

SUMMARY

Marita Cahya Erani , Criminal Law, Faculty of Law, University of Brawijaya, January 2014, *PENAL MEDIATION AS AN EFFORT TO SETTLE POLICE MISS-ARREST (A STUDY AT JOMBANG POLICE RESORT)*, Dr. Sri Lestariningsih, SH., M.Hum, Paham Triyoso, SH., M.Hum.

In this paper , the author raised the issue of the Penal Mediation Settlement Efforts In Case One Arrest By Police. The choice of theme background by the mistakes made by police investigators stems from the investigation and arrest. While described in article 17 of the Criminal Procedure Code that the arrest warrants were carried out on a hard suspected of committing criminal offenses based on sufficient evidence. The purpose of the " sufficient evidence " is evidence beginning to suspect a criminal act in accordance with the article 1, point 14. This Article determines that an arrest warrant can not be done with arbitrary, but is intended to those they actually committing a crime. Therefore, the police should be careful and not be too hasty in carrying out their duties. Investigators arrest action against the three young men from Jombang East Java, namely Imam Chambali, David Eko Priyanto and Maman Lewis (Sugik) as the killer Moch. Asrori as desired by the investigating police and handed over to the airport police station KedungMulyo Jombang , even if they have to explain that people are not going to arrest him, but investigators still catch it. Investigators suspect that the priest who had killed the victim Chambali named Moch. Asrori conducted with two colleagues. But after the case was brought to court and was decided by a judge, later revealed that the murder victim or the bodies found in the sugar plantations in the village Braan, District Airport KedungMulyo, Jombang expressed by police named Moch. Asrori Asrori it was not a dead body but others have identified the bodies named Fauzin Suyanto aka Anthony. With the identification of the bodies error then the error is fatal arrest anyway. For the convict with the new facts which ditemukanya that the police had made a mistake in his arrest, then this fact can be used as new evidence or Novum. Novum, can provide a strong reason for this convict for reconsideration filed an order to the Supreme Court immediately released. Because if the new evidence was known before the decision of the judges is dropped it will change the content of the decision significantly.

Based on the above, this paper raised the formulation of the problem : (1) How does mediation efforts penal settlement in the case of arrest by police Jombang ? (2) What are the sanctions given to the investigator who did wrong arrest by Police Jombang ?

Then the writing of this paper uses an empirical approach to the juridical method juridical sociological method. Primary legal materials, secondary and tertiary obtained by the authors will be analyzed using descriptive analysis analytical techniques is a study that aims to develop a picture or portrait of a problem on patterns and problems.

From the results of research by the above method, the authors obtained answers to existing problems that the Police Jombang mediation efforts penal settlement with Imam Chambali (Kemat), David Eko Priyanto, and Mamat Lewis (Sugik) by making the apology letter addressed to Imam Chambali , David Eko Priyanto , and Mamat Lewis (Sugik); approach amicably and provide compensation or rehabilitation beyond the provisions of the Act which is given by Herman Sumawirja who served as police chief in East Java at the time the case occurred. Then the sanction given to the police chief and member Bandar Criminal visible along Kedung Mulyo Jombang District of Perak at that time to investigate the Imam Chambali (Kemat), David Eko Priyanto and Mamat Lewis (Sugik), which is a demotion or suspension sanction positions, where the police chief and Criminal visible not given positions (non job) and members of the investigation was transferred from Reskrim function .

