

ABSTRAK

PENERAPAN SANKSI PIDANA DAN SANKSI ETIK KEPOLISIAN TERHADAP POLISI PELAKU TINDAK PIDANA MENELANTARKAN ORANG DALAM RUMAH TANGGA

(Studi Putusan Nomor 93/Pid.Sus/2023/PN Liw)

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Tindak pidana penelantaran orang dalam rumah tangga merupakan perbuatan yang berupa hilangnya tanggung jawab seseorang kepada keluarganya. Pelaku tindak pidana penelantaran dalam rumah tangga ini tidak hanya terjadi dikalangan masyarakat biasa, tetapi seorang anggota Polri sebagai aparat penegak hukum justru menjadi kegelisahan dalam kehidupan rumah tangganya. Rumusan masalah dari penelitian ini adalah bagaimanakah penerapan sanksi pidana dan sanksi kode etik Kepolisian bagi Polisi yang merupakan pelaku tindak pidana penelantaran rumah tangga dan apakah pertimbangan Hakim telah memenuhi tujuan hukum.

Metode penelitian ini menggunakan jenis penelitian hukum yuridis normatif dan yuridis empiris dengan cara mengumpulkan data primer yang diperoleh dilapangan dan kemudian di analisis. Sumber dan jenis data terdiri dari data primer dan data sekunder. Pihak yang menjadi narasumber yaitu Akreditor Unit Propam Polda Lampung, Hakim Pengadilan Negeri Liwa, serta Dosen Fakultas Hukum Universitas Lampung. Metode pengumpulan data melalui studi kepustakaan dan studi lapangan dengan pengolahan data berupa pengumpulan data, klasifikasi, serta sistematisasi data. Analisis data dilakukan melalui metode kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa berdasarkan pertimbangan majelis Hakim, terdakwa dijatuhkan sanksi pidana penjara 5 (lima) bulan. Sedangkan, untuk sanksi kode etik terdakwa diberikan sanksi berupa demosi. Pada putusan ini belum memenuhi tujuan hukum terutama pada aspek keadilan dikarenakan adanya dampak psikologis terhadap saksi korban dan keluarganya.

Saran yang ditujukan pada penelitian ini yaitu diharapkan majelis Hakim dalam memutus perkara dilakukan dengan optimal sehingga putusan yang ditetapkan memiliki kesesuaian terhadap tujuan hukum yang dicita-citakan. Selain itu, penegakan sanksi kode etik Kepolisian harus dapat menjamin rasa keadilan dan memberikan kepercayaan publik.

Kata Kunci: Penelantaran Rumah Tangga, Polisi, Sanksi Pidana dan Sanksi Etik.

ABSTRACT

APPLICATION OF CRIMINAL SANCTIONS AND POLICE ETHICAL SANCTIONS AGAINST POLICE OFFICERS COMMITTING CRIMES OF NEGLECTING PEOPLE IN HOUSEHOLDS (Study of Decision Number 93/Pid.Sus/2023/PN Liw)

By:

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The crime of neglect within the household scope is an act characterized by the loss of responsibility of an individual towards their family. The perpetrators of domestic abandonment crimes are not only prevalent among ordinary people, but a member of the police force, who is a law enforcement officer, has also become a source of distress in their domestic life. The formulation of the problem in this research is how the application of criminal sanctions and police code of ethics sanctions for police officers who are perpetrators of domestic abandonment crimes, and whether the judge's considerations reflect the objectives of the law.

This research method uses normative juridical and empirical juridical types of legal research by collecting primary data obtained in the field and then analyzing it. The sources and types of data consist of primary data and secondary data. The sources of information are the Accreditor of the Propam Unit of the Lampung Police, the Judge of the Liwa District Court, and the Lecturers of the Faculty of Law at the University of Lampung. The data collection method was through literature study and field study with data processing in the form of data collection, classification, and data systematization. Data analysis is conducted using qualitative methods.

The results of the research and discussion indicate that based on the considerations of the panel of judges, the defendant was sentenced to 5 (five) months in prison. Meanwhile, for the ethical code sanction, the defendant was given a demotion. In this decision, it does not yet reflect the legal objectives, especially in terms of justice, due to the psychological impact on the victim's witness and their family.

The recommendation aimed at this research is that it is hoped the panel of judges will decide cases optimally so that the verdicts issued align with the aspired legal objectives. In addition, the enforcement of police code of ethics sanctions must ensure a sense of justice and provide public trust.

Keywords: Domestic Neglect, Police, Criminal Sanctions and Ethical Sanction.