

Peran Pembimbing Kemasyarakatan di dalam Perlindungan Anak Berdasarkan Penerapan Keadilan Restoratif pada Proses Hukum Terhadap Anak Berdasarkan Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak = The Role of Probation and Parole Officer in Protecting Children's Rights Based on the Implementation of Restorative Justice in Legal Processes Against Children Based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System

Ferny Melissa, author

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Abstrak

Undang-undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak telah memberikan jaminan terhadap hak anak yang berhadapan dengan hukum. Di dalam pemenuhan dan penjaminan atas hak-hak anak yang berkonflik dengan hukum, telah di atur sebuah sistem berupa prinsip keadilan restoratif atau restorative justice yang merupakan upaya penegakan hukum dalam penyelesaian perkara yang dapat dijadikan instrumen pemulihan di luar dari proses peradilan di persidangan. Berdasarkan Undang-Undang tersebut, telah diatur sebuah proses yang disebut diversi. Penulis ingin memberikan penjelasan dan melakukan penelitian sejauh mana peran Pembimbing Kemasyarakatan melakukan pendampingan dan pengawasan terhadap proses penyelesaian perkara pidana anak diterapkan berdasarkan Undang-undang SPPA yang memberikan jaminan kepastian hukum terhadap anak yang berkonflik dengan hukum.

Penulis melihat bahwa di dalam praktiknya, masih banyak aparat penegak hukum yang masih terus berproses mempelajari upaya keadilan restoratif dan justru masih banyak orang atau masyarakat yang tidak tahu hak-hak anak di dalam sebuah proses hukum yang dijamin pada undang-undang tersebut. Oleh sebab itu, dengan adanya penguatan keberadaan Pembimbing Kemasyarakatan dinilai sangat penting di dalam menjamin hak-hak anak berhadapan dengan hukum.

.....The Bill Number 11 of 2012 concerning the Juvenile Criminal Justice System has provided guarantees for the rights of children in conflict with the law. In fulfilling and guaranteeing the rights of children in conflict with the law, a system has been set up in the form of the principle of restorative justice, which is a law enforcement effort in resolving cases that can be used as an instrument of recovery outside of the judicial process at trial. Based on this law, a process called diversion has been regulated. The author wants to provide an explanation and conduct research to what extent the role of Probation and Parole Officer in assisting and supervising the process of resolving children's criminal cases is implemented based on the SPPA Law which provides a guarantee of legal certainty for children in conflict with the law.

The author sees that in practice, there are still many law enforcement officers who are still in the process of studying restorative justice efforts and in fact there are still many people or communities who do not know about children's rights in the legal process guaranteed by this law. Therefore, strengthening the existence of Probation and Parole Officer is considered very important in ensuring children's rights in dealing with the law.