

RINGKASAN

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**Tinjauan Yuridis Penerapan Hukuman Terhadap
Oknum Kepolisian Yang Melakukan Penganiayaan
Terhadap Tersangka Hingga Menyebabkan Kematian
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Pasal 28I ayat (4) dan Pasal 28G ayat (1) UUD 1945 serta Pasal 52 KUHP mengamanatkan perlindungan hak asasi manusia dan pemberatan pidana bagi aparat yang menyalahgunakan jabatannya, namun dalam kasus Saifullah seorang Tersangka di Polres Bener Meriah yang meninggal dunia akibat dugaan penganiayaan oleh empat anggota polisi justru terjadi kesenjangan, karena pelaku hanya dijatuhi hukuman lima tahun penjara tanpa pemberatan dan restitusi, sehingga mencerminkan lemahnya penerapan prinsip keadilan substantif dan perlindungan hukum bagi korban. Penelitian ini bertujuan untuk mengetahui dan menganalisis secara yuridis penerapan hukuman terhadap oknum kepolisian yang melakukan penganiayaan hingga menyebabkan kematian Tersangka, serta mengkaji kendala dan upaya aparat penegak hukum dalam menegakkan hukum secara adil terhadap pelaku dari institusi kepolisian itu sendiri.

Penelitian ini menggunakan metode yuridis normatif yang didukung data empiris dengan pendekatan perundang-undangan dan kasus. Data diperoleh melalui wawancara dengan hakim, jaksa, penyidik, dan pengacara korban, serta ditunjang data sekunder dari peraturan dan literatur hukum. Teknik pengumpulan data dilakukan melalui studi kepustakaan dan dokumen, sedangkan analisis dilakukan secara kualitatif normatif melalui interpretasi, argumentasi, dan evaluasi hukum.

Hasil penelitian ini menunjukkan bahwa penerapan hukuman terhadap oknum kepolisian yang melakukan penganiayaan terhadap Tersangka hingga menyebabkan kematian seharusnya menggunakan kombinasi Pasal 351 ayat (3) KUHP dan Pasal 52 KUHP, yang memungkinkan pemberatan hukuman hingga sepertiga dari ancaman pidana pokok, sebagai bentuk pertanggungjawaban ganda atas penyalahgunaan wewenang. Pengaturan mengenai perlindungan hak asasi Tersangka yang mengalami kekerasan oleh aparat kepolisian, yang secara normatif telah dijamin kuat oleh UUD 1945, KUHP, dan regulasi internal Polri, sering kali gagal diimplementasikan karena adanya budaya impunitas, penyelidikan internal yang tidak transparan, dan konflik kepentingan. Akibatnya, terjadi kesenjangan signifikan antara landasan hukum yang ideal dengan realitas penegakan hukum di lapangan, yang merusak kepercayaan publik dan memperkuat gagasan bahwa oknum kepolisian kebal terhadap hukum.

Disarankan agar penegakan hukum dapat membentuk badan pengawas independen di luar struktur Polri untuk menjamin investigasi yang adil dan transparan, sekaligus menerapkan sanksi tegas dan pelatihan hak asasi manusia. Langkah ganda ini sangat penting untuk mengakhiri budaya impunitas dan memulihkan kepercayaan publik.

Kata Kunci: Penerapan Hukuman, Oknum Kepolisian, Penganiayaan, Tersangka, Meninggal Dunia

SUMMARY

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*A Juridical Review of the Application of Punishment
Against Police Officers Who Committed Acts of
Violence Resulting in the Death of a Detainee
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Article 28I, paragraph (4) and Article 28G, paragraph (1) of the 1945 Constitution, along with Article 52 of the Criminal Code, mandate human rights protection and aggravated punishment for officials who abuse their authority. However, a significant gap was found in the case of Saifullah, a suspect at the Bener Meriah Resort Police who died from alleged abuse by four police officers. The perpetrators were only sentenced to five years in prison without any legal enhancement or restitution, reflecting a weak application of the principles of substantive justice and legal protection for victims. This research aims to legally analyze the application of punishment for police officers who commit fatal assault against a suspect, while also examining the obstacles and efforts of law enforcement officials in justly enforcing the law against perpetrators from within their own institution.

This study employs a normative juridical method supported by empirical data, using a statutory and case-based approach. Data was collected through interviews with judges, prosecutors, investigators, and the victim's lawyer, supplemented by secondary data from legal regulations and literature. Data collection techniques included library and document studies, while the analysis was conducted through normative qualitative methods involving legal interpretation, argumentation, and evaluation.

The findings of this research indicate that the sentencing of police officers who commit fatal assault should ideally combine Article 351, paragraph (3) of the Criminal Code and Article 52 of the Criminal Code, which allows for an enhanced sentence of up to one-third of the principal punishment as a form of dual accountability for the abuse of power. The legal framework for protecting the human rights of suspects subjected to police violence, though robustly guaranteed by the 1945 Constitution, the Criminal Procedure Code, and internal police regulations, often fails in implementation due to a culture of impunity, non-transparent internal investigations, and conflicts of interest. Consequently, a significant gap exists between the ideal legal framework and the reality of law enforcement on the ground, which erodes public trust and reinforces the notion that police officers are above the law.

It is recommended that law enforcement establishes an independent oversight body outside the police structure to ensure fair and transparent investigations, while also implementing strict sanctions and human rights training. These dual steps are essential to end the culture of impunity and restore public trust.

Keywords: Punishment Application, Police Misconduct, Abuse, Detainee, Death.