

Analisis Persidangan dan Eksekusi Putusan In Absentia Terhadap Pelaku White Collar Crime yang Berstatus Interpol Red Notice = Analysis of Trial and Execution of In Absentia Verdicts Against White Collar Crime Perpetrators with Interpol Red Notice Status

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Abstrak

Mekanisme persidangan in absentia dalam hukum acara pidana di Indonesia dirancang untuk menjamin keberlangsungan proses hukum meskipun terdakwa tidak hadir di persidangan. Skripsi ini mengkaji penerapan mekanisme in absentia terhadap tindak pidana white collar crime dengan fokus pada tiga kasus, yakni Sherny Kojongian, Hartawan Aluwi, dan Djoko Tjandra. Penelitian ini bertujuan untuk menjawab tiga rumusan masalah: bagaimana pengaturan hukum terkait in absentia, bagaimana penerapan mekanisme ini pada kasus-kasus white collar crime, serta apa saja kendala yang dihadapi dalam pelaksanaan eksekusi putusan in absentia terhadap terdakwa yang berstatus Interpol Red Notice. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan dan studi kasus. Data dikumpulkan melalui studi kepustakaan, termasuk peraturan perundang-undangan, dokumen kasus, dan literatur yang relevan. Analisis dilakukan secara deskriptif-analitis untuk mengevaluasi pengaturan normatif, praktik penerapan, serta kendala dan solusi terkait mekanisme in absentia. Hasil penelitian menunjukkan bahwa pengaturan hukum acara pidana di Indonesia telah mengakomodasi mekanisme in absentia untuk memberikan kepastian hukum dalam penanganan kasus white collar crime. Mekanisme ini memungkinkan pengadilan untuk menjatuhkan putusan tanpa kehadiran terdakwa, namun efektivitasnya sangat bergantung pada koordinasi lintas negara melalui instrumen seperti Interpol Red Notice. Kendala utama dalam eksekusi putusan meliputi kurangnya harmonisasi hukum internasional, lemahnya penegakan Red Notice di negara pelarian terdakwa, serta prosedur ekstradisi yang lambat. Sebagai simpulan, mekanisme in absentia dan Red Notice memiliki peran strategis dalam penanganan white collar crime, namun memerlukan penguatan koordinasi antarnegara. Rekomendasi penelitian ini mencakup harmonisasi pengaturan in absentia dalam KUHAP dengan peraturan pelaksana, optimalisasi perjanjian ekstradisi, penerapan Mutual Legal Assistance secara efektif, dan peningkatan sinergi antara sistem hukum domestik dan internasional untuk meningkatkan efektivitas eksekusi putusan.

.....The in absentia mechanism in the Indonesian legal system is designed to ensure the continuity of legal proceedings against absent defendants, particularly in white collar crime cases such as corruption and money laundering. This study analyses the application of in absentia in three cases-Sherny Kojongian, Hartawan Aluwi, and Djoko Tjandra-with a focus on its correlation with the issuance of Red Notice and its effect on the execution of verdicts and asset recovery. In all three cases, in absentia provides legal certainty to continue the judicial process without the presence of the defendant, while the Red Notice serves as an

instrument to designate the defendant as an international fugitive. However, the correlation between the two suggests that the successful application of in absentia relies heavily on the effectiveness of the Red Notice in ensuring the defendant can be apprehended and extradited. Obstacles arise when the defendant's country of flight does not act on the Red Notice, as in the Sherny and Djoko cases, or when cross-border legal procedures slow down the extradition process, as in the Sherny and Djoko cases, or when cross-border legal procedures slow down the extradition process, as in the Hartawan case. In addition, delays in the implementation of in absentia or Red Notice also worsen the handling of cases because they prolong the escape of the accused and hinder the recovery of assets. This research confirms that although in absentia and Red Notice are important elements in international law enforcement, weaknesses in cross-border coordination and legal harmonisation remain key challenges. Therefore, strengthening extradition treaties, optimising Mutual Legal Assistance, and synergy between domestic and international systems are needed to support the effectiveness of both mechanisms.