

## **PENYELESAIAN TINDAK PIDANA KEKERASAN DALAM RUMAH TANGGA YANG DILAKUKAN ANGGOTA TENTARA NASIONAL INDONESIA MELALUI *RESTORATIVE JUSTICE* DI PENGADILAN MILITER II-09 SEMARANG**

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### **INTISARI**

Penelitian ini mengkaji mengapa *Restorative Justice* belum diterapkan dalam penyelesaian tindak pidana Kekerasan Dalam Rumah Tangga (KDRT) yang dilakukan oleh anggota Tentara Nasional Indonesia (TNI) di Pengadilan Militer II-09 Semarang dan melihat peluang *Restorative Justice* dapat diterapkan dalam penyelesaian tindak pidana Kekerasan Dalam Rumah Tangga (KDRT) yang dilakukan oleh anggota Tentara Nasional Indonesia (TNI). Hal tersebut dilatarbelakangi karena proses penyelesaian tindak pidana Kekerasan Dalam Rumah Tangga (KDRT) masih berfokus pada penghukuman terhadap pelaku.

Penelitian ini menggunakan metode penelitian normatif empiris dengan menggunakan pendekatan kasus, pendekatan konseptual serta pendekatan perundang-undangan dilengkapi wawancara dengan responden Hakim Militer di Pengadilan Militer II-09 Semarang dan narasumber di Hukum Kodam IV/Diponegoro. Data yang diperoleh kemudian dianalisis secara deskriptif kualitatif dan selanjutnya menghasilkan rekomendasi preskriptif.

Penelitian ini menemukan bahwa alasan Pengadilan Militer II-09 Semarang belum sepenuhnya menerapkan keadilan *restoratif* dalam menyelesaikan tindak pidana Kekerasan Dalam Rumah Tangga (KDRT) disebabkan belum adanya regulasi yang mengatur mengenai penerapan *Restorative Justice* dan Pemahaman yang berbeda dari masing masing penegak hukum terkait dengan *Restorative Justice*. Kemudian terkait peluang, penerapan *Restorative Justice* dapat diterapkan melalui Perma RI Nomor 3 Tahun 2017 tentang pedoman mengadili perkara Perempuan berhadapan dengan hukum dan Perma RI Nomor 1 Tahun 2024 tentang pedoman mengadili perkara pidana berdasarkan keadilan *restoratif*.

### **Kata Kunci:**

*Restorative Justice*, Kekerasan Dalam Rumah Tangga, Tentara Nasional Indonesia

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## **SETTLEMENT OF CRIMINAL ACT OF DOMESTIC VIOLENCE COMMITTED**

### **BY MEMBERS OF THE INDONESIAN NATIONAL MILITARY THROUGH RESTORATIVE JUSTICE AT THE MILITARY COURT II-09 SEMARANG**

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#### **ABSTRACT**

*This research examines why Restorative Justice has not been applied in resolving criminal acts of Domestic Violence (KDRT) committed by members of the Indonesian National Military (TNI) at the Military Court II-09 Semarang and sees the opportunity for Restorative Justice to be applied in resolving criminal acts of Domestic Violence (KDRT) committed by members of the Indonesian National Military (TNI). That is because the process of resolving criminal acts of Domestic Violence (KDRT) still focuses on punishing the perpetrators.*

*This research uses an empirical normative research method using a case approach, a conceptual approach and a legislative approach supplemented by interviews with respondents, Military Judges at the Military Court II-09 Semarang and informants at the Law Regional Military Command Diponegoro. The data obtained were then analyzed descriptively qualitatively and then produced prescriptive recommendations.*

*This research found that the reason the Military Court II-09 Semarang had not fully implemented Restorative Justice in resolving criminal acts of Domestic Violence (KDRT) was due to the absence of regulations governing the application of Restorative Justice and different understandings from each law enforcer regarding Restorative Justice. Then related to opportunities, the implementation of Restorative Justice can be implemented through Supreme Court Rules of The Republic of Indonesia Number 3 of 2017 concerning guidelines for trying cases of Women in conflict with the law and Supreme Court Rules of The Republic of Indonesia Number 1 of 2024 concerning guidelines for trying criminal cases based on restorative justice.*

#### **Keywords:**

*Restorative Justice, Domestic Violence, Indonesian National Military.*

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