

PENERAPAN KEADILAN RESTORATIF DALAM PENYELESAIAN MASALAH TINDAK PIDANA OLEH BHABINKAMTIBMAS POLRI DI PROVINSI LAMPUNG

ABSTRAK

Keadilan restoratif adalah pendekatan atau konsep yang menekankan pemulihan kerugian yang ditimbulkan tindak pidana pidana melalui proses kooperatif semua pihak berkepentingan. Di lingkungan Polri dapat dilakukan sebelum dan sesudah penyidikan. Sebelum penyidikan, dapat dilakukan Bhabinkamtibmas selaku pengemban fungsi Pemolisian Masyarakat yang diatur Peraturan Kapolri Nomor 3 Tahun 2015 tentang Pemolisian Masyarakat. Di Polda Lampung, penerapannya didukung adanya lembaga Rembug Pekon. Permasalahan penelitian adalah mengenai praktik penerapan keadilan restoratif oleh Bhabinkamtibmas dan faktor-faktor yang mempengaruhi serta kendalanya. Jenis penelitian yuridis normatif didukung penelitian lapangan melalui wawancara. Sifat penelitian deskriptif analitis, teknik pengumpulan data adalah studi kepustakaan dan penelitian lapangan, dan analisis data yuridis kualitatif. Penerapan keadilan restoratif pada Rembug Pekon di desa/kelurahan, dengan unsur Bhabinkamtibmas, Bintara Pembina Desa dan Kepala Desa atau Lurah. Rembug Pekon cukup efektif karena diakui masyarakat, dan dikuatkan Peraturan Daerah Lampung Nomor 1 Tahun 2016 tentang Pedoman Rembug Desa dan Kelurahan dalam Pencegahan Konflik di Provinsi Lampung. Sehubungan kendala terkait kebijakan pimpinan dan penyidik di kepolisian, perlu kontinuitas kebijakan oleh pimpinan satuan kewilayahan atau satuan kerja penyidikan dan penguatan pemahaman penyidik mengenai perlunya pemberdayaan Bhabinkamtibmas dan Rembug Pekon dalam penanganan atau penyelesaian tindak pidana.

Kata kunci: Keadilan restoratif, Mediasi Penal, Bhabinkamtibmas, Rembug Pekon

Abstract

Restorative justice is a concept or an approach emphasizing on restoring loss caused by criminal offenses through cooperative processes involving all interested parties. Restorative justice within Indonesian National Police (Polri) can be done before or after investigative processes. Before an investigative process, restorative justice can be done by a bhabinkamtibmas officer (a police sergeant supervising security and public order in a village) who is in-charge of community policing duties as regulated by Polri Chief No. 3/2015 on Community Policing. In Lampung province, the application of restorative justice is supported by an institution, called Rembug Pekon. The problem of the research is about the application of restorative justice done by a bhabinkamtibmas officer and factors influencing such applications. The research is normative juridis. Data is gathered through literature studies and it is then analyzed quantitatively. The results of the research reveal that the applications of restorative justice through Rembug Pekon in villages in Lampung, involving bhabinkamtibmas officers, babinsa officers (military sergeants supervising security and public order of a village) and head of villages is effective enough because it is recognized by community and endorsed by Lampung Bylaw No. 1/2016 on Guidance for Village Coordination in Preventing Conflicts in Lampung Province. Meanwhile, factors influencing the applications of restorative justice are the necessity of having a stronger law baseline in a form of police regulation, empowering bhabinkamtibmas officers (additional officers), improving bhabinkamtibmas officers' communication and mediation skills, and increasing the understanding of bhabinkamtibmas officers on the philosophy of restorative justice.

Key words: restorative justice, penal mediation, Bhabinkamtibmas, Rembug Pekon