

# IMPLIKASI YURIDIS PEMBERIAN ABOLISI TERHADAP TOM LEMBONG PADA PROSES PERADILAN PIDANA

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## ABSTRAK

Pemberian abolisi merupakan kewenangan Presiden yang diatur dalam Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dan Undang-Undang Darurat Nomor 11 Tahun 1954. Dalam praktiknya, pemberian abolisi menimbulkan perdebatan ketika diterapkan pada perkara pidana yang masih berada dalam proses peradilan, salah satunya dalam kasus Tom Lembong. Penelitian ini bertujuan untuk menganalisis pemberian abolisi dalam kasus Tom Lembong berdasarkan asas-asas hukum acara pidana di Indonesia serta implikasi yuridisnya terhadap proses peradilan pidana. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan kasus, dengan data sekunder berupa bahan hukum primer dan sekunder. Hasil penelitian menunjukkan bahwa pemberian abolisi dalam kasus Tom Lembong memiliki dasar kewenangan yang sah secara konstitusional, namun pelaksanaannya menimbulkan persoalan dari sudut pandang asas legalitas dan asas *due process of law* karena diberikan pada saat proses peradilan pidana belum berkekuatan hukum tetap. Selain itu, pemberian abolisi tersebut berimplikasi terhadap bekerjanya sistem peradilan pidana, khususnya terhadap peran lembaga yudisial dan kepastian hukum. Oleh karena itu, pemberian abolisi dalam perkara pidana perlu dilakukan secara hati-hati agar tidak mengganggu prinsip hukum acara pidana dan keseimbangan sistem peradilan pidana.

**Kata Kunci:** Abolisi, Asas Hukum Acara Pidana, *Due Process of Law*, Sistem Peradilan Pidana

**LEGAL IMPLICATIONS OF GRANTING ABOLITION TO  
TOM LEMBONG IN CRIMINAL JUSTICE PROCESSES**

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**ABSTRACT**

*The granting of abolition is the authority of the President as stipulated in the 1945 Constitution of the Republic of Indonesia and Emergency Law No. 11 of 1954. In practice, the granting of abolition has sparked debate when applied to criminal cases that are still in the judicial process, one of which is the case of Tom Lembong. This study aims to analyze the granting of abolition in the Tom Lembong case based on the principles of criminal procedure law in Indonesia and its legal implications for the criminal justice process. This study uses a normative legal research method with a regulatory and case approach, with secondary data in the form of primary and secondary legal materials. The results of the study show that the granting of abolition in the Tom Lembong case has a constitutionally valid basis of authority, but its implementation raises issues from the perspective of the principle of legality and the principle of due process of law because it was granted when the criminal judicial process had not yet become final and binding. In addition, the granting of abolition has implications for the functioning of the criminal justice system, particularly for the role of judicial institutions and legal certainty. Therefore, the granting of abolition in criminal cases needs to be done carefully so as not to interfere with the principles of criminal procedure and the balance of the criminal justice system.*

**Keywords: Abolition, Principles of Criminal Procedure, Due Process of Law, Criminal Justice System**