

ABSTRAK

PERAN PEMBIMBING KEMASYARAKATAN DALAM PELAKSANAAN KESEPAKATAN DIVERSI MENURUT UNDANG-UNDANG SISTEM PERADILAN PIDANA ANAK

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Penelitian hukum ini bertujuan untuk mengetahui dan mengkaji peran Pembimbing Kemasyarakatan di Balai Pemasyarakatan Kelas I Yogyakarta terhadap Anak yang melaksanakan pelaksanaan kesepakatan Diversi. Penelitian ini mengacu 2 (dua) pokok permasalahan, yaitu mengenai pelaksanaan tugas Pembimbing Kemasyarakatan di Balai Pemasyarakatan Kelas I Yogyakarta terhadap Anak selama proses pelaksanaan kesepakatan Diversi serta untuk mengetahui kendala dan solusi yang dihadapi petugas Pembimbing Kemasyarakatan selama proses tersebut.

Penelitian ini bersifat deskriptif dengan jenis normatif empiris. Dalam penelitian ini, penulis melakukan penelitian normatif dengan melalui penelitian yang didasarkan pada data sekunder meliputi buku, dokumen resmi dari pemerintah, data arsip, dan lain-lain. Sementara penulis melakukan penelitian hukum empiris dengan langsung melakukan penelitian lapangan melalui metode wawancara kepada responden dan narasumber untuk memperoleh data primer. Data yang diperoleh dari hasil penelitian kepustakaan dan lapangan dianalisis secara kualitatif. Hasil analisis data disajikan secara deskriptif kualitatif.

Hasil penelitian menunjukkan bahwa Pembimbing Kemasyarakatan dalam melaksanakan pelaksanaan kesepakatan Diversi terhadap Anak melakukan proses pembimbingan dan pengawasan. Proses pembimbingan dilakukan melalui bentuk pembimbingan kepribadian dan kemandirian, sementara proses pengawasan akan dilakukan Pembimbing Kemasyarakatan dengan mengunjungi lingkungan rumah Anak (*Home Visit*). Adapun kendala yang dihadapi Pembimbing Kemasyarakatan adalah jarak Bapas dengan rumah Anak yang jauh, waktu pembimbingan, dasar pelaksanaan kesepakatan Diversi, biaya, dan penetapan pengadilan mengenai hasil kesepakatan Diversi yang tidak sesuai dengan ketentuan dalam UU SPPA.

Kata Kunci : Pembimbing Kemasyarakatan, Balai Pemasyarakatan Kelas I Yogyakarta, Pelaksanaan Kesepakatan Diversi.

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ABSTRACT

THE ROLE OF COMMUNITY GUIDERS IN THE IMPLEMENTATION OF DIVERSION AGREEMENT ACCORDING TO LAW OF CHILDREN'S CRIMINAL JUSTICE SYSTEM

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This legal research aims to find out and examine the role of Community Counselors at the Yogyakarta Class I Correctional Center for Children who carry out the implementation of Diversion agreements. This study refers to 2 (two) main issues, namely regarding the implementation of the duties of Community Counselors at the Yogyakarta Class I Correctional Center for Children during the process of implementing the Diversion agreement and to find out the obstacles and solutions faced by Community Advisors during the process.

This research is descriptive with normative empirical type. In this study, the author conducted a normative study through research based on secondary data including books, official documents from the government, archive data, and others. While the authors conducted empirical legal research by directly conducting field research through interview methods to respondents and resource persons to obtain primary data. Data obtained from the results of library and field research were analyzed qualitatively. The results of data analysis are presented in a qualitative descriptive manner.

The results of the study indicate that the Community Advisors in implementing the Diversion Agreement on Children carry out a process of mentoring and supervision. The mentoring process is carried out through a form of personality guidance and independence, while the supervision process will be carried out by the Community Advisor by visiting the child's home environment (Home Visit). The constraints faced by Community Counselors are the distance between Bapas and the children's home which is far away, the time of guidance, the basis for implementing the Diversion agreement, the cost, and the court's decision regarding the results of the Diversion agreement that is not in accordance with the provisions in the SPPA Law.

Keywords: Community Counselor, Yogyakarta Class I Correctional Center, Implementation of Diversion Agreement.

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