

ABSTRAK

Kebakaran lahan dan bangunan di Kabupaten Bangkalan sebagian besar terjadi akibat kelalaian manusia, namun data Polres Bangkalan tahun 2021 sampai 2025 menunjukkan hanya sebagian kecil kasus yang diproses melalui jalur hukum pidana. Kesenjangan ini mengindikasikan adanya persoalan dalam penerapan ketentuan pidana kelalaian penyebab kebakaran, khususnya pengaturan yang kini termuat dalam Pasal 311 KUHP Nasional. Penelitian ini menjawab bagaimana pelaksanaan penegakan hukum pidana terhadap kasus tersebut, serta faktor dan solusi atas hambatan penegakannya.

Penelitian ini menggunakan metode penelitian hukum empiris dengan pendekatan deskriptif untuk menggambarkan kesenjangan antara ketentuan normatif dan praktik penegakan hukum di lapangan. Data primer diperoleh melalui wawancara dengan pihak kepolisian, petugas pemadam kebakaran, korban, dan masyarakat, didukung observasi langsung pada tahap pra-penuntutan serta studi dokumentasi terhadap data kasus kebakaran dan laporan kepolisian. Responden ditentukan dengan teknik non random sampling, dan data dianalisis secara deskriptif tanpa justifikasi terhadap hasil penelitian.

Hasil penelitian menunjukkan penegakan hukum pidana terhadap kasus kebakaran akibat kelalaian di Kabupaten Bangkalan belum berjalan efektif. Dari 26 peristiwa kebakaran sepanjang 2025, hampir seluruhnya tidak berlanjut ke proses hukum karena minimnya laporan resmi dan sulitnya pembuktian unsur kelalaian. Penelitian ini mengidentifikasi empat faktor penghambat yang saling berkaitan, yaitu faktor hukum, masyarakat, kebudayaan, sarana dan fasilitas, serta aparat penegak hukum, yang bermuara pada lemahnya koordinasi antarinstansi. Sebagai solusi, penelitian merekomendasikan penyusunan prosedur baku penanganan kebakaran, penguatan sosialisasi hukum kepada masyarakat, peningkatan sarana pemadam kebakaran, serta pembentukan protokol koordinasi lintas instansi agar Pasal 311 KUHP Nasional dapat diterapkan secara nyata dan memberikan keadilan bagi korban.

Kata Kunci: *Kelalaian, Kebakaran, Penegakan Hukum Pidana, Pasal 311 KUHP Nasional*

ABSTRACT

Land and building fires in Bangkalan Regency are largely caused by human negligence; however, data from the Bangkalan Police from 2021 to 2025 show that only a small portion of cases are processed through the criminal justice system. This gap indicates a problem in the application of criminal provisions concerning negligence causing fires, particularly the provision now contained in Article 311 of the National Criminal Code (KUHP). This study addresses how criminal law enforcement is carried out in such cases, as well as the factors and solutions related to the obstacles to its enforcement.

This study uses an empirical legal research method with a descriptive approach to illustrate the gap between normative provisions and law enforcement practices in the field. Primary data were obtained through interviews with the police, firefighters, victims, and the community, supported by direct observation during the pre-prosecution stage and documentation studies of fire case data and police reports. Respondents were determined using a non-random sampling technique, and the data were analyzed descriptively without justification of the research findings.

The results show that criminal law enforcement against fire cases caused by negligence in Bangkalan Regency has not been effective. Of the 26 fire incidents throughout 2025, almost all did not proceed to legal action due to the lack of official reports and the difficulty of proving the element of negligence. This study identifies four interrelated inhibiting factors: legal factors, community factors, cultural factors, facilities and infrastructure factors, and law enforcement officer factors, which culminate in weak inter-agency coordination. As solutions, this study recommends the establishment of standard operating procedures for fire handling, the strengthening of legal socialization to the public, the improvement of firefighting facilities, and the establishment of a cross-agency coordination protocol so that Article 311 of the National Criminal Code can be genuinely implemented and provide justice for victims.

Keywords: *Negligence, Fire, Criminal Law Enforcement, Article 311 of the National Criminal Code*