

Telaah kriminologi Konstitutif terhadap perwujudan hak-hak sipil yang dijamin dalam UU 1945

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Abstrak

Postmodern criminology promotes successful crime control through fulfillment of basic human rights of citizens. For Indonesia, the legal framework to realize and fulfill civil rights are already guaranteed by the 1945 Constitution and supported by the state philosophy of Pancasila. However, despite such framework, structural adjustments are still necessary to ensure Indonesian society achieves full protection of these constitutionally recognized civil and political rights. This paper analyzes the constitutive criminology tradition which discourse attempts to ensure social structures are developed and institutionalized to create conditions to deter illegal acts and breach of laws. It posits that in this respect, crime should be seen as a result of the workings of Indonesian society which must be enabled to ensure equal opportunities for all Indonesians to freely and socially interact without harming others.