

Indonesian Injustice in Law Enforcement for The Persecution of Novel Baswedan

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ABSTRACT

Indonesia is a state of law, where crime must have sanctions, and the number of sanctions is in accordance with the crimes committed. then what about the case of the persecution of pouring hard water on Baswedan's novel, which is controversial because it is considered ambiguous. (1) What causes controversy? (2) What facts are there in the Baswedan Novel case (3) what does the Baswedan Novel think about this case?.The purpose of this study is to find out what causes the controversy in the novel case as well as the evidence that is in the case of the novel and the response of Novel Baswedan about this case.

Keywords: *Controversy, Novel Baswedan*

INTRODUCTION

April 11, 2017, is a dark date for senior investigators from the KPK Baswedan Novel. On that date, the Baswedan novel was doused with hard water by an unknown person when the novel had just performed the morning prayer at the Al Ihsan Mosque, near his home in Kelapa Gading, North Jakarta. 2 years have passed but the public prosecutor is not objective in handling new cases against existing facts because they are considered ambiguous, how should the perpetrators not be charged under article 355 paragraph 1 of the Criminal Code which reads Severe torture carried out with a plan beforehand, threatened with a maximum prison sentence of twelve years. Whereas the prosecutors used Article 353 paragraphs 1 and 2 which reads in paragraph 1 Persecution with a prior plan, threatened with a maximum imprisonment of four years and paragraph 2. year.

The next stage of the hearing, awaits the judge's verdict from a number of controversies that occurred during the trial. On Monday, 15/6/2020, another trial held a case of assault using hard water, against a senior investigator at the Corruption Eradication Commission (KPK) Novel

Baswedan. This time, to provide an opportunity for self-defense against two defendants of hard watering. The defendant, Ronny Bugis, and Grace Kadir, when pouring hard water, were still members of the National Police Mobile Brigade. This is the reason for Ronny and Rahmat, who stated the reason for splashing hard water because the former police novel did not maintain solidarity as a fellow police officer, or a corsa soul. Earlier, the prosecutor had stated the demands of 1 year in prison to the two defendants. Since last week, the demands of one year have also been reaping polemics.

According to the former KPK leader, Mohamad Jasin, the prosecutor did not even make a legal construction, that what was attacked was the law enforcers of the anti-corruption institution. The Baswedan novel, which is a victim, no longer believes the trial. When the National Police Headquarters showed a sketch of the face set by the suspect, it was still being considered as the real culprit because according to Hermawan Sulistyono as a TPF member, he could not appoint a suspect based on an eyewitness who saw the culprit using a full face helmet and CCTV around the resolution very low and before the watering occurred 73 sanctions said there was surveillance beforehand because it was felt that there was an irregularity in the case of the baswedan novel asking to release the perpetrators because the perpetrators were considered not the actual perpetrators but merely victims.

PROBLEM

A number of controversies that occurred during the trial. The North Jakarta District Court once again held a trial for a case of attacks using hard water, against senior investigators at the Corruption Eradication Commission (KPK) Novel Baswedan. To be examined by Ronny and Rahmat, who stated the reasons for pouring hard water because the former novel police did not maintain solidarity as fellow officers police, or corsa soul. Previously, the prosecutor had stated the demands of 1 year imprisonment to the two defendants. Since last week, a one-year demand has also reaped polemics. In addition, the article used by the prosecutor is Article 353 Paragraph 2 of the Criminal Code, whereas if you see the consequences caused, the perpetrators should be bound by Article 355 Paragraph 1 of the Criminal Code. It is known, article 353 paragraph 1 and 2 of the Criminal Code used by the Prosecutor reads:

1. Persecution with a premeditated plan, is punishable by imprisonment of up to four years.
2. If the action results in serious injuries, the guilty person is subject to a maximum imprisonment of seven years.

Meanwhile, Article 355 paragraph 1 of the Criminal Code reads: Severe torture carried out with a plan beforehand, threatened with a maximum prison sentence of twelve years. This is the controversy in Indonesian society.

Facts revealed from the case of spraying hard water to the KPK investigator, Novel Baswedan. The names of the two watering policemen were finally called Rony and Rahmat. Regarding facial sketches (Rony and Rahmat) issued by the National Police Headquarters related to the alleged perpetrators of the Novel attack, TPF member Hermawan Sulistyono said his team had traced the sketches and met the person suspected. "We check and meet the person. His alibi is not in place and that is not the person," said Hermawan. According to Hermawan, he could not appoint a suspect based on an eyewitness who saw the culprit using a full face helmet and CCTV around the incident. The resolution was very low. Meanwhile, a member of the civil society coalition from LBH Jakarta, Arif Maulana said there was an abuse of process by police investigators found by Komnas HAM. "This is not explored by the joint team," he said. In addition, said Arif, from 73 witnesses it was clear that someone was monitoring the Novel house. "This is not no evidence and evidence, but there is no willingness to reveal. The proof is from the TPF report there is CCTV that has not been examined," said Arif.

The novel thinks that both of them are better off being released. He was not sure that the two active police officers holding the rank of Brigadier were the real perpetrators. The novel stated thus in response to the words of the State Administration Law Expert, Refly Harun, in a news story. In the news, Refly stated that if the two people were not the real perpetrators, it would be better to be released. "I am also not sure the two men were the culprits. They have just been released rather than making things up," Novel said in the Twitter account @nazaqistsha, on Monday 15/06/2020 evening. According to Novel, no one can explain or prove that the two police were the perpetrators of the attack. The novel also mentions witnesses who were at the scene at the time considered the two men were not the perpetrators.

DISCUSSION

The discussion begins with a novel about the horrendous process of prosecuting her. He describes several anomalies ranging from the process of framing suspects, the phase of preparation for sanctions, the removal of evidence, the weight of evidence in the trial by the judge, to the death of the prosecutor to the assertion of a key contact. "The apparent irregularities at each process we protest are open to the public," continues the novel's exposure in its exposures, stating that initially

the investigator intended to use article 170 under the weight of the criminal law in the court's suspicion of sedition. This is based on a paradigm in criminal law, that destruction can only be done by a minimum of two people, where actively engaged. He added the chapter issued under suspicion of investigator and prosecution. The prosecutor was an article of probation requesting a premeditation (340 criminal syndicates juncto section 53 under cubhp), with a subsidy section 355 section 2 juncto chapter 356 of article 356 of criminal law on the abuse of anxiety from the trauma of a weighted wound. "Nevertheless, the prosecutor then accommodated my opinion, using article 355 verse 2 asa charge of primair," explains the novel. The novel believes some features of supportive water are hard water and not battery water. "One of the judges asked me, he already asked (the attacker, dousing using) battery water ", he said.

CLONCLUSION

What made the controversy in the Novel Baswedan case was about the injustice in the suspect's sentence and about the evidence that the perpetrator was not the real culprit because according to sanctions and the investigation team, the perpetrators wore full face helmets when pouring hard water on the Novel Baswedan and the perpetrators were not only 2 people because before the incident there was surveillance beforehand which means this was an act of planned persecution. From this the Novel Baswedan asked for the perpetrators to be released because according to the Novel Baswedan the perpetrators were only casualties.

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