

PENEGAKAN HUKUM TERHADAP TINDAK PIDANA YANG DILAKUKAN OLEH ANGGOTA KOMPONEN CADANGAN BERDASARKAN UNDANG-UNDANG PERADILAN MILITER

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INTISARI

Penulisan Hukum ini bertujuan untuk mengidentifikasi dan menganalisis problematika yang berpotensi terjadi dalam penegakan hukum terhadap anggota Komcad yang melakukan tindak pidana, dengan berdasarkan Undang-Undang Peradilan Militer. Penelitian ini juga bertujuan untuk mengkaji dan merekomendasikan prospek penegakan hukum terhadap anggota Komcad yang melakukan tindak pidana di masa yang akan datang.

Jenis penelitian dalam Penulisan Hukum ini adalah penelitian hukum normatif-empiris. Penelitian dilakukan dengan penelitian kepustakaan untuk mendapatkan data sekunder yang terdiri atas bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Penelitian ini juga dilakukan dengan penelitian lapangan untuk mendapatkan data primer dari responden dan narasumber. Data yang telah terkumpul dianalisis secara kualitatif dan hasilnya disajikan secara deskriptif untuk menjawab permasalahan penelitian. Selanjutnya digunakan metode deduktif untuk menarik kesimpulan permasalahan yang ada.

Hasil penelitian menunjukkan dua kesimpulan. Pertama, problematika penegakan hukum terhadap tindak pidana yang dilakukan oleh anggota Komcad berdasarkan Undang-Undang Peradilan Militer dapat diklasifikasikan dalam tiga faktor yaitu substansi hukum, struktur hukum, dan budaya hukum. Dari segi substansi hukum, belum terdapat pengaturan teknis penanganan perkara anggota Komcad dan ketidakjelasan perumusan pasal, pada aspek struktur hukum aparat penegak hukum masih mengalami keterbatasan dalam menempatkan peran, sementara dari budaya hukum banyaknya polemik pembentukan Komcad mencerminkan belum terwujudnya hubungan sipil-militer demokratis. Kedua, penegakan hukum tersebut memiliki prospek yang baik ditinjau dari aspek substansi hukum, struktur hukum, dan budaya hukum. Secara substansi hukum, pengaturan anggota Komcad telah tersedia namun masih memerlukan pedoman penegakan hukum, pada aspek struktur hukum kelembagaan telah lengkap tetapi membutuhkan peningkatan kapasitas penegak hukum, dari budaya hukum harus mengedepankan supremasi sipil dalam hubungan sipil-militer khususnya penegakan hukum pada peradilan militer guna menjamin kedaulatan rakyat.

Kata Kunci: Penegakan Hukum, Komponen Cadangan, Undang-Undang Peradilan Militer.

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***LAW ENFORCEMENT AGAINST CRIMINAL ACTS BY RESERVE
COMPONENT MEMBERS BASED ON THE
MILITARY COURT LAW***

ABSTRACT

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This legal study aims to identify and analyze potential problems in the enforcement of law against members of the Reserve Component (Komponen Cadangan/Komcad) who commit criminal offenses, based on the Military Court Law. In addition, this research seeks to examine and propose recommendations regarding the future prospects of law enforcement against Komcad members who commit criminal acts.

The type of research employed in this legal writing is normative-empirical legal research. The study is conducted through library research to obtain secondary data consisting of primary, secondary, and tertiary legal materials. In addition, field research is carried out to collect primary data from respondents and informants. The collected data are analyzed qualitatively, and the results are presented descriptively to address the research problems. A deductive method is subsequently used to draw conclusions from the identified issues.

The findings of the research lead to two conclusions. First, the problems of law enforcement against criminal offenses committed by Komcad members under the Military Court Law can be classified into three factors, namely legal substance, legal structure, and legal culture. In terms of legal substance, there is an absence of technical regulations governing the handling of cases involving Komcad members and a lack of clarity in the formulation of legal provisions; from the perspective of legal structure, law enforcement officials still face limitations in properly positioning their roles; Meanwhile, from a legal perspective, the numerous controversies surrounding the formation of the Reserve Component reflect the fact that a democratic civil-military relationship has not yet been established. Second, such law enforcement demonstrates favorable prospects when viewed from the aspects of legal substance, legal structure, and legal culture. In terms of legal substance, regulations concerning Komcad members are already in place but still require specific law enforcement guidelines; in terms of legal structure, institutional arrangements are complete but require capacity building for law enforcement officials; and from the aspect of legal culture must prioritize civilian supremacy in civil-military relations, particularly in the enforcement of law within the military court law, in order to ensure the sovereignty of the people.

Keywords: Law Enforcement, Reserve Component, Military Court Law.

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