

## ABSTRAK

Tesis dengan judul “Peran dan Tanggungjawab Lembaga Bantuan Hukum dalam Proses Penanganan Perkara Tindak Pidana (Studi Kasus: di Direktorat Reserse Kriminal Umum Kepolisian Daerah Jawa Tengah)” latar belakang dari penulisan tesis ini adalah 1) Bagaimana peran dan tanggung jawab lembaga bantuan hukum terhadap korban maupun pelaku tindak pidana selama proses penanganan perkara tindak pidana di Ditreskrim Polda Jawa Tengah? 2) Kendala apakah yang dihadapi lembaga bantuan hukum dalam menjalankan peran dan tanggung jawabnya? 3) Bagaimana solusi terkait kendala yang dihadapi lembaga bantuan hukum dalam menjalankan peran dan tanggung jawabnya selama proses penanganan perkara tindak pidana?

Metode penelitian yang digunakan dalam penelitian ini menggunakan penelitian yuridis empiris yaitu jenis penelitian hukum sosiologis dan dapat disebut pula dengan penelitian lapangan, yaitu mengkaji ketentuan hukum yang berlaku serta apa yang terjadi dalam kenyataannya di masyarakat. Dalam penelitian ini, hukum dikonsepsikan sebagai suatu gejala empiris yang dapat diamati di dalam kehidupan nyata, serta teori yang digunakan dalam penelitian ini adalah teori penegakan hukum, teori asas kepastian hukum, keadilan dan kemanfaatan hukum

Hasil penelitian menyimpulkan bahwa: 1) Peran dan tanggung jawab lembaga bantuan hukum terhadap korban maupun pelaku tindak pidana di Ditreskrim Polda Jawa Tengah mengacu pada Pasal 1, Pasal 7, Pasal 8, Pasal 9, Pasal 10, Pasal 11, Pasal 13, Pasal 15, Pasal 20, Pasal 21 Undang-Undang Nomor 16 Tahun 2011 tentang Bantuan Hukum. Dalam proses peradilan peran dan tanggung jawab lembaga bantuan hukum mempunyai tahap saat menyelesaikan perkara. Sedangkan proses penanganan lembaga bantuan hukum dalam perkara tindak pidana di Ditreskrim Polda Jawa Tengah terhadap korban maupun pelaku tindak pidana harus sesuai dengan SOP yang dibuat pengurus Lembaga Bantuan Hukum agar tidak menyimpang dengan aturan yang ada. 2) Kendala yang dihadapi Lembaga Bantuan hukum dalam menjalankan peran dan tanggung jawab adalah: a) Adanya ketidak terusan dan tidak ada kejujuran korban maupun pelaku tindak pidana dalam memberikan keterangan atau kronologis serta fakta, b) Kurangnya komunikasi antara pemberi bantuan hukum dengan penyidik, c) Sikap penyidik yang terkadang tertutup dengan adanya pandangan bahwa seorang pemberi bantuan hukum akan menghalangi proses penyidikan, d) Adanya penafsiran hukum yang berbeda antara Advokasi Lembaga Bantuan Hukum dengan Penyidik tentang kesimpulan dan penyidikan. 3) Solusi terkait kendala yang dihadapi Lembaga Bantuan Hukum dalam menjalankan peran dan tanggung jawabnya selama proses penanganan perkara tindak pidana adalah: a) Pemerintah perlu memberikan perhatian khusus untuk pelaksanaan bantuan hukum sesuai dengan Undang-Undang Nomor 16 Tahun 2011 Tentang Bantuan Hukum, b) Meningkatkan koordinasi antara Kepolisian dengan Lembaga Bantuan Hukum berkaitan dengan ketersediaan pemberi bantuan hukum terhadap korban maupun pelaku tindak pidana yang tidak mampu (miskin), c) Mengikutsertakan penyidik dalam sosialisasi atau penyuluhan hukum tentang bantuan hukum yang diadakan di Polda Jateng. Sosialisasi juga dilakukan dengan bekerja sama antara pihak Kepolisian selaku penyidik dengan Lembaga Bantuan Hukum.

**Kata Kunci: Bantuan hukum, Lembaga Bantuan Hukum, Tindak Pidana**

## ABSTRACT

Thesis with the title "Role and Responsibility of Legal Aid Institutions in the Process of Handling Criminal Cases (Case Study: at the Directorate of General Crime Investigation of the Central Java Regional Police)" the background of writing this thesis is 1) What is the role and responsibility of legal aid institutions for victims and the perpetrators of criminal acts during the process of handling criminal cases in the Directorate of general crime investigation (Ditreskrim) Central Java Regional Police? 2) What obstacles do legal aid institutions face in carrying out their roles and responsibilities? 3) What is the solution related to the obstacles faced by legal aid institutions in carrying out their roles and responsibilities during the process of handling criminal cases?

The research method used in this study uses empirical juridical research that is a type of sociological legal research and can also be referred to as field research, which examines the applicable legal provisions and what happens in reality in the community. In this study, law is conceptualized as an empirical phenomenon that can be observed in real life, and the theory used in this research is the theory of law enforcement, the theory of the principle of legal certainty, justice and the benefit of the law

The results of conclude that: 1) The role and responsibility of legal aid institutions for victims and perpetrators of crime in the Directorate of general crime investigation Central Java Regional Police refers to Article 1, Article 7, Article 8, Article 9, Article 10, Article 11, Article 13, Article 15, Article 20, Article 21 of Law Number 16 of 2011 concerning Legal Aid. In the judicial process the roles and responsibilities of legal aid institutions have a stage when completing a case. While the process of handling legal aid institutions in criminal cases at the the Directorate of general crime investigation Central Java Regional Police against victims and perpetrators of criminal acts must be in accordance with the SOP made by the Legal Aid Institution management so as not to deviate from the existing rules. 2) Constraints faced by legal aid institutions in carrying out their roles and responsibilities are: a) There is a lack of clarity and there is no honesty of victims or suspects in providing information or chronology as well as facts, b) Lack of communication between legal aid providers and investigators, c) The attitude of the investigator is sometimes closed with the view of a legal aid provider will obstruct the investigation process, d) There is a different interpretation of the law between the Advocacy of the Legal Aid Institute with the Investigator regarding the conclusion and investigation. 3) Solutions related to obstacles faced by Legal Aid Institutions in carrying out their roles and responsibilities during the process of handling criminal cases are: a) The government needs to pay special attention to the implementation of legal aid in accordance with Law Number 16 of 2011 concerning Legal Aid, b) Improving coordination between the Police and Legal Aid Institutions relating to the availability of legal aid providers to victims and perpetrators of criminal acts that are not able to (poor), c) Include police investigators in the socialization or legal counseling about legal aid held in Central Java Regional Police. The socialization was also carried out in collaboration with the Police as an Investigator and the Legal Aid Institute.

**Keywords: Legal aid, Legal Aid Institutions, Criminal act**