

**IMPLEMENTASI *CONCURSUS REALIS* TINDAK PIDANA
PEMBUNUHAN DISERTAI PENGANIAYAAN
(STUDI PUTUSAN NOMOR 194/ PID.B / 2015 / PN.SGR)**

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ABSTRAK

Penelitian ini bertujuan untuk menganalisis penerapan konsep *concursum realis* dalam studi Putusan No.194/PID.B /2015/PN.SGR di Pengadilan Negeri Singaraja dan untuk menganalisis faktor penyebab penerapan *concursum realis* dalam studi Putusan No.194/PID.B /2015/PN.SGR di Pengadilan Negeri Singaraja terhadap tindak pidana pembunuhan dan penganiayaan di wilayah hukum Buleleng. Jenis penelitian yuridis empiris digunakan pada penelitian ini. Penelitian ini bersifat deskriptif. Lokasi penelitian ini yaitu di Pengadilan Negeri Singaraja. Data dikumpulkan melalui teknik observasi, wawancara dan studi dokumentasi yang nantinya data yang diperoleh tersebut akan dianalisis secara deskriptif kualitatif. Berdasarkan hasil penelitian dan pembahasan dapat diketahui bahwa analisis penerapan konsep *concursum Realis* dalam pemidanaan terhadap pelaku pembunuhan disertai penganiayaan (studi Putusan No.194/Pid.B /2015/PN.Sgr) terdakwa Putu Widhiyasa alias Kencerut terbukti secara sah melakukan tindak pidana pembunuhan disertai penganiayaan secara serentak dan sekaligus atau berbarengan kepada Gede Purwa Husada dan kepada Putu Suarjana studi Putusan No.194/PID.B /2015/PN.SGR telah memenuhi unsur unsur dalam surat dakwaan Penuntut umum yang terdapat dalam Pasal 338 Kitab Undang-Undang Hukum Pidana (KUHP) dan Pasal 351 Ayat (2) Kitab Undang-Undang Hukum Pidana (KUHP yang dilakukan secara berbarengan dan memiliki pidana pokok yang sejenis, maka terpenuhinya juga unsur-unsur *concursum realis* pada Pasal 65 Kitab Undang-Undang Hukum Pidana (KUHP). Faktor penyebab penerapan *concursum realis* diantaranya adalah faktor pertimbangan hakim, faktor dakwaan Jaksa Penuntut Umum, faktor pertimbangan ahli dan faktor adanya dua tindak pidana yang dilakukan secara perbarengan.

Kata Kunci : *Concursum realis*, Pembunuhan, Penganiayaan

*REALISTIC CONCURSUS IMPLEMENTATION OF THE CRIMINAL ACTION
OF MURDER ACCOMPANIED OF ABUSE*

(STUDY OF DECISION NUMBER 194/PID.B/2015/PN.SGR)

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ABSTRACT

This study aims to analyze the application of the concursus realist concept in the study of Decision No.194/PID.B /2015/PN.SGR at the Singaraja District Court and to analyze the factors causing the application of concursus realis in the study of Decision No.194/PID.B /2015/ PN.SGR at the Singaraja District Court against the crime of murder and persecution in the jurisdiction of Buleleng. This type of empirical juridical research is used in this study. This research is descriptive in nature. The location of this research is at the Singaraja District Court. Data were collected through observation, interviews and documentation studies which later the data obtained would be analyzed descriptively qualitatively. Based on the results of the research and discussion, it can be seen that the analysis of the application of the Concursus Realist concept in sentencing the perpetrators of murder accompanied by abuse (study of Decision No.194/Pid.B/2015/PN.Sgr) of the accused Putu Widhiyasa alias Kencrut was legally proven to have committed the crime of murder accompanied by persecution simultaneously and at the same time or simultaneously with Gede Purwa Husada and to Putu Suarjana. Study of Decision No. 194/PID.B/2015/PN.SGR has fulfilled the elements in the public prosecutor's indictment contained in Article 338 of the Criminal Code (KUHP) and Article 351 Paragraph (2) of the Criminal Code (KUHP) which is carried out concurrently and has the same basic punishment, then the elements of concursus realis are also fulfilled in Article 65 of the Criminal Code (KUHP). Factors causing the application of concursus Realists include the judge's consideration factor, the Public Prosecutor's indictment factor, the expert's consideration factor and the factor of the existence of two criminal acts that were committed concurrently.

Keywords: Concursus realis, Murder, Persecution