ABSTRAK

Penyelesaian perkara pidana secara mediasi merupakan konsep pemidanaan dalam sistim peradilan pidana yang di dapat tempuh menggunakan hukum pidana maupun dengan cara diluar hukum pidana atau diluar pengadilan, seperti dalam perkara pencurian ringan. Penyelesaian perkara pidana secara mediasi biasanya lebih dikenal dengan kebijakan *Non Penal* yang tentunya memiliki dasar hukum sebagai acuan aparat penegak hukum yaitu Peraturan Mahkamah Agung Nomor 2 Tahun 2012 tentang batasan tindak pidana ringan. Masalah yang diangkat adalah bagaimanakah penyelesaian mediasi kasus pencurian besi baja milik PT Prima Mas Lestari Di Kepolisian Resor Batanghari, apakah yang menjadi kendala dalam penyelesaian mediasi kasus pencurian besi baja milik PT Prima Mas Lestari Di Kepolisian Resor Batanghari, bagaimanakah upaya mengatasi kendala dalam penyelesaian mediasi kasus pencurian besi baja milik PT Prima Mas Lestari Di Kepolisian Resor Batanghari. Adapun tipe penelitian ini adalah *Yuridis Sosiologis*. Di dalam penulisan skripsi ini penulis gunakan model pendekatan penelitian *empiris* dan *socio-legal research*. Tehnik penentuan materi dilakukan secara materi *Purposive Sampling*. Telah diselesaikan secara mediasi. Mengingat banyak tindak pidana pencurian yang meski hanya ber" obyek kecil tapi mendapat hukuman berat. Sementara tak jarang dijumpai pencurian berat tapi berujung pada pembebasan pelakunya. Kendala antara lain (1) Adanya dorongan (Intervensi) dari pihak PT Prima Mas Lestari yang merasa dirugikan untuk melanjutkan perkara pencurian tersebut ke meja hijau (persidangan), (2) Adanya ganti rugi yang diminta PT Prima Mas Lestari sebagai syrat perdamaian (cabut laporan) terhadap pihak keluarga pencuri. Adapun upaya dilakukan antara lain (1) Pihak Kepolisian Resor Batanghari mencoba melakukan dialog terhadap HRD Perusahaan PT Prima Mas Lestari (2) dengan mempertimbangkan alasan kemanusiaan, uang tersebut dibayarkan Kasat Reskrim Polres Batanghari secara pribadi kepada keluarga ibu f". Saran yang dikemukakan hendaknya pihak PT Prima Mas Lestari tidak meminta syrat mengganti rugi 5 kali lipat barang yang dicuri berupa 2 keping besi Plat baja seharga Rp. 1.500.000 (satu juta lima ratus ribu rupiah) yang semuanya ditaksirkan 5 kali lipat seharga Rp. 7.500.000; (Tujuh Juta Lima Ratus Ribu Rupiah) kepada keluarga pelaku untuk mencabut laporannya, mengingat kondisi ekonomi keluarga pelaku tersebut di tambah lagi keadaan nya seorang pemulung pastilah tidak mempunyai kemampuan untuk membayarnya

Kata Kunci : Penyelesaian Melalui Mediasi Penal Kasus Pencurian Besi Baja

ABSTRACT

Settlement of criminal cases by mediation is a concept of punishment in the criminal justice system which can be pursued using criminal law or by means outside the criminal law or outside the court, such as in cases of petty theft. Settlement of criminal cases by mediation is usually better known as the Non-Penal policy which of course has a legal basis as a reference for law enforcement officials, namely Supreme Court Regulation Number 2 of 2012 concerning the limits of minor crimes. The problem raised is how to resolve the mediation of the theft of steel belonging to PT Prima Mas Lestari at the Batanghari Resort Police, what are the obstacles in solving the mediation of the theft of steel belonging to PT Prima Mas Lestari at the Batanghari Resort Police, what are the efforts to overcome the obstacles in solving the mediation case theft of steel belonging to PT Prima Mas Lestari at the Batanghari Resort Police. The type of this research is Juridical Sociology. In writing this thesis, the writer uses an empirical research approach model and socio-legal research. The material determination technique was carried out using Purposive Sampling. It has been resolved through mediation. Considering that there are many criminal acts of theft which, although they only have small objects, are subject to severe punishment. While it is not uncommon to find serious theft, it ends in the acquittal of the perpetrators. Obstacles include (1) There is encouragement (intervention) from PT Prima Mas Lestari who feels disadvantaged to continue the theft case to court (trial), (2) There is compensation requested by PT Prima Mas Lestari as a condition for peace (withdraw the report) against the family of thieves. The efforts made included (1) The Batanghari Resort Police tried to carry out a dialogue with the HRD of PT Prima Mas Lestari Company (2) taking into account humanitarian reasons, the money was paid by the Head of Criminal Investigation Unit of the Batanghari Police personally to Mrs. f's family. The suggestion put forward should be that PT Prima Mas Lestari should not ask for a condition of compensating 5 times the stolen goods in the form of 2 pieces of iron. A steel plate costing Rp. 1,500,000 (one million five hundred thousand rupiah) all of which are estimated to be 5 times the price of Rp. 7,500,000; (Seven Million Five Hundred Thousand Rupiah) to the perpetrator's family to withdraw the report, considering the economic condition of the perpetrator's family plus the condition of a scavenger must not have the ability to pay for it.

Keywords: Settlement through Penal Mediation Cases of Steel Theft