

PEMBAHARUAN SISTEM PIDANA DALAM KITAB UNDANG-UNDANG HUKUM PIDANA MILITER PASCA BERLAKUNYA KITAB UNDANG-UNDANG HUKUM PIDANA NASIONAL

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INTISARI

Penelitian ini bertujuan untuk mengkaji dan menganalisis urgensi pembaharuan sistem pidana dalam Kitab Undang-Undang Hukum Pidana Militer pasca berlakunya Kitab Undang-Undang Hukum Pidana nasional. Penelitian ini juga bertujuan untuk mengkaji dan merumuskan pengaturan sistem pidana dalam Kitab Undang-Undang Hukum Pidana Militer pasca berlakunya Kitab Undang-Undang Hukum Pidana nasional.

Penelitian ini merupakan penelitian hukum normatif dengan sifat deskriptif. Data penelitian yang digunakan terdiri dari data sekunder sebagai fokus utama, didukung oleh data primer berupa hasil wawancara. Data sekunder diperoleh melalui studi kepustakaan yang relevan dengan topik penelitian. Analisis data dilakukan secara kualitatif, dengan penarikan kesimpulan secara deduktif melalui analisis peraturan perundang-undangan yang dikaitkan dengan temuan penelitian.

Penelitian ini menunjukkan dua kesimpulan. Pertama, urgensi pembaharuan sistem pidana dalam KUHPM pasca berlakunya KUHP Nasional didasarkan pada dua kerangka pemikiran, yaitu Sudarto dan Sudikno Mertokusumo. Kerangka berpikir Sudarto, yang mencakup alasan politik, sosiologis, dan praktis, diadaptasi untuk menganalisis kebutuhan pembaharuan KUHPM agar lebih responsif terhadap dinamika masyarakat dan tuntutan penegakan hukum modern. Sementara itu, pendekatan Sudikno Mertokusumo yang meliputi alasan filosofis, sosiologis, dan yuridis, memberikan dasar konseptual penting dalam menjamin keselarasan KUHPM dengan nilai-nilai keadilan, cita-cita hukum nasional, serta prinsip harmonisasi norma dalam sistem hukum nasional. Kedua, pengaturan sistem pidana dalam KUHPM pasca berlakunya KUHP Nasional harus mengakomodasi harmonisasi dengan prinsip-prinsip hukum pidana nasional, mencakup klasifikasi pidana yang lebih terstruktur, yaitu: pidana pokok, terdiri dari pidana penjara, tutupan, pengawasan, denda, dan kerja sosial; pidana tambahan, terdiri dari pemecatan, penurunan pangkat, pencabutan hak tertentu, perampasan barang dan/atau tagihan, pengumuman putusan hakim, dan pemenuhan kewajiban adat setempat; pidana khusus, yaitu pidana mati. Sistem pidana yang lebih adaptif dan berorientasi pada keseimbangan antara disiplin militer, keadilan, rehabilitasi, serta reintegrasi diharapkan mampu menjadikan hukum pidana militer lebih efektif dan selaras dengan prinsip-prinsip hukum nasional.

Kata kunci: *Kitab Undang-Undang Hukum Pidana Militer, Kitab Undang-Undang Hukum Pidana Nasional, Pembaharuan Sistem Pidanaan.*

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***RENEWAL OF THE PUNISHMENT SYSTEM IN THE MILITARY
CRIMINAL CODE AFTER THE ENACTMENT OF THE
NATIONAL CRIMINAL CODE***

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ABSTRACT

This study examines and analyzes the urgency of renewing the punishment system in the Military Criminal Code after the enactment of the National Criminal Code. This study also aims to examine and formulate the regulation of the punishment system in the Military Criminal Code after the enactment of the National Criminal Code.

This study is a normative legal research and descriptive legal research. The research data used in this research consists of secondary data as the main focus, supported by primary data obtained from interviews. The secondary data was collected through literature studies relevant to the research topic. The data is analyzed qualitatively, with conclusions drawn deductively through the analysis of laws and regulations in relation to the research findings.

This study shows two conclusions. First, the urgency of renewing the punishment system in the Military Criminal Code after the enactment of the National Criminal Code is based on two frameworks of thought, namely Sudarto and Sudikno Mertokusumo. Sudarto's framework, which encompasses political, sociological, and practical reasons, is adapted to analyze the need for reforming the Criminal Code to be more responsive to societal dynamics and the demands of modern law enforcement. Meanwhile, Sudikno Mertokusumo's approach, which encompasses philosophical, sociological, and juridical reasons, provides an important conceptual basis in ensuring the alignment of the Criminal Code with the values of justice, national legal ideals, and the principle of harmonization of norms within the national legal system. The regulation of the punishment system in the Military Criminal Code after the enactment of the National Criminal Code must accommodate harmonization with the principles of national criminal law, including a more structured classification of penalties, namely: principal penalties, consisting of imprisonment, detention, supervision, fines, and community service; additional penalties, consisting of dismissal, demotion, revocation of certain rights, confiscation of goods and/or bills, announcement of a judge's decision, and fulfillment of customary obligations; special penalties, namely the death penalty. A more adaptive criminal justice system oriented towards a balance between military discipline, justice, rehabilitation, and reintegration is expected to make military criminal law more effective and in line with national legal principles.

Keywords: Military Criminal Code, National Criminal Code, Renewal of the Punishment System.

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