

ABSTRAK

PENEGAKAN HUKUM TINDAK PIDANA PEMAKSAAN DISERTAI PENGANCAMAN KEKERASAN DALAM MEMBUBARKAN AKTIVITAS PERIBADATAN (Studi Putusan Nomor: 314/Pid.B/2023/PN.Tjk)

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Kehidupan umat beragama idealnya dapat hidup secara rukun, damai dan mendapat perlindungan hukum dari negara untuk melaksanakan aktivitas peribadatan. Permasalahan: bagaimanakah penegakan hukum tindak pidana pemaksaan disertai pengancaman kekerasan dalam membubarkan aktivitas peribadatan dan apakah faktor penghambat penegakan hukum tindak pidana pemaksaan disertai pengancaman kekerasan dalam membubarkan aktivitas peribadatan?

Penelitian ini menggunakan pendekatan yuridis normatif. Sumber data yang digunakan adalah data primer dan sekunder. Pengolahan data dilakukan dengan seleksi data, klasifikasi data dan penyusunan data. Analisis data dilakukan secara kualitatif untuk mendapatkan simpulan sesuai dengan pokok permasalahan. Selain itu diajukan saran kepada pihak-pihak yang terkait dengan penelitian.

Hasil penelitian ini menunjukkan bahwa penegakan hukum tindak pidana pemaksaan disertai pengancaman kekerasan dalam membubarkan aktivitas peribadatan secara *in abstracto* dilaksanakan dengan pemberlakuan aturan hukum yaitu Pasal 335 Ayat (1) ke-1 KUHP. Penegakan hukum pidana *in concreto* dilaksanakan Kepolisian dengan penyidikan dan melimpahkan tersangka dan barang bukti ke Kejaksaan. Penuntut Umum menyusun dakwaan dan penuntutan. Hakim pengadilan menjatuhkan pidana selama 3 (tiga) bulan penjara. Faktor-faktor penghambat penegakan hukum tindak pidana pemaksaan disertai pengancaman kekerasan dalam membubarkan aktivitas peribadatan terdiri atas faktor sarana dan prasarana, yaitu kurang berfungsinya peran Forum Kerukunan Umat Beragama (FKUB). Faktor masyarakat yang belum bersikap dewasa atau bijaksana dalam menghadapi aktivitas peribadatan penganut agama lain. Faktor budaya yaitu adanya intoleransi dan fanatisme agama di masyarakat. Adapun faktor penghambat yang paling dominan adalah faktor masyarakat.

Saran dalam penelitian ini adalah tindak pidana pemaksaan disertai pengancaman kekerasan dalam membubarkan aktivitas peribadatan hendaknya diantisipasi oleh aparat penegak hukum bersama pemerintah dan FKUB dengan menjalin koordinasi dan kerja sama. Hambatan dalam tindak pidana hendaknya dicegah oleh masyarakat dengan menjaga kondusifitas kehidupan umat beragama dan meningkatkan toleransi.

Kata Kunci: Penegakan Hukum, Pemaksaan, Kekerasan, Aktivitas Peribadatan.

ABSTRACT

LAW ENFORCEMENT ON CRIMINAL ACTS OF COERCION ACCOMPANIED WITH THREATS OF VIOLENCE IN DISPERSING WORSHIP ACTIVITIES

(Study of Decision Number: 314/Pid.B/2023/PN.Tjk)

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The life of community should ideally be able to live in harmony and peace and obtain legal protection from the state to carry out worship activities. Problem: how is the law enforcement of criminal acts of coercion accompanied by threats of violence in disbanding worship activities and why are there factors inhibiting the law enforcement of criminal acts of coercion accompanied by threats of violence in disbanding worship activities?

This study uses a normative juridical approach. The data sources used are primary and secondary data. Data processing is carried out by data selection, data classification and data compilation. Data analysis is carried out qualitatively to obtain conclusions in accordance with the main problem. In addition, suggestions are submitted to the parties related to the research.

The results of this study indicate that the enforcement of criminal law on coercion accompanied by threats of violence in dispersing religious activities with in abstracto is carried out by enforcing legal regulations, namely Article 335 Paragraph (1) of Criminal Code. Criminal law enforcement in concreto is carried out by the Police by conducting investigations and referring suspects and evidence to the Prosecutor's Office. Public Prosecutor compiling indictments and prosecution. Judges imposing a sentence of 3 (three) months in prison. Factors inhibiting the enforcement of criminal law on coercion accompanied by threats of violence in dispersing religious activities consist of facilities and infrastructure factors, namely the lack of functioning of the role of the Interfaith Harmony Forum (FKUB). Community factors, that existence of a community that is not yet mature or wise in dealing with religious activities of adherents of other religions. Cultural factors, there is intolerance and religious fanaticism in society. The most dominant inhibiting factor is the social factor.

The suggestion in this study is that criminal acts of coercion accompanied by threats of violence in disbanding worship activities should be anticipated by law enforcement officers together with the government and FKUB by establishing coordination and cooperation. Obstacles in criminal acts should be prevented by the community by maintaining the conduciveness of religious and increasing tolerance.

Keywords: Law Enforcement, Coercion, Violence, Religious Activities.