

OPTIMALISASI FUNGSI KOMISI KEJAKSAAN DALAM PENANGANAN PENGADUAN MASYARAKAT TERHADAP KINERJA JAKSA

MURNI YANTI

ABSTRAK

Penelitian ini dilakukan untuk memahami pelaksanaan fungsi pengawasan Komisi Kejaksaan dalam penanganan pengaduan yang dirasakan belum optimal mengingat ketentuan Pasal 4 huruf a dan b Peraturan Presiden No. 18 Tahun 2011 Tentang Komisi Kejaksaan (“PP 18/2011”) sebagai dasar Komisi Kejaksaan melaksanakan tugas yang diatur Pasal 3 PP 18/2011 menimbulkan multitafsir. Pasal 4 huruf a PP 18/2011 mengatur dalam melaksanakan tugasnya Komisi Kejaksaan berwenang untuk menerima dan menindaklanjuti pengaduan masyarakat, namun belum diatur secara jelas sejauhmana kewenangan Komisi Kejaksaan dalam menindaklanjuti pengaduan masyarakat, sementara Pasal 4 huruf b mengatur kewenangan Komisi Kejaksaan untuk meneruskan laporan atau pengaduan masyarakat kepada Jaksa Agung untuk ditindaklanjuti. Ketentuan Pasal 10 PP 18/2011 menyebutkan antara lain Komisi Kejaksaan berwenang mengikuti gelar perkara terhadap kasus menarik perhatian publik. Komisi Kejaksaan perlu melakukan upaya untuk mengoptimalkan pelaksanaan tugasnya dalam menangani pengaduan, antara lain menggunakan konsep teori hukum progresif yang dipopulerkan Satjipto Raharjo bahwa penegakan hukum progresif adalah menjalankan hukum tidak hanya sekedar kata-kata hitam-putih dari peraturan, melainkan menurut semangat dan makna lebih dalam dari undang-undang/hukum dalam arti luas. Hukum progresif seyogyanya juga diterapkan dalam pengawasan preventif Komisi Kejaksaan yaitu mengikuti gelar perkara penting yang ditangani Komisi Kejaksaan dengan memanfaatkan perkembangan teknologi agar Komisi Kejaksaan lebih dirasakan kehadirannya.

Kata Kunci: Komisi Kejaksaan, Penanganan, Pengaduan, Progresif

**OPTIMIZATION OF PROSECUTOR'S COMMISSION'S FUNCTION IN
DEALING WITH COMPLAINT ABOUT PROSECUTOR'S PERFORMANCE**

MURNI YANTI

ABSTRACT

This research was conducted to understand the implementation of the supervisory function of the Prosecutor's Commission in handling complaints which were felt not optimal yet, considering the provisions of the article 4 letters a and b of Presidential Regulation No. 18 of 2011 concerning the Prosecutor's Commission to carry out the tasks regulated in Article 3 of PP 18/2011, has caused multiple interpretations. Article 4 letter a of PP 18/2011 stipulates that in carrying out its duties the Prosecutor's Commission has the authority to receive and follow up on public complaints, but it has not been clearly regulated the extent of the authority of the Prosecutor's Commission in following up on public complaints, while article 4 letter b regulates the authority of the Prosecutor's Commission to forward reports or complaints to the Attorney General for follow up. The provisions of article 10 of PP 18/2011 state that, among other things, the Prosecutor's Commission has the authority to follow the proceedings of cases that attract public attention. The Prosecutor's Commission needs to make efforts to optimize the implementation of its duties in handling complaints, including using the concept of progressive legal theory popularized by Satjipto Raharjo that progressive law enforcement is carrying out the law not just black and white words from regulations, but according to the spirit and deeper meaning of the law in the broadest sense. Progressive law should also be applied in the preventive supervision of the Prosecutor's Commission namely following the titles of important cases handled by the Prosecution's presence is more felt.

Keyword: Prosecution Commission, handling, complaints, Progressive