

Pengawasan Ombudsman RI terhadap Pelayanan Publik pada Proses Peradilan Pidana = Supervision of Ombudsman Republic Indonesia in Public Services of Criminal Justice Process

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Abstrak

Proses pelayanan peradilan pidana mulai dari proses penyelidikan, penyidikan, penuntutan, sidang di pengadilan dan pemasyarakatan telah diatur dalam peraturan perundang-undangan. Namun kemudian, berbagai permasalahan kemudian muncul, mayoritas adalah berkaitan dengan pelaksanaan yang tidak sesuai dengan peraturan perundang-undangan yang mengatur proses peradilan pidana tersebut. Ombudsman sebagai pengawas penyelenggaraan publik mempunyai peran dalam melakukan pencegahan dan pemeriksaan atas dugaan Maladministrasi yang terjadi dalam proses peradilan pidana tersebut, Maladministrasi tersebut juga berpotensi menimbulkan pelanggaran hak asasi manusia. Berdasarkan hasil penelitian, pengawasan dalam proses penyelenggaraan pelayanan publik pada proses peradilan pidana dilakukan oleh pengawas internal seperti Inspektorat, Jaksa Agung Muda Pengawasan maupun Hakim Pengawas. Pengawasan eksternal kemudian dilakukan juga oleh beberapa instansi seperti Ombudsman. Namun kemudian, pengawasan yang dilakukan oleh Ombudsman tentu tersebut pada aspek administrasi atau formal peradilan. Hal tersebut dikarenakan, dalam hukum materiil pada proses pemeriksaan pidana menjadi kewenangan dari aparat penegak hukum. Dalam pelaksanaan kewenangan pengawasannya, Ombudsman juga memiliki kendala seperti sifat hasil pemeriksaan akhir Ombudsman yaitu saran perbaikan, tindakan korektif atau rekomendasi yang belum sepenuhnya dilaksanakan oleh instansi yang dilaporkan.

.....The process of criminal justice services starting from the process of investigation, investigation, prosecution, trial in court and correctional institutions has been regulated in statutory regulations. However, later, various problems then emerged, the majority of which were related to implementation that was not under the laws and regulations governing the criminal justice process. The Ombudsman as supervisor of public administration has a role in preventing and examining alleged maladministration that occurred in the criminal justice process, this maladministration also has the potential to cause human rights violations. Based on the results of the research, supervision in the process of providing public services in the criminal justice process is carried out by internal supervisors such as the Inspectorate, Deputy Attorney General for Supervision, and Supervisory Judges. External supervision is also carried out by several agencies such as the Ombudsman. But then, the supervision carried out by the Ombudsman is certainly on the administrative or formal aspects of the judiciary. This is because, in material law, the criminal examination process is the authority of law enforcement officials. In carrying out its supervisory authority, the Ombudsman also has obstacles such as the nature of the results of the Ombudsman's final inspection, namely suggestions for improvement, corrective action, or recommendations that have not been fully implemented by the agency reported.