

ABSTRAK

ANALISIS PENERAPAN RESTITUSI TERHADAP KORBAN TINDAK PIDANA PERLINDUNGAN PEKERJA MIGRAN INDONESIA (Studi Putusan Nomor 376/Pid.Sus/2022/PN Tjk)

Oleh:

Firman Agung Setyo Aji

Perlindungan bagi saksi dan korban merupakan unsur penting dalam upaya penanganan korban tindak pidana perlindungan tenaga kerja migran Indonesia. Kekerasan seksual, psikis, fisik serta kerugian materiil dan immateriil merupakan salah satu bentuk dampak yang dirasakan korban. Korban kejahatan tindak pidana perlindungan pekerja migran Indonesia pada perkara yang penulis bahas berhak mendapatkan ganti kerugian berupa restitusi atas kehilangan pendapatan atau kekayaan, penderitaan, biaya pengobatan atau pengobatan psikologis dan kerugian lainnya yang diderita korban. Restitusi merupakan hak korban yang harus diperjuangkan sebagai wujud tanggung jawab pelaku atas dampak dan kerugian yang ditimbulkan. Rumusan masalah dalam penelitian ini mengenai apakah restitusi dapat diterapkan terhadap terdakwa yang dijerat dengan undang-undang tindak pidana perlindungan pekerja migran Indonesia serta bagaimana mekanisme pengajuan restitusi dalam perkara tindak pidana perlindungan pekerja migran Indonesia.

Penelitian ini adalah penelitian berjenis yuridis normatif dan yuridis empiris dengan fokus penelitian terhadap pengkajian beberapa pendapat melalui metode wawancara dengan Jaksa pada Kejaksaan Tinggi Lampung, Hakim pada Pengadilan Negeri Kelas IA Tanjung Karang, Lembaga Perlindungan Saksi dan Korban (LPSK) Republik Indonesia serta studi kepustakaan. Penelitian ini dilaksanakan di Kejaksaan Tinggi Lampung. Sumber data yang penulis peroleh didapatkan melalui data primer dan data sekunder yang terdiri dari bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier. Selanjutnya data yang sudah terkumpul diproses dengan pengolahan data kemudian diinterpretasikan menggunakan analisis data kualitatif.

Hasil penelitian menunjukkan bahwa untuk menerapkan restitusi dalam perkara tindak pidana perlindungan pekerja migran Indonesia atas nama Terdakwa Lulis Widianingrum Binti Supomo dengan nomor putusan 376/Pid.Sus/2022/PN Tjk dilaksanakan atas beberapa pertimbangan dari Penuntut Umum serta Majelis Hakim yang memutus perkara. Permohonan untuk mendapatkan restitusi menjadi bentuk perlindungan hukum yang paling utama terhadap pekerja migran Indonesia yang menjadi korban, di samping pelaku mendapatkan hukum pidana. Selain itu Lembaga Perlindungan Saksi dan Korban (LPSK) memiliki tanggung jawab dalam penanganan pemberian perlindungan serta bantuan terhadap saksi dan korban dan penerapan restitusi dapat diterapkan di luar perundang-undangan

Firman Agung Setyo Aji

tindak pidana perdagangan orang dalam hal ini atas dasar beberapa pertimbangan dan keyakinan Majelis Hakim kemudian diperlukan adanya sinergi yang kolaboratif antar birokrasi yang ada dalam menanggulangi kejahatan tindak pidana perlindungan pekerja migran Indonesia dengan berbagai macam bentuk eksploitasi dalam hal pemenuhan hak korban, yaitu pemberian restitusi.

Kata Kunci : Penerapan Restitusi, Tindak Pidana, Perlindungan Pekerja Migran Indonesia

ABSTRACT

ANALYSIS OF THE APPLICATION OF RESTITUTION TO THE VICTIMS OF A CRIMINAL ACT OF PROTECTION OF INDONESIAN MIGRANT WORKERS (Study of Decision Number 376/Pid.Sus/2022/PN Tjk)

**By
Firman Agung Setyo Aji**

Protection for witnesses and victims is an important element in efforts to deal with victims of criminal acts of protection of Indonesian migrant workers. Sexual, psychological, physical violence as well as material and immaterial losses are one form of impact felt by victims. Victims of crimes against the protection of Indonesian migrant workers in the case discussed by the author are entitled to compensation in the form of restitution for loss of income or wealth, suffering, medical expenses or psychological treatment and other losses suffered by victims. Restitution is a victim's right that must be fought for as a form of responsibility of the perpetrator for the impact and losses caused. The formulation of the problem in this study is whether restitution can be applied to suspects charged with the criminal act of protecting Indonesian migrant workers and how the mechanism for submitting restitution in the case of criminal acts of protecting Indonesian migrant workers.

This research is a normative juridical and empirical juridical type research with a research focus on the study of several opinions through the method of interviews with Prosecutors at the Lampung High Prosecutor's Office, Judges at the Tanjung Karang Class IA District Court, the Witness and Victim Protection Agency (LPSK) of the Republic of Indonesia and literature studies. This research was conducted at the Lampung High Prosecutor's Office. The data sources obtained by the author are obtained through primary data and secondary data consisting of primary legal materials, secondary legal materials and tertiary legal materials. Furthermore, the data that has been collected is processed by data processing and then interpreted using qualitative data analysis.

The results showed that to apply restitution in a criminal case for the protection of Indonesian migrant workers on behalf of the defendant Lulis Widianingrum Binti Supomo with decision number 376/Pid.Sus/2022/PN Tjk was carried out based on several considerations from the Public Prosecutor and the Panel of Judges who decided the case. The request for restitution is the most important form of legal protection for Indonesian migrant workers who are victims, in addition to the perpetrators getting criminal law.

Firman Agung Setyo Aji

In addition, the Witness and Victim Protection Agency (LPSK) has the responsibility in handling the provision of protection and assistance to witnesses and victims and the application of restitution can be applied outside the legislation

of the crime of trafficking in persons in this case on the basis of several considerations and beliefs of the Panel of Judges then a collaborative synergy between existing bureaucracies is needed in tackling the crime of criminal acts of protection of Indonesian migrant workers with various forms of exploitation in terms of fulfilling victims' rights, namely the provision of restitution.

Keywords: Application of Restitution, Crime, Protection of Indonesian Migrant Workers