

ABSTRAK

Tindak pidana KDRT merupakan pelanggaran hak asasi manusia yang sering terjadi, termasuk di Indonesia. Sebagai langkah penanganan, pemerintah menerbitkan Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga. Mediasi penal menjadi alternatif penyelesaian sengketa pidana, melibatkan pelaku, korban, dan mediator untuk mencapai kesepakatan damai. Polres Bangkalan dipilih sebagai lokasi penelitian karena memiliki angka kasus KDRT tertinggi di Pulau Madura pada 2023, dengan tingkat keberhasilan mediasi penal yang masih rendah, yaitu 57,1%. Penelitian ini bertujuan menganalisis problematika dan implementasi mediasi penal dalam penyelesaian kasus KDRT di Polres Bangkalan. Fokusnya pada tantangan implementasi mediasi penal sebagai alternatif penyelesaian kasus serta bagaimana implementasinya dalam mengatasi dampak dan menjaga keharmonisan keluarga di wilayah tersebut.

Penelitian ini bersifat yuridis empiris dengan pendekatan eksplanatori. Data primer diperoleh melalui wawancara dengan pihak Polres Bangkalan, sedangkan data sekunder dikumpulkan melalui studi kepustakaan. Analisis data dilakukan secara deskriptif, mengacu pada norma hukum dalam peraturan perundang-undangan serta peristiwa yang terjadi, guna memahami implementasi mediasi penal dalam penyelesaian kasus KDRT.

Implementasi mediasi penal dalam penyelesaian KDRT di Polres Bangkalan menghadapi kendala seperti tidak adanya pedoman mediasi, keterbatasan sumber daya, dan kesiapan emosional pihak terlibat. Penyusunan pedoman mediasi, pelatihan penyidik, penyediaan ruang mediasi, dan pendampingan psikologis diperlukan agar mediasi penal lebih optimal dan berorientasi pada keadilan. Penulis menyarankan penyusunan pedoman khusus untuk mediasi penal di Indonesia. Selain itu, diperlukan pelatihan bagi penyidik untuk memahami konsep mediasi penal, menangani konflik, dan menerapkan keadilan restoratif. Penyediaan ruang mediasi yang kondusif serta pendampingan psikologis bagi korban dan pelaku juga penting guna mendukung kesiapan mental dan emosional dalam proses mediasi.

Kata Kunci : *Tindak Pidana – KDRT – Mediasi Penal*

ABSTRACT

Domestic violence (DV) is a violation of human rights that frequently occurs, including in Indonesia. As a response, the Indonesian government enacted Law No. 23 of 2004 on the Elimination of Domestic Violence. Penal mediation became an alternative method of resolving criminal disputes, involving the offender, the victim, and a mediator to reach a peaceful settlement. The Bangkalan Police was chosen as the research site due to its high number of DV cases in Madura Island in 2023, with a low success rate of penal mediation, which was only 57.1%. This study aimed to analyze the problems and implementation of penal mediation in resolving DV cases at the Bangkalan Police. The focus was on the challenges of implementing penal mediation as an alternative resolution method and its role in addressing the impacts of DV and maintaining family harmony in the region.

The research was juridical-empirical with an explanatory approach. Primary data were obtained through interviews with the Bangkalan Police, while secondary data were collected through library research. Data analysis was conducted descriptively, referring to legal norms in legislation and actual events to understand the implementation of penal mediation in resolving DV cases.

The implementation of penal mediation in DV resolution at the Bangkalan Police faced challenges such as the absence of mediation guidelines, limited resources, and the emotional readiness of those involved. The development of mediation guidelines, training for investigators, providing mediation rooms, and offering psychological support were necessary to optimize penal mediation and ensure justice. The author recommended drafting specific guidelines for penal mediation in Indonesia. Additionally, training for investigators to understand penal mediation concepts, manage conflicts, and apply restorative justice was needed. Providing conducive mediation spaces and psychological support for both victims and offenders was also essential to support their mental and emotional readiness in the mediation process.

Key Words : *Crime – Domestic Violence – Penal Mediation*