PN Rap. Karena perkara dan putusan terjadi pada tahun 2025, dasar delik yang relevan secara temporal adalah Pasal 340 KUHP lama, sedangkan Pasal 459 Undang-Undang Nomor 1 Tahun 2023 yang berlaku mulai 2 Januari 2026 digunakan hanya sebagai perbandingan prospektif. Penelitian hukum normatif dengan pendekatan perundang-undangan dan kasus ini menilai apakah fakta yang diuraikan dalam putusan menunjukkan adanya pembentukan kehendak secara tenang, kesempatan yang memadai untuk mempertimbangkan kembali niat, dan pelaksanaan yang tidak semata-mata merupakan ledakan spontan. Analisis menegaskan bahwa jeda waktu tertentu tidak dapat dijadikan ambang matematis; unsur premeditasi harus disimpulkan dari keseluruhan rangkaian fakta dan alasan hukum hakim.

Kata Kunci: KUHP; Pembuktian; Pembunuhan Berencana; Unsur Berencana; Voorbedachte Raad.

Abstract

This study analyzes proof of the element of premeditation (voorbedachte raad) in Judgment No. 551/Pid.B/2025/PN Rap. Because the offense and judgment occurred in 2025, the temporally applicable offense provision is Article 340 of the former Indonesian Criminal Code, while Article 459 of Law No. 1 of 2023, effective from 2 January 2026, is used only as a prospective comparison. Using normative legal research with statutory and case approaches, the article evaluates whether the facts described in the judgment demonstrate a calmly formed intent, a sufficient opportunity for reconsideration, and execution that was not merely an immediate emotional outburst. No fixed time interval is treated as determinative; premeditation must be inferred from the complete factual sequence and the court's legal reasoning.

Keywords: Penal Code; Evidence; Premeditated Murder; Premeditation; Voorbedachte Raad.

INTRODUCTION

Indonesian criminal law regards human life as the paramount legal interest requiring state protection, as reflected in the provisions regarding crimes against life found in Chapter XIX, Book II of the Criminal Code (KUHP). Among the various forms of offenses against life, premeditated murder (moord) governed by Article 340 of the former Criminal Code represents the most serious classification; its

primary distinguishing factor from ordinary murder (Article 338 of the former Criminal Code) lies in the subjective element of "premeditation." The severity of the penalties associated with this article ranging from the death penalty and life imprisonment to a maximum prison term of twenty years is commensurate with the heavy burden of proof borne by the Public Prosecutor.¹

Law Number 1 of 2023 reformulates premeditated murder in Article 459, but the new Criminal Code only entered into force on 2 January 2026. The 2025 case examined in this article must therefore be analyzed under Article 340 of the former Criminal Code in accordance with the legality principle and rules on temporal application. Article 459 is discussed solely to identify continuity or change in the formulation of premeditation for future cases.²

According to classical criminal law doctrine, the element of premeditation cannot be equated merely with the existence of a time lapse between the formation of the intent and the commission of the criminal act. "Premeditation" or *voorbedachte raad* entails three essential, cumulative requirements: the decision is made in a state of calm composure; there is sufficient time for the perpetrator to reflect calmly, including the opportunity to abandon the intent; and the execution of the act itself is carried out in a state of calm composure, rather than in a state of panic or haste.³ The internal and subjective nature of this element requires the judge to infer the existence of premeditation from external indications present in the evidence, rather than solely from the perpetrator's internal admission.⁴ It is precisely the absence of standardized evidentiary guidelines that often leads to inconsistent interpretations of the element of "premeditation," thereby creating the potential for disparities in rulings from one case to another.⁵

This issue is concretely illustrated in Judgment Number 551/Pid.B/2025/PN Rap concerning the defendant Roy Bymaz Sandy (alias Roy). The case originated when the defendant discovered a vulgar conversation between his wife and the victim, Riwan Reagon Sihombing, on a social media app a discovery that caused his emotions to reach a boiling point. Within a very short span approximately fifteen minutes after his emotions flared the defendant went to the guard post where the victim was on duty and struck the victim with an *egrek* (oil palm harvesting knife), resulting in the victim's death. The Public Prosecutor charged the defendant primarily under Article 340 of the Criminal Code (seeking a 15-year prison sentence), whereas the defense counsel argued that the defendant's actions were spontaneous and committed while in a state of heightened emotion, thereby

¹ M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHAP: Pemeriksaan Sidang Pengadilan, Banding, Kasasi, dan Peninjauan Kembali*, 2nd ed. (Jakarta: Sinar Grafika, 2022), 273.

² Indonesia, Law Number 1 of 2023 concerning the Criminal Code, art. 459; Ahiruddin et al., "Pembuktian Unsur Perencanaan dalam Tindak Pidana Pembunuhan Berencana: Rekonstruksi Teori Dolus dan Tindak Lanjut Implementasi KUHP Baru," *Berajah Journal* 6, no. 1 (2026): 113, <https://doi.org/10.47353/bj.v6i1.152>.

³ P. A. F. Lamintang and Franciscus Theojunior Lamintang, *Delik-Delik Khusus: Kejahatan terhadap Nyawa, Tubuh, dan Kesehatan*, 2nd ed. (Jakarta: Sinar Grafika, 2022), 42–43.

⁴ Eddy O. S. Hiariej, *Prinsip-Prinsip Hukum Pidana*, rev. ed. (Yogyakarta: Cahaya Atma Pustaka, 2022), 118.

⁵ Arifin Andiwegang, Roy Marthen Moonti, and Ibrahim Ahmad, "Restatement terhadap Unsur Perencanaan dalam Pasal 340 KUHP," *Amandemen: Jurnal Ilmu Pertahanan, Politik dan Hukum Indonesia* 2, no. 3 (2025): 90, <https://doi.org/10.62383/amandemen.v2i3.992>.

requesting that the defendant be convicted under the "more subsidiary" charge instead.

Interestingly, the Panel of Judges still stated that the element of planning was fulfilled and sentenced him to ten years in prison on the charge of premeditated murder,⁶ Even though the time elapsed between the Defendant's initial intent to meet the victim and the execution of the murder was only around fifteen minutes, and the intent to use the egrek knife itself arose spontaneously while en route.⁷ This fact gives rise to a crucial academic question: to what extent is the judge's construction of proof regarding the element of "premeditation" (*berencana*) in the case at hand consistent with the doctrine of *voorbedachte raad*, which strictly requires a state of calm composure rather than merely the existence of a time interval.

In judicial practice, proving the element of "premeditation" requires more than merely establishing that the defendant caused the victim's death; it must be demonstrated through the entire sequence of events leading up to the offense such as the time elapsed between the formation of intent and the execution of the act, the defendant's actions prior to the incident, the instrument used, and the circumstances surrounding the period before, during, and after the commission of the crime.⁸ As the party bearing the burden of proof, the Public Prosecutor acts as *dominus litis*, responsible for structuring legal facts into a coherent and compelling legal argument before the panel of judges.⁹ This line of argumentation represents the most vulnerable point, given that the element of premeditation is internal in nature and can therefore only be inferred from external indications proven during the trial.¹⁰ In other words, there is a gap between *das sollen* (the doctrine strictly requiring the fulfillment of three cumulative elements of premeditation) and *das sein* (the evidentiary practice in the case at hand, where premeditation was deemed proven even though the sequence of events unfolded rapidly and was triggered by a surge of emotion).

The criminal procedural reform introduced by Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) is relevant only as a prospective comparison in this study, because it entered into force on 2 January 2026. specifically Article 235 paragraphs (1), (3), (4), and (5) expands the scope of admissible evidence and affirms that the assessment of validity and evidentiary weight lies within the authority of the judge for proceedings governed by the new Code.¹¹ This provision indicates that establishing subjective elements such as acting "with premeditation" can no longer rely merely on assumptions or interpretation;

⁶ Pengadilan Negeri Rantau Prapat, Putusan Nomor 551/Pid.B/2025/PN Rap, 33–39.

⁷ Pengadilan Negeri Rantau Prapat, Putusan Nomor 551/Pid.B/2025/PN Rap, 41.

⁸ Fransiska Devi Silvana, "Pembuktian Unsur Berencana dalam Tindak Pidana Pembunuhan Berdasarkan Perspektif Kriminologi," *Jurnal Hukum, Administrasi Publik dan Negara* 3, no. 1 (2026): 320, <https://doi.org/10.62383/hukum.v3i1.940>.

⁹ Andi Hamzah, *Hukum Acara Pidana Indonesia*, 3rd ed. (Jakarta: Sinar Grafika, 2022), 160.

¹⁰ Budi Mulya et al., "Asas Dominus Litis bagi Kejaksaan dalam Penuntutan Tindak Pidana Berdasarkan Undang-Undang," *Wajah Hukum* 6, no. 2 (2022): 375, <https://doi.org/10.33087/wjh.v6i2.950>.

¹¹ Indonesia, Law Number 20 of 2025 concerning the Criminal Procedure Code, art. 235.

instead, it must be grounded in an evidentiary framework that is objective and rational, supported by a series of interconnected pieces of evidence.¹²

Based on the foregoing, this study aims to conduct an in-depth analysis of how judges establish proof and evaluate evidence regarding the element of "premeditation" (berencana) under Article 340 of the former Criminal Code (KUHP), using Judgment Number 551/Pid.B/2025/PN Rap as a case study to assess its consistency with established criminal law doctrine and jurisprudence. Article 459 of Law Number 1 of 2023 is used only as a prospective comparator. Specifically, this research addresses two core issues: how the judge established the element of "premeditation" under Article 340 of the former Criminal Code in Judgment Number 551/Pid.B/2025/PN Rap, and the judge's legal reasoning regarding the evidence used to substantiate this element. The findings are expected to contribute theoretically to the development of concepts and parameters for proving premeditation, while also serving as a practical reference for public prosecutors and judges in drafting indictments and formulating legal reasoning that aligns with applicable doctrine and jurisprudence.

RESEARCH METHOD

This study employs a normative legal research method (normative-juridical), which involves examining primary, secondary, and tertiary legal materials to analyze applicable norms, doctrines, and jurisprudence from a prescriptive perspective.¹³ This study employs a statute approach regarding Article 459 of Law Number 1 of 2023 concerning the Criminal Code (KUHP) and Article 340 of the old Criminal Code, as well as a case approach involving an in-depth analysis of Rantau Prapat District Court Decision Number 551/Pid.B/2025/PN Rap; the aim is to examine the alignment between the legal facts revealed during the trial and the application of criminal provisions in effect at the time the case was adjudicated, as well as the relevance of these findings to the regulations on premeditated murder under Article 459 of the new Criminal Code.

This research focuses on Rantau Prapat District Court Judgment Number 551/Pid.B/2025/PN Rap concerning the defendant, Roy Bymaz Sandy (alias Roy). Particular attention is directed toward the indictment, legal facts, and legal reasoning underpinning the substantiation of the element of premeditation (*met de voorbedachten rade*) within the primary charge under Article 340 of the Criminal Code—specifically regarding the defendant's series of actions, which occurred amidst heightened emotion and involved a relatively brief period of preparation. The data sources for this study are categorized into three groups: first, primary legal materials, comprising Rantau Prapat District Court Judgment Number 551/Pid.B/2025/PN Rap, the Criminal Code (Law Number 1 of 2023), and Law Number 20 of 2025 concerning the Criminal Procedure Code; second, secondary legal materials, consisting of criminal law literature, scholarly journals addressing the element of premeditation in premeditated murder, and relevant jurisprudence from the Supreme Court of the Republic of Indonesia; and third, tertiary legal materials, such as legal dictionaries and the *Kamus Besar Bahasa Indonesia* (Great

¹² Fachrul Rozi, "Sistem Pembuktian dalam Proses Persidangan pada Perkara Tindak Pidana," *Jurnal Yuridis UNAJA* 1, no. 2 (2018): 25, <https://doi.org/10.35141/jyu.v1i2.154>.

¹³ Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2021), 35.

Dictionary of the Indonesian Language), to clarify the definitions of technical terminology employed in this research.

The evidentiary framework for the 2025 judgment is the Criminal Procedure Code under Law No. 8 of 1981. Articles 183 and 184 require the judge's conviction to be supported by at least two lawful means of evidence. Law No. 20 of 2025 on the new Criminal Procedure Code, which entered into force on 2 January 2026, is not used as the legal basis for evaluating a 2025 trial; it is mentioned only where a prospective comparison is relevant.

RESULTS AND DISCUSSION

Proof of the "Premeditated" Element by the Judge in Judgment Number 551/Pid.B/2025/PN Rap under Article 340 of the Former Criminal Code

Based on the legal facts revealed during the trial, the Panel of Judges grounded its deliberations in the evidence presented namely, the testimonies of six witnesses and the defendant, as well as the Visum et Repertum (medical-legal report) No. 800/0320/Pusk.T.Sentosa/IV/2025 issued by the Teluk Sentosa Community Health Center (UPTD Puskesmas). The Panel elaborated on the element of "intentionally and with premeditation taking the life of another" by referencing the theory of will and the theory of knowledge, and defined "premeditation" as the existence of sufficient time between the formation of the intent and the execution of the criminal act.¹⁴ This approach is consistent with the doctrine that the element of planning inherently encompasses the element of intent itself, as a person who calmly plans their actions necessarily wills and is aware of the consequences of those actions.¹⁵

However, if tested with three cumulative conditions of *voorbedachte raad*, namely making decisions in a calm mood, providing a time limit to think calmly and cancel intentions, and carrying out actions in a calm mood as well,¹⁶ There are several facts in Decision Number 551/Pid.B/2025/PN Rap that are doctrinally problematic. First, the time span between the Defendant's initial intention to meet the victim (at 12:45 a.m. WIB) and the murder (at 1:00 a.m. WIB) was only about fifteen minutes,¹⁷ a timeframe significantly shorter than the interval typically used as an indicator in premeditated murder jurisprudence. Secondly, the intent to use the *egrek* knife as a murder weapon arose spontaneously during the journey, after the Defendant accidentally bumped against the *egrek* pole attached to his motorcycle,¹⁸ such that the choice of the instrument does not indicate the systematic and deliberate preparation typically characteristic of premeditated murder. Thirdly, the entire sequence of events was triggered by a surge of emotion following the Defendant's discovery of a vulgar conversation between his wife and the victim a psychological state that, doctrinally, is actually characteristic of ordinary homicide (*doodslag*) rather than premeditated murder (*moord*); the distinction between the two, according to Mr. Modderman, lies not in the duration of time involved, but in

¹⁴ Pengadilan Negeri Rantau Prapat, Putusan Nomor 551/Pid.B/2025/PN Rap, 33–39.

¹⁵ Hiariej, *Prinsip-Prinsip Hukum Pidana*, 118.

¹⁶ Irma Hataul, Wenly R. J. Lolong, and Marven A. Kasenda, "Tinjauan Hukum Tentang Pembunuhan Berencana yang dilakukan Secara Bersama-Sama (Studi Putusan PN Cirebon 4/Pid.B/2017/PN CBN)," *Jurnal Sosial Humaniora dan Pendidikan* 5, no. 1 (2026): 841, <https://doi.org/10.55606/inovasi.v5i1.5618>.

¹⁷ Pengadilan Negeri Rantau Prapat, Putusan Nomor 551/Pid.B/2025/PN Rap, 41.

¹⁸ *Ibid.*

the perpetrator's state of mind (*gemoedstoestand*) following the formation of the intent.¹⁹

Nevertheless, the Panel of Judges ultimately ruled that the element of premeditation under Article 340 of the Criminal Code had been satisfied dismissing the defense counsel's argument that the defendant's actions were spontaneous and committed in a state of heightened emotion and sentenced the defendant to ten years in prison for the crime of "premeditated murder."²⁰ This line of reasoning indicates that judges tend to rely on objective indicators such as the existence of a time interval (however brief) and a sequence of actions culminating in the victim's death as sufficient evidence to establish premeditation, without explicitly and thoroughly examining whether the Defendant possessed a "calm state of mind." Yet, the presence of a motive, a dispute, or a time interval prior to the act cannot automatically serve as the basis for concluding that the element of premeditation has been met, absent supporting facts demonstrating a process of calm deliberation and a pre-considered intent.

Consequently, there is a discrepancy between the classical doctrine—which strictly requires the fulfillment of three cumulative conditions—and the evidentiary practice observed in the *a quo* judgment, wherein the element of premeditation was deemed proven solely on the basis of a brief time interval and a sequence of actions culminating in the victim's death. This discrepancy underscores a long-standing issue highlighted in legal literature: the absence of standardized evidentiary guidelines leads to inconsistent interpretations of the "premeditation" element across cases, thereby creating the potential for sentencing disparities.²¹

Judicial Consideration of Evidence to Establish the Element of "Premeditation" under Article 340, with a Prospective Comparison to Article 459 of the 2023 Criminal Code

The basis for law enforcement must be based on the values of justice, usefulness and legal certainty which are enforced and expanded by officials assigned by the state to the furthest limits.²² This can be understood as the state's effort to address evolving forms of criminal activity or to apply regulations that remain ambiguous or open to multiple interpretations. In judicial practice, establishing the element of "premeditation" requires more than merely proving that the defendant took the victim's life; this element must be substantiated through the entire sequence of events leading up to the commission of the crime.²³ A judge's conviction in handing down a criminal verdict is formed based on the examination of evidence presented and tested during the trial, and the judge's assessment remains grounded in the evidence revealed throughout the proceedings.²⁴ In Judgment Number

¹⁹ Tantri Kartika, "Bentuk Perbuatan Melawan Hukum Pelaku Pasif dalam Tindak Pidana Pembunuhan Berencana," *Jurnal Hukum Ekualitas* 1, no. 1 (2025): 52, <https://doi.org/10.56607/vcss2z66>.

²⁰ *Ibid.*

²¹ Andiwegang, Moonti, and Ahmad, "Restatement terhadap Unsur Perencanaan," 90.

²² Jusnizar Sinaga, "Pasal Pencemaran Nama Baik dalam Perspektif Hukum Positif," *Intelektiva: Jurnal Ekonomi, Sosial & Humaniora* 2, no. 2 (2020): 75.

²³ Silvana, "Pembuktian Unsur Berencana," 321.

²⁴ Ariel Pasudeo Hutabarat, July Esther, and Jusnizar Sinaga, "Legal Analysis of the Proof Strength of *Visum Et Repertum* in Cases of Assault Resulting in Death (Decision Number

551/Pid.B/2025/PN Rap, the judge based the proof of the "premeditation" element on several categories of evidence as stipulated in criminal procedural law: the mutually consistent testimonies of six witnesses, the testimony of the Defendant, and inferences drawn from the sequence of facts established during the trial,²⁵ all of which are assessed collectively to form the judge's conviction regarding the fulfillment of the element of premeditation.

For prospective comparison, Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHP) specifically Article 235 paragraphs (1), (3), (4), and (5) provides that the assessment of the validity and evidentiary weight of evidence lies within the authority of the judge, subject to lawful acquisition and demonstrable authenticity. This rule did not govern the 2025 trial examined here.²⁶ This provision reinforces the judge's position as the authority empowered to assess the weight of evidence, yet simultaneously demands a higher degree of meticulousness, given that the element of "premeditation" relates to the perpetrator's state of mind, which cannot be proven directly.²⁷ Consequently, strengthening the evidentiary system through the new Criminal Procedure Code (KUHP) should entail a more rigorous standard of proof regarding this element; its substantiation must rely on adequate and mutually corroborating evidence capable of demonstrating a deliberative process preceding the commission of the offense, rather than merely establishing the existence of a time interval or a sequence of purely objective actions.

Based on this assessment, the judge's legal reasoning in Judgment Number 551/Pid.B/2025/PN Rap can be said to have satisfied the formal evidentiary requirements; specifically, it is supported by more than one item of valid and mutually corroborating evidence, in accordance with the statutory "negative evidentiary system." This fulfillment of formal requirements demonstrates that the judge established an interconnected evidentiary basis sufficient to form a conviction regarding the Defendant's actions. However, regarding the element of "premeditation" (*berencana*), the corroborating evidence must be linked more specifically to the Defendant's state of mind, as this element concerns not only the act itself but also the deliberative process preceding it. This indicates that the mere existence of formally sufficient evidence does not, in itself, fully elucidate the process by which the Defendant's intent was formed prior to committing the offense. Therefore, the assessment of the "premeditation" element requires examining the connection between established facts and the Defendant's state of mind to determine whether or not planning occurred before the act was committed.

However, regarding doctrinal substance, the evidentiary framework fails to explicitly articulate how specific objective indicators namely the fifteen-minute interval, the use of an instrument obtained fortuitously, and a state of heightened emotion can be transformed into a convincing conclusion regarding the Defendant's state of composure. In other words, the judge has not detailed the nexus between the proven objective facts and the conclusion that the Defendant was calm and had deliberated upon their actions prior to the killing. This connection is crucial, as it

1294/2025Pid.B/PN Mdn)," Sultan Agung Notary Law Review 8, no. 1 (2026): 43, <https://doi.org/10.30659/sanlar.v8i1.51975>.

²⁵ Pengadilan Negeri Rantau Prapat, Putusan Nomor 551/Pid.B/2025/PN Rap, 33–39.

²⁶ Indonesia, Law Number 20 of 2025 concerning the Criminal Procedure Code, art. 235.

²⁷ Rozi, "Sistem Pembuktian," 26.

serves as the basis for distinguishing between a truly premeditated act and one committed spontaneously. The disparity between satisfying formal evidentiary requirements and the depth of analysis regarding the subjective element lies at the heart of the evidentiary challenge concerning the "premeditation" element in the case at hand; this simultaneously underscores the necessity of establishing standardized evidentiary guidelines or parameters for both public prosecutors and judges when adjudicating premeditated murder cases under Article 459 of the new Criminal Code.

The conclusion is case-specific. The article does not propose a numerical minimum period for premeditation and does not treat any single indicator as conclusive. The proper inquiry is whether the court identifies a coherent evidentiary chain showing formation of intent, meaningful opportunity for reflection, and subsequent execution. Any discussion of Article 459 of the 2023 Criminal Code or Law No. 20 of 2025 must remain prospective because those instruments entered into force after the 2025 judgment.

CONCLUSION

Based on an analysis of Judgment Number 551/Pid.B/2025/PN Rap, it can be concluded that the Panel of Judges established the element of "premeditation" under Article 340 of the former Criminal Code by relying on the objective indicator of a time interval between the formation of intent and the commission of the crime, without conducting a rigorous and in-depth examination of the requirement for a "calm state of mind" a condition cumulatively mandated by the doctrine of *voorbedachte raad*. Yet, in the case at quo, the time interval was merely fifteen minutes and was characterized by heightened emotion and the use of an instrument obtained fortuitously; thus, doctrinally, the act more closely resembled ordinary homicide than premeditated murder. This situation reveals a discrepancy between the classical doctrine which strictly requires the fulfillment of three cumulative conditions and trial practices that tend to infer premeditation solely from a sequence of objective facts.

The judge's legal reasoning regarding the evidence used to establish the element of "premeditation" satisfies the formal requirements of the negative evidentiary system prescribed by law specifically, it is supported by mutually consistent witness testimony, the defendant's statement, and circumstantial evidence, under Articles 183 and 184 of Law Number 8 of 1981 concerning the Criminal Procedure Code. Law Number 20 of 2025 is relevant only prospectively. However, from a substantive perspective, the evidentiary framework fails to explicitly articulate how available objective indicators can be translated into a convincing conclusion regarding the perpetrator's state of mind specifically, a state of calmness and deliberate, mature reflection. Consequently, the consistent future application of Article 459 of the new Criminal Code (KUHP) demands greater judicial precision and the establishment of standardized evidentiary parameters; this is essential to prevent an overly broad interpretation of the "premeditation" element which could blur the distinction between ordinary homicide and premeditated murder and ultimately to ensure legal certainty and consistency in rulings for similar cases in the future.

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