Peran Lembaga Pelindungan Saksi dan Korban (LPSK) dalam Permohonan Restitusi Melalui Penetapan
Pengadilan
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PERAN LEMBAGA PERLINDUNGAN SAKSI DAN KORBAN (LPSK) DALAM PERMOHONAN RESTITUSI MELALUI PENETAPAN PENGADILAN

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis peran aktif Lembaga Perlindungan Saksi dan Korban (LPSK) dalam mekanisme permohonan penetapan restitusi setelah putusan berkekuatan hukum tetap, memahami hambatan administratif dan regulasi yang dihadapi dalam pemenuhan hak korban, dan merumuskan langkah strategis penguatan kelembagaan serta sinergitas antar instansi demi mewujudkan pemulihan hak korban tindak pidana.

Penelitian ini merupakan penelitian hukum normatif-empiris, dengan menggunakan pendekatan peraturan perundang-undangan dan pendekatan komparatif, serta pendekatan sosiologis. Sifat penelitian ini adalah deskriptif dan preskriptif, jenis data terdiri dari data primer dan sekunder, serta teknik pengumpulan data menggunakan wawancara dan studi kepustakaan. Adapun subjek penelitian terdiri dari pimpinan LPSK, tenaga ahli, dan penilai LPSK, hakim, jaksa, korban, serta akademisi hukum. Teknik analisis data dalam penelitian ini menggunakan deskriptif kualitatif, serta penarikan kesimpulan dilakukan secara deduktif.

Penelitian ini memperoleh 2 (dua) kesimpulan. Pertama, bahwa adanya interpretasi batas waktu permohonan restitusi melalui penetapan, belum adanya prosedur panduan penetapan restitusi, belum adanya standar penilaian ganti kerugian untuk penetapan restitusi, problematika administratif LPSK dalam mewakili korban dalam penetapan restitusi, dan keterbatasan informasi, serta pemahaman terkait permohonan restitusi melalui penetapan. Kedua, upaya untuk memperkuat peran LPSK dalam penetapan restitusi yaitu pembentukan pedoman penetapan restitusi untuk mengatasi interpretasi batas waktu permohonan penetapan restitusi serta masalah yang mencakup prosedur penetapan restitusi, pembentukan standar nasional penilaian ganti kerugian, penyusunan standar operasional prosedur dalam LPSK mewakili korban dalam penetapan restitusi, dan keterbukaan akses informasi, kerjasama antara LPSK dengan aparat penegak hukum serta sosialisasi terkait hak restitusi yang dapat diajukan melalui penetapan.

Kata Kunci: Restitusi, Penetapan Pengadilan, Hak Korban, Lembaga Perlindungan Saksi dan Korban.

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The Role of the Witness and Victim Protection Agency (LPSK) in Restitution Claims via Judicial Determination

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ABSTRACT

This study aims to identify and analyse the active role of the Witness and Victim Protection Agency (LPSK) in the mechanism for applying for restitution following a final and binding court decision, to understand the administrative and regulatory obstacles encountered in fulfilling victims' rights, and to formulate strategic measures for institutional strengthening and inter-agency synergy in order to realise the restoration of the rights of victims of criminal offences.

This study is a normative-empirical legal study, employing a legislative, comparative approach, and with a sociological approach. The nature of the study is descriptive and prescriptive; the data consists of primary and secondary data, and data collection techniques include interviews and a literature review. The research subjects consist of the leaders of LPSK, experts and assessors of the LPSK, judge, prosecutor, victims of criminal offences, and legal academics. The data analysis technique used in this study is qualitative descriptive and conclusions are drawn deductively.

This study arrives at two conclusions. First, there are issues regarding the interpretation of the deadline for restitution requests through a court order; the lack of procedural guidelines for restitution orders; the lack of standards for assessing damages in restitution orders; administrative challenges faced by the LPSK in representing victims in restitution proceedings; and limited information and understanding regarding restitution requests through a court order. Second, efforts to address issues to strengthen the role of the LPSK in this process include the development of guidelines for determining restitution to resolve interpretations regarding the deadline for filing restitution requests, as well as issues related to restitution determination procedures; the establishment of national standards for assessing compensation; the development of standard operating procedures within the LPSK for representing victims in restitution determinations; and transparency in access to information, cooperation between the LPSK and law enforcement agencies, and public awareness campaigns regarding restitution claims that can be filed through a court order.

Keywords: *Restitution, Court Orders, Victim Rights, Witness and Victim Protection Agency.*

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