

IMPLEMENTASI PASAL 95 KITAB UNDANG UNDANG HUKUM

ACARA PIDANA TERHADAP KORBAN SALAH TANGKAP

DI DESA SANGSIT KABUPATEN BULELENG

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ABSTRAK

Penelitian ini membahas bagaimana (1) Implementasi Pasal 95 Kitab Undang-Undang Hukum Acara Pidana (KUHP) diterapkan terhadap korban salah tangkap di Desa Sangsit, Kabupaten Buleleng, khususnya dalam upaya memenuhi hak-hak korban agar mendapatkan keadilan dan (2) mengamati hambatan yang dialami dalam proses Implementasi Pasal 95 Kitab Undang-undang Hukum Acara Pidana (KUHP) terhadap korban salah tangkap di Desa Sangsit. Penelitian dilakukan dengan metode kualitatif melalui wawancara langsung dengan para korban dan pihak Kepolisian Resor Buleleng. Teknik penentuan sampel dalam penelitian ini menggunakan non-probability sampling dengan metode purposive sampling, yang dipilih berdasarkan pertimbangan tertentu. Sampel penelitian terdiri atas korban salah tangkap di Desa Sangsit, Kabupaten Buleleng. (1) Hasil penelitian menunjukkan terdapat lima orang warga Desa Sangsit yang menjadi korban salah tangkap dengan alasan yang beragam, seperti kemiripan wajah dengan pelaku, kesamaan nama panggilan, sering berada di lokasi tertentu, hingga keterkaitan kendaraan dengan pelaku sebenarnya. Dalam proses penangkapan, para korban tidak diberi kesempatan untuk memberikan penjelasan dan langsung dibawa ke kantor polisi. Meskipun kemudian dilepaskan karena tidak terbukti, sebagian korban tidak mendapatkan pemulihan nama baik sehingga mengalami tekanan sosial dan diskriminasi di lingkungan masyarakat. Pihak kepolisian menyatakan bahwa tindakan mereka telah dilakukan sesuai prosedur dan tidak mengakui adanya salah tangkap. Namun demikian, mereka juga mengakui bahwa secara umum kesalahan tetap berpotensi terjadi apabila aparat kurang cermat dan profesional. Penelitian ini menemukan bahwa implementasi Pasal 95 KUHP belum berjalan secara optimal. (2) Hambatan utama berasal dari rendahnya pemahaman hukum korban terkait hak untuk mengajukan praperadilan dan tuntutan ganti rugi, serta faktor psikologis seperti rasa takut dan kurangnya kepercayaan terhadap proses hukum. Oleh karena itu, penguatan edukasi hukum bagi masyarakat menjadi langkah penting untuk meningkatkan perlindungan hak korban.

Kata kunci: Salah tangkap, Pasal 95 KUHP, Desa Sangsit

**IMPLEMENTATION OF ARTICLE 95 OF THE CRIMINAL PROCEDURE
CODE AGAINST VICTIMS OF WRONGFUL ARREST IN SANGSIT
VILLAGE, BULELENG REGENCY**

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ABSTRACT

This study discusses how (1) the implementation of Article 95 of the Criminal Procedure Code (KUHP) is applied to victims of wrongful arrest in Sangsit Village, Buleleng Regency, especially in efforts to fulfill the victims' rights to obtain justice and (2) observes the obstacles experienced in the process of implementing Article 95 of the Criminal Procedure Code (KUHP) to victims of wrongful arrest in Sangsit Village. The study was conducted using a qualitative method through direct interviews with the victims and the Buleleng Police. The sampling technique in this study used non-probability sampling with a purposive sampling method, which was selected based on certain considerations. The research sample consisted of victims of wrongful arrest in Sangsit Village, Buleleng Regency. (1) The results of the study showed that there were five residents of Sangsit Village who were victims of wrongful arrest for various reasons, such as facial resemblance to the perpetrator, similarity of nicknames, frequent presence in certain locations, and the connection of vehicles with the actual perpetrator. During the arrest process, the victims were not given the opportunity to provide an explanation and were immediately taken to the police station. Although later released due to lack of evidence, some victims did not receive restoration of their good name and thus experienced social pressure and discrimination in the community. The police stated that their actions were carried out according to procedure and did not admit to any wrongful arrest. However, they also acknowledged that in general, errors still have the potential to occur if officers are not careful and professional. This study found that the implementation of Article 95 of the Criminal Procedure Code has not been running optimally. (2) The main obstacles stem from the low legal understanding of victims regarding the right to file a pre-trial and claim for compensation, as well as psychological factors such as fear and lack of trust in the legal process. Therefore, strengthening legal education for the community is an important step to improve the protection of victims' rights.

Keywords: *Wrongful arrest, Article 95 of the Criminal Procedure Code, Sangsit Village*