

ABSTRAK

PROBABILITAS PENERAPAN *RESTORATIVE JUSTICE* PADA TINDAK PIDANA PEMILU TERTENTU DI LAMPUNG

Oleh
Juendi Leksa Utama

Bentuk alternatif penyelesaian sengketa dalam sistem hukum pemilu sudah mulai diterapkan, yakni dengan mediasi berdasarkan Peraturan Bawaslu Nomor 9 Tahun 2022 tentang Tata Cara Penyelesaian Sengketa Proses Pemilihan Umum. Oleh karena itu, perlu dilakukan kajian tentang kemungkinan diterapkannya *restorative justice* dalam menyelesaikan tindak pidana pemilu. Penelitian ini mengkaji permasalahan mengenai implementasi *restorative justice* dalam menyelesaikan tindak pidana pemilu, dampak penerapan *restorative justice* dalam menyelesaikan tindak pidana pemilu, serta probabilitas keberhasilan *restorative justice* dalam menyelesaikan tindak pidana pemilu.

Penelitian ini merupakan tipe penelitian yuridis normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Dalam meneliti probabilitas penerapan *restorative justice* dalam penyelesaian tindak pidana pemilu, pengumpulan data dilakukan dengan cara studi kepustakaan dan analisis data dilakukan secara kualitatif.

Berdasarkan hasil penelitian, sistem hukum pidana pemilu Indonesia belum mengakomodasi secara komprehensif mengenai penyelesaian tindak pidana pemilu berdasarkan *restorative justice*, khususnya di Provinsi Lampung. Penerapan *restorative justice* lebih baik dalam menyelesaikan tindak pidana pemilu serta berdampak untuk meminimalisir penggunaan sanksi pidana penjara, mencegah *over* kriminalisasi, serta terciptanya keadilan dan keseimbangan bagi pelaku maupun korban tindak pidana pemilu. *Restorative justice* dapat dijadikan sebagai *ius constituendum* dalam menyelesaikan tindak pidana pemilu tertentu dengan beberapa pertimbangan hukum. Tidak semua tindak pidana pemilu dapat diterapkan *restorative justice*.

Pemerintah dan Dewan Perwakilan Rakyat (DPR) perlu mengubah Undang-Undang Pemilu dengan menambahkan klausul mengenai mekanisme penyelesaian tindak pidana pemilu melalui *restorative justice*. Selain itu, penyelesaian perkara melalui mekanisme *restorative justice* harus terintegrasi antar Sentra Penegakan Hukum Terpadu melalui pengaturan dalam sebuah peraturan Bersama tentang penyelesaian tindak pidana pemilu melalui *restorative justice*.

Kata kunci: Penyelesaian Sengketa, *Restorative Justice*, Tindak Pidana Pemilu

ABSTRACT

PROBABILITY OF APPLYING RESTORATIVE JUSTICE TO CERTAIN ELECTION CRIMES IN LAMPUNG

By
Juendi Leksa Utama

Alternative forms of dispute resolution in the election law system have begun to be implemented, namely through mediation based on Bawaslu Regulation Number 9 of 2022 concerning Procedures for Settling General Election Process Disputes. Therefore, it is necessary to conduct a study on the possibility of implementing restorative justice in resolving election criminal offenses. This study examines the problems regarding the implementation of restorative justice in resolving election criminal offenses, the impact of implementing restorative justice in resolving election criminal offenses, and the probability of success of restorative justice in resolving election criminal offenses.

This research is a type of normative juridical research with a statutory approach and a conceptual approach. In examining the probability of implementing restorative justice in resolving election criminal offenses, data collection was carried out by means of literature studies and data analysis was carried out qualitatively.

*Based on the results of the study, the Indonesian election criminal law system has not comprehensively accommodated the resolution of election criminal offenses based on restorative justice, especially in Lampung Province. The application of restorative justice is better in resolving election criminal offenses and has an impact on minimizing the use of prison sentences, preventing over-criminalization, and creating justice and balance for perpetrators and victims of election crimes. Restorative justice can be used as *ius constituendum* in resolving certain election crimes with several legal considerations. Not all election crimes can be applied to restorative justice.*

The government and the House of Representatives (DPR) need to amend the Election Law by adding a clause regarding the mechanism for resolving election crimes through restorative justice. In addition, case resolution through the restorative justice mechanism must be integrated between the Integrated Law Enforcement Centers through regulations in a Joint Regulation on resolving election crimes through restorative justice.

Keywords *Election Crimes, Dispute Resolution, Restorative Justice*