

Kontribusi penelitian kemasyarakatan bagi pencapaian tujuan pemidanaan dalam Sistem Peradilan Pidana Indonesia = Contribution of probation officer's report in order to achieve the purpose of punishment in the Indonesian Criminal Justice System

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Abstrak

Melalui penyusunan penelitian kemasyarakatan (Litmas) sebagai salah core businessnya, Bapas membawa Pemasyarakatan hadir dan bertugas mulai dari tahapan pra adjudikasi hingga purna adjudikasi. Hadirnya RUU KUHP yang di dalamnya memuat pedoman pemidanaan dan pidana alternatif membuka kemungkinan semakin bertambahnya ruang lingkup Litmas terutama sebagai pre-sentenced report bagi tersangka dewasa. Guna mempersiapkan hal tersebut perlu dilakukan penelitian terkait pengaturan Litmas dalam peraturan perundang-undangan, pandangan aparat penegak hukum terhadap Litmas serta konsep terbaik yang dapat direkomendasikan agar pelaksanaan Litmas dapat berkontribusi dalam pencapaian tujuan pemidanaan. Penulisan tesis ini akan menggunakan metode penelitian dengan pendekatan yuridis empiris. Penelitian ini memiliki tiga kesimpulan. Pertama, sejak pertama kali dipraktikkan Litmas telah diatur dalam berbagai peraturan perundang-undangan meskipun mayoritas bersifat internal Pemasyarakatan. Eksistensi Litmas tidak terlepas dari falsafah pemidanaan Indonesia yang dipengaruhi prinsip utilitarian. Kedua, pembuatan dan pelaksanaan Litmas memperoleh respon yang positif dari aparat penegak hukum lain. Untuk mengantisipasi bertambahnya ruang lingkup Litmas ketika RUU KUHP diberlakukan maka perlu adanya dasar hukum yang mengikat aparat penegak hukum di lain dan penguatan sumber daya manusia pembimbing kemasyarakatan. Ketiga, pembaruan hukum pidana Indonesia melalui penyusunan RUU KUHP membuat sejumlah kebaruan. Untuk itu perlu dipersiapkan konsep pelaksanaan Litmas yang mengakomodir perubahan-perubahan yang akan terjadi ketika RUU KUHP diberlakukan seperti pembuatan Litmas yang dimulai sejak pelaku kejahatan masih berstatus tersangka dan juga optimalisasi perlibatan masyarakat serta institusi privat dalam pelaksanaan tugas Pemasyarakatan seperti halnya yang diterapkan dalam praktek probation service di Belanda.

.....Correctional Institution works in a system through several agencies in it, one of which is the Correctional Center. Through the probation officer's report as one of its core businesses, the Correctional Center will carry out its duties from the pre-adjudication to post-adjudication stages. The presence of the Draft Criminal Code which contains guidelines for punishment and criminal alternatives may increase the scope of probation officer's report, especially as a pre-sentence report for adult suspects. In order to prepare for this, it is necessary to conduct research related to probation officer's report arrangement in laws and regulations, find out the views of law enforcement officers towards probation officer's report and the best concept that can be recommended to support the implementation of probation officer's report. This thesis will use research methods with an empirical juridical approach. This study has three conclusions. First, since it was first put into practice, probation officer's report have been regulated in various laws and regulations. The existence of probation officer's report in the criminal justice system in Indonesia is inseparable from the Indonesian philosophy of punishment which is influenced by utilitarian principles. Second, the implementation of probation officer's report received a positive response from other law enforcement

officials. However, to anticipate the increasing scope of probation officer's report when the Draft Criminal Code is enacted, it is necessary to have a clear legal basis and strengthen human resources for probation officer. Third, the reform of Indonesian criminal law through the drafting of the Criminal Code Bill has created a number of novelties, including formulating of the purpose of the punishment and also the presence concept of criminal individualization. For this reason, it is necessary to prepare a concept for the implementation of probation officer's report which accommodates the changes that will occur when the Draft Criminal Code is enacted, such as the creation of probation officer's report which begins when the perpetrators are still suspects and also the involvement of private institutions in carrying out correctional tasks as is applied in the practice of probation service in the Netherlands.