

INTISARI

REFORMULASI PENGATURAN EKSEKUSI PIDANA MATI TERHADAP PRAJURIT TENTARA NASIONAL INDONESIA

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Penelitian ini bertujuan untuk mengetahui dan menganalisis urgensi reformulasi pengaturan eksekusi pidana mati terhadap Prajurit TNI. Penelitian ini juga bertujuan untuk mengetahui dan menganalisis prospek formulasi pengaturan eksekusi pidana mati terhadap Prajurit TNI di masa yang akan datang.

Penelitian ini merupakan penelitian hukum normatif yang didukung dengan wawancara dengan narasumber yang memiliki keahlian di bidang hukum pidana militer. Penelitian ini termasuk penelitian deskriptif dan penelitian preskriptif. Data yang diperlukan dalam penelitian ini adalah data primer dan data sekunder. Data primer diperoleh dengan cara melakukan wawancara kepada 3 (tiga) narasumber. Sedangkan data sekunder diperoleh dengan cara membaca dan memahami bahan-bahan pustaka terkait topik permasalahan yang diteliti. Data dalam penelitian ini dianalisis menggunakan metode analisis kualitatif dengan metode penyajian data deskriptif-preskriptif. Penarikan kesimpulan menggunakan metode deduktif.

Berdasarkan hasil penelitian dan pembahasan, dapat ditarik dua kesimpulan. Pertama, urgensi reformulasi pengaturan eksekusi pidana mati terhadap Prajurit TNI dapat dilihat dari alasan filosofis, sosiologis, dan yuridis. Kedua, prospek formulasi pengaturan eksekusi pidana mati terhadap Prajurit TNI di masa yang akan datang harus dapat menjawab kelemahan-kelemahan formulasi dalam pengaturan yang lama Reformulasi pengaturan eksekusi pidana mati terhadap Prajurit TNI harus diarahkan untuk memuat pengaturan yang lebih komprehensif, sistematis, dan selaras dengan perkembangan hukum pidana nasional, praktik peradilan militer, serta prinsip-prinsip HAM.

Kata Kunci: Reformulasi, Eksekusi Pidana Mati, Pidana Mati, Prajurit TNI

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ABSTRACT

REFORMULATION OF THE REGULATION ON THE EXECUTION OF THE DEATH PENALTY FOR INDONESIAN NATIONAL ARMED FORCES SOLDIERS

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This research aims to determine and analyze the urgency of reformulating the regulations on the execution of the death penalty for Indonesian National Armed Forces soldiers. This research also aims to determine and analyze, the prospects for the formulation of the regulations on the execution of the death penalty for Indonesian National Armed Forces soldiers in the future.

This research is a normative legal research supported by interviews with the experts in the field of military criminal law. This research is a descriptive-prescriptive research. The data required are primary and secondary data. Primary data were obtained by interviewing three predetermined experts. Meanwhile, the secondary data were obtained by reading and understanding literature related to the research topic. The data in this research were analyzed using qualitative analysis with descriptive-prescriptive data presentation methods. Conclusions are drawn using the deductive method.

This research shows two conclusion. First, the urgency of reformulating the regulation of the execution of the death penalty for Indonesian National Armed Forces soldiers can be seen from philosophical, sociological, and juridical reasons. Second, the prospects for future regulations on the execution of the death penalty for Indonesian National Armed Forces soldiers must overcome the weaknesses of the previous regulations. The reformulation of the regulations on the execution of the death penalty for Indonesian Armed Forces soldiers must be directed towards creating regulations that are more comprehensive, systematic, and in line with developments in national criminal law, military court practices, and human rights principles.

Keywords: Reformulation, Execution of Death Penalty, Death Penalty, Indonesian National Armed Forces.

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