

REFORMULATION OF REGULATORY PARAMETERS FOR ASSESSING THE AMOUNT OF RESTITUTION BY THE WITNESS AND VICTIM PROTECTION AGENCY TOWARD VICTIMS OF CRIMINAL ACTS

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ABSTRACT

This study aims to identify and analyze the parameters for assessing the amount of restitution by the Witness and Victim Protection Agency (Lembaga Perlindungan Saksi dan Korban/LPSK) toward victims of criminal acts and to provide recommendations both conceptually and in terms of policy related to restitution assessment at LPSK.

The author employs a normative-empirical research method by examining the research findings obtained and subsequently comparing them with applicable laws and regulations. This research is descriptive-analytical in nature, utilizing a statutory approach and a conceptual approach, with data obtained through interviews and literature studies.

Based on the results of the research, it can be concluded that in conducting assessments, there are still differences in supporting data and/or references for assessors in validating and determining reasonable values. These differences in supporting data and references are not only caused by workload, differences in understanding and information regarding supporting data or references that can be traced and used as the basis for reasonable value, but differences in the perspectives of assessors also determine the assessments conducted by assessors at LPSK, which in turn impact the value of the victim's loss itself. Along with the existing problems, LPSK needs to reformulate the parameters currently used in conducting restitution assessments toward victims of criminal acts. The urgency of this reformulation arises from several reasons, such as the development of the concept of compensation, the significantly and massively increasing number of applications, as well as the need to harmonize perceptions and supporting data and references among assessors in order to ensure quality standards and equalize the quality of assessments. The prospect offered in this study is the necessity of consistent parameters for assessors in referring to and obtaining supporting data so as not to cause disparities in the assessment of compensation.

Keywords: parameters, LPSK, assessment, restitution.

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REFORMULASI PENGATURAN PARAMETER PENILAIAN BESARAN RESTITUSI OLEH LEMBAGA PERLINDUNGAN SAKSI DAN KORBAN TERHADAP KORBAN TINDAK PIDANA

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INTISARI

Penelitian ini bertujuan untuk mengidentifikasi dan menganalisis parameter penilaian besaran restitusi oleh Lembaga Perlindungan Saksi dan Korban (LPSK) terhadap korban tindak pidana dan memberikan rekomendasi baik secara konsep maupun rekomendasi kebijakan terkait penilaian restitusi di LPSK.

Penulis menggunakan metode penelitian normatif-empiris dengan menelaah hasil penelitian yang diperoleh kemudian dibandingkan dengan peraturan perundang-undangan serta regulasi yang berlaku. Penelitian ini bersifat deskriptif-analitis, melalui pendekatan peraturan perundang-undangan dan pendekatan konseptual, dengan menggunakan data yang didapat melalui wawancara dan studi kepustakaan.

Berdasarkan penelitian yang telah dilakukan, dapat disimpulkan bahwa dalam melakukan penilaian, masih terdapat perbedaan data dukung dan/atau rujukan bagi penilai dalam memvalidasi dan menemukan nilai kewajaran. Perbedaan data dukung dan rujukan ini tidak hanya disebabkan oleh beban kerja, perbedaan pemahaman dan informasi mengenai data dukung atau rujukan yang dapat ditelusuri dan dijadikan dasar nilai kewajaran, namun perbedaan perspektif penilai juga menentukan penilaian yang dilakukan oleh penilai di LPSK yang kemudian berdampak pada nilai kerugian korban itu sendiri. Urgensi reformulasi parameter penilaian timbul karena beberapa alasan, yakni perkembangan konsep ganti kerugian, permohonan yang meningkat secara signifikan dan masif, serta perlunya penyamaan persepsi dan data dukung serta rujukan bagi penilai dalam menjamin standar mutu dan menyamaratakan kualitas penilaian. Prospek yang ditawarkan dalam penelitian ini adalah perlunya parameter yang ajeg bagi penilai dalam merujuk dan memperoleh data dukung sehingga tidak menyebabkan disparitas penilaian terhadap penilaian ganti kerugian.

Kata Kunci: parameter, LPSK, penilaian, restitusi.

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