

ABSTRAK

Ketidakjelasan penghentian perkara hukum yang dinilai memiliki muatan politik menimbulkan persoalan terhadap kepastian hukum dan independensi peradilan di Indonesia. Permasalahan ini dikaji melalui pemberian abolisi terhadap perkara Tom Lembong yang memunculkan perdebatan mengenai batas kewenangan konstitusional Presiden dan potensi intervensi politik dalam sistem peradilan pidana. Penelitian ini bertujuan menganalisis pengaturan hukum abolisi, mekanisme pemberiannya, serta implikasi penggunaan pertimbangan politik dalam penghentian perkara. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, konseptual, dan pendekatan kasus. Data diperoleh melalui studi kepustakaan terhadap bahan hukum primer, sekunder, dan tersier, kemudian dianalisis secara preskriptif untuk menemukan argumentasi hukum. Hasil penelitian menunjukkan bahwa pengaturan abolisi dalam Pasal 14 ayat (2) UUD 1945 dan UU Darurat Nomor 11 Tahun 1954 belum mengatur secara jelas mengenai syarat, prosedur, dan parameter pemberiannya. Kondisi tersebut membuka ruang interpretasi yang luas dan berpotensi menjadikan abolisi sebagai instrumen politik. Dalam kasus Tom Lembong, pemberian abolisi dinilai berpotensi mengurangi kepastian hukum, melemahkan asas persamaan di hadapan hukum, dan menurunkan kepercayaan publik terhadap peradilan. Oleh karena itu, diperlukan regulasi yang lebih rinci, transparan, dan akuntabel mengenai pemberian abolisi.

Kata kunci : Abolisi pidana, Pasal 14 UUD 1945, UU Darurat 11/1954, Tom Lembong.

ABSTRACT

The ambiguity surrounding the dismissal of legal cases perceived as politically motivated raises concerns regarding legal certainty and judicial independence in Indonesia. This issue is examined through the granting of a pardon in the Tom Lembong case, which has sparked debate regarding the limits of the President's constitutional authority and the potential for political intervention in the criminal justice system. This study aims to analyze the legal framework of abolition, the mechanisms for its granting, and the implications of using political considerations in the termination of cases. The study employs a normative legal method with legislative, conceptual, and case-based approaches. Data was obtained through a literature review of primary, secondary, and tertiary legal sources, then analyzed prescriptively to identify legal arguments. The results indicate that the provisions on abolition in Article 14(2) of the 1945 Constitution and Emergency Law No. 11 of 1954 do not clearly stipulate the conditions, procedures, and parameters for its granting. This situation creates broad room for interpretation and has the potential to turn abolition into a political tool. In the case of Tom Lembong, the granting of abolition is deemed to have the potential to undermine legal certainty, weaken the principle of equality before the law, and erode public trust in the judiciary. Therefore, more detailed, transparent, and accountable regulations regarding the granting of abolition are necessary.

Keywords : Criminal abolition, Article 14 of the 1945 Constitution, Emergency Law No. 11 of 1954, Tom Lembong.