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Edisi kali ini memuat berbagai makalah yang membahas tentang Kesenjangan Implementasi Penelitian Kemasyarakatan dalam Proses Restorative Justice bagi Pelaku Dewasa dalam Tindak Pidana Ringan; Peran Strategis Notaris dalam Pembuatan Akta Perjanjian Waralaba untuk Kepastian dan Perlindungan Hukum Para Pihak; Rumah Adat Gebong Memarong: Strategi Hukum dan Ekonomi dalam Pemanfaatan Ekspresi Budaya Tradisional Sebagai Kekayaan Intelektual Komunal; Mengharmoniskan Asas Praduga Tak Bersalah dan Kehadiran di Persidangan: Rekonstruksi Hukum Acara Pidana dengan Pengawasan Elektronik; *Institutional Model of The National Legislative Body: Smart Regulations and Regulatory Guillotine as Solutions to Hyper-Regulation in Indonesia*; Menutup Celah Eksploitasi dalam Transplantasi Organ Melalui Peran Akta Notaris; *Human Potential in Motion: An Empowerment Approach to Productive Growth in Correctional Institutions*; SPPN *at the Crossroads of Rehabilitation: A CIPP–TPB Analysis of Behavioral Change at Kendal Class IIA Correctional Institution*.

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JURNAL ILMIAH KEBIJAKAN HUKUM

BALITBANG HUKUM DAN HAK ASASI MANUSIA
KEMENTERIAN HUKUM DAN HAM R.I

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Implementation Gap of Social Inquiry Report in Restorative Justice Processes for Adult Offenders in Minor Criminal Cases

Trio Sandra Wijaya, Muhamad Adystia Sunggara

This study examines the gap between regulation and practice in the use of the Community Research Report (Litmas) in applying restorative justice for adult offenders. Normatively, Litmas has been legitimized by Law No. 22 of 2022 on Corrections and Supreme Court Circular No. 1 of 2021, yet its practical use remains limited. The research aims to explain the determinants of Litmas effectiveness while emphasizing its importance within the criminal justice system. Using a normative juridical method and descriptive qualitative analysis, and combining Soerjono Soekanto's theory of legal effectiveness, George Edwards III's policy implementation theory, and gap analysis, this study finds that the limited use of Litmas is caused by the absence of detailed technical guidelines, weak institutional capacity and professionalism of probation officers, poor inter-agency coordination, the dominance of a retributive legal paradigm in legal culture, insufficient political support, and the lack of information technology utilization. The conclusion highlights that the regulatory and practical gap is systemic and multidimensional, and the effectiveness of Litmas can only be achieved by strengthening six interrelated determining factors. This study underscores the importance of Litmas not only normatively as a regulatory mandate but also practically as a strategic instrument to deliver more humane justice, reduce prison overcrowding, and reinforce the legitimacy of restorative justice in Indonesia.
Keywords: *Social Inquiry Report, Restorative Justice, Adult Offenders, Criminal Justice System.*

Notary Neutrality in Deed-Making of Franchise Agreement for Certainty and Legal Protection of the Parties

Sendee Theresia Suriadiningrat, Ismala Dewi, Pieter E. Latumeten

Franchise agreements play a pivotal role in the advancement of the franchise business in Indonesia. However, these agreements often lead to differing interpretations and have weak evidentiary power because only created as private deeds. In the relevant regulations, there is no provision that requires it to be made in the form of an authentic deed. In fact, an authentic deed offers the necessary evidentiary strength to protect the rights of all parties involved. Notaries are legally empowered to draft authentic deeds and provide legal advice and its possible implications. This research is doctrinal with a prescriptive approach, aiming to examine the use of authentic deeds in franchise agreements to ensure legal protection. The goal is to reduce disputes and legal exploitation that can occur with private deeds. Through the analysis of secondary data and interviews, it is a fact that disputes often occur due to differences in the interpretation of the content of the agreement. Therefore, franchise agreements should be executed as authentic deeds rather than just private deeds. This practice is significant because franchise agreements include fundamental elements like the rights and obligations of the parties, as well as intellectual property rights elements, such as trademarks and trade secrets. In fact, the use of authentic deeds is not intended to seek validity but to seek the value of legal certainty.
Keywords: *Authentic Deeds; Franchise Agreement; Legal Protection; Notary.*

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Gebong Memarong Traditional House: Legal and Economic Strategies in Utilizing Traditional Cultural Expressions as Communal Intellectual Property

Nurhayati Dzikri, Muhamad Aziz Zulkifli

This study analyzes the forms of legal protection and economic utilization strategies of Rumah Adat Gebong Memarong as a Traditional Cultural Expression (TCE) recognized as Communal Intellectual Property (CIP) in Bangka Belitung. Using a socio-legal research method, this study combines normative legal analysis with an examination of economic policy implementation. The results show that although Gebong Memarong has been officially registered as CIP, its legal protection still faces several obstacles, including limited legal awareness among the Mapur indigenous community, the absence of specific local regulations, and weak digital documentation. These legal and institutional gaps have resulted in the suboptimal economic use of the Gebong Memarong, particularly in developing cultural tourism and creative industries. Therefore, this study proposes integrative strategies that include strengthening community-based institutions, developing creative economy innovations, conducting human resource training, organizing cultural festivals, and promoting digitalization. The study emphasizes that effective legal protection serves as a prerequisite for equitable and sustainable economic development of TCEs. The main contribution of this research lies in formulating an integrative model that bridges legal protection and economic empowerment through a business law perspective. The study contributes theoretically by expanding the discourse on progressive law in protecting communal intellectual property and provides practical implications for local governments in drafting regional regulations (Perda) and designing community-based governance mechanisms for sustainable cultural heritage management.

Keywords: *Traditional Cultural Expression; Communal Intellectual Property; Traditional House; Business Law; Cultural Tourism.*

Reconciling Presumption of Innocence and Trial Attendance through Electronic Monitoring

Erwin Susilo

This study offers a normative reconstruction of the Indonesian Criminal Procedure Code (KUHAP) to explicitly regulate electronic monitoring devices as the least restrictive alternative to conventional detention, ensuring defendants' presence in court while upholding the presumption of innocence. The research employs a juridical-normative method through statutory, conceptual, and comparative-functional approaches. The analysis covers KUHAP, its implementing regulations, the 2025 Draft KUHAP, and the Prosecutor's Guideline No. 4 of 2023, compared with practices in England, the United States, Australia (New South Wales), and Jordan. The findings reveal a legal gap, as KUHAP does not yet regulate electronic monitoring, and its application currently relies on internal prosecutorial guidelines lacking normative legitimacy and judicial oversight. Comparative analysis demonstrates that electronic monitoring—particularly GPS-based systems—effectively reduces defendants' failure to appear, mitigates prison overcrowding, and reinforces due process of law through individualized risk assessment and proportionality testing. The study recommends the explicit inclusion of electronic monitoring within KUHAP as a mechanism to be applied only through judicial determination, supported by clear operational standards, periodic evaluations, privacy protection, and state funding. Integrating electronic monitoring into KUHAP will balance the efficiency of law enforcement with the protection of human rights. This study's novelty lies in proposing the explicit incorporation of electronic monitoring into the Indonesian Criminal Procedure Code as a normative reconstruction at the trial stage.

Keywords: *Criminal Procedure Law; Detention; Electronic Monitoring; Legal Reconstruction; Presumption of Innocence.*

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Institutional Model of The National Legislative Body: Smart Regulations and Regulatory Guillotine as Solutions to Hyper-Regulation in Indonesia

Fachri Bachmid

This study aims to analyze the institutional design of regulatory management bodies in various countries and assess their applicability to the Indonesian context, particularly in overcoming hyper-regulation and regulatory disharmony. The study formulates strategic recommendations to establish a centralized regulatory agency to streamline the legislative process and improve cross-sector coordination. Using a qualitative embedded case study approach, the research combines a systematic literature review and comparative analysis focused on institutional structure and implementation outcomes, enriched by triangulation of Indonesian regulatory data: The study identified that in Indonesia, the fragmentation of 3,618 central regulations and 15,982 regional regulations emphasizes the urgency of establishing a National Legislation Agency (BLN) to consolidate authority, eliminate redundancies, and implement ex post evaluation. The findings recommend legal reforms to establish a National Legislation Agency by transforming (Badan Pembinaan Hukum Nasional – BPHN) into BLN or establishing a new agency. The implications of the main policy include, enactment of the regulatory alignment law that adopts the one in, two out principle, the establishment of a regulatory sandbox for policy trials in priority sectors, and increased bureaucratic capacity through training based on international best practices.

Keywords: Hyper-Regulation; National Legislation Body; Regulatory Guillotine; Smart Regulations.

Closing the Gaps of Exploitation in Organ Transplantation through the Role of Notarial Deeds

Salma Nabilah, R. Ismala Dewi, Pieter E. Latumeten

The medical advancements in human organ transplantation hides a dark reality: illegal organ trafficking, donor identity fraud, and exploitation of the vulnerable individuals. Without strict oversight, these practices can lead to injustice and human rights violations. Notarial deeds serve as a legal safeguard, ensuring that every transplantation procedure is in accordance with regulations, remain transparent, and free from abuse. This article examines the strategic role of notarial deeds in guaranteeing the validity of the agreement between organ donors and recipients, as stipulated in Article 24 paragraph (1) letter d of the Minister of Health Regulation No. 38/2016. This research is doctrinal approach with a normative legal study based on relevant legal sources. The case study of Decision Number 464/Pid.Sus/2023/ PN.Ckr and the findings at Dr. Saiful Anwar Hospital reveal various irregularities in the practice of human organ transplantation, including the involvement of intermediaries in illegal human organs transactions. A notarial deed is not just a formal document, but a legal instrument that protects the rights of the parties, ensures compliance with regulations, and closes loopholes for exploitation and abuse in human organ transplant procedures.

Keywords: *Health Law, Notarial Deed, Human Organ Transplantation.*

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Human Potential in Motion: An Empowerment Approach to Productive Growth in Correctional Institutions

Helena Gracelda Situmeang, Padmono Wibowo

This study explores the empowerment strategies implemented at the Garut Class IIA Correctional Institution to activate inmates human potential, enhance productivity, and strengthen readiness for social reintegration. The research was conducted to address challenges such as low post-release employability, limited access to rehabilitation programs, and persistent social stigma toward former inmates. Using a qualitative case study approach, data were collected through in-depth interviews, observation, and documentation involving nine informants included two correctional officers, external partners (PT. CGI), and five inmates. Secondary data were drawn from official correctional reports, regulations, and previous studies. Data were analyzed using NVivo 12 software through coding, theme grouping, and data visualization to identify key patterns in empowerment strategies and outcomes. The findings indicate that empowerment programs at the Garut correctional facility effectively enhance inmates' discipline, confidence, responsibility, and work skills. The program integrates two dimensions: personality development (religious, moral, and behavioral rehabilitation) and independence development (vocational training in livestock, agriculture, coconut fiber processing, sewing, and screen printing). Implementation of the Risk-Need-Responsivity (RNR) principle ensures that rehabilitation aligns with inmates' risk levels, criminogenic needs, and learning responsiveness. Collaboration with PT Coir Global Indonesia strengthens the economic aspect of rehabilitation through sustainable production and fair incentives. The study concludes that empowerment through structured, participatory, and collaborative approaches effectively transforms inmates into productive and responsible individuals. However, challenges such as limited staff, facilities, and public stigma remain. Strengthening cross-sector collaboration and post-release support is essential to sustain empowerment and successful social reintegration.

Keywords: Correctional; Development; Inmates Empowerment; Social Reintegration; Strategy.

SPPN at the Crossroads of Rehabilitation: A CIPP–TPB Analysis of Behavioral Change at Kendal Class IIA Correctional Institution

Dien Noor Palupi, Mulyani Rahayu

Indonesia's correctional paradigm has shifted from retribution to rehabilitation, placing behavioral change and social reintegration at the center of prison programming. The Inmate Development Assessment System (Sistem Penilaian Pembinaan Narapidana - SPPN) is mandated to appraise inmates' progress and to support decisions on integration rights. To examine how SPPN is implemented at Kendal Class IIA Correctional Institution and to assess its effect on inmates' behavioral change, while identifying instrument context mismatches and operational bottlenecks. We employed a descriptive qualitative design using interviews, observations, and document review. Participants comprised 10 informants (4 inmates, 4 correctional officers, 1 Head of Bimkemaswat, 1 SPPN instrument team member). Data were analyzed with the Miles & Huberman flow (collection, reduction, display, conclusion) and organized in NVivo 12. Analytical lenses combined CIPP (Context, Input, Process, Product) and the Theory of Planned Behavior (TPB). SPPN is in routine use but falls short of its intended objectivity and coverage due to: (i) insufficient staffing and heavy caseloads (1:19, 17 counselors for 326 inmates); (ii) limited SPPN specific training; and (iii) indicator program misalignment (some indicators cannot be scored fairly because supportive programs are absent or sporadic). While compliance and participation increased within custody (attitudes, norms, perceived control improved), recidivism rose (12%→18%→28% in 2022–2024), indicating gains may be situational rather than sustained post release. SPPN contributes to in prison order and engagement, but its validity in capturing true behavioral change is constrained by structural factors and design–context gaps. We propose targeted indicator refinement, routine inter rater training, manageable caseloads, and integration with post release supports to enhance reliability, fairness, and policy utility.

Keywords: Behavioral Change; Evaluation; Reintegration; SPPN.

Kata kunci yang dicatat di sini mewakili konsep yang diterapkan dalam artikel.
Lembar abstrak ini boleh diperbanyak tanpa izin atau biaya.

Kesenjangan Implementasi Penelitian Kemasyarakatan dalam Proses *Restorative Justice* Bagi Pelaku Dewasa dalam Tindak Pidana Ringan

Trio Sandra Wijaya, Muhamad Adystia Sunggara

Penelitian ini mengkaji kesenjangan antara regulasi dan praktik pemanfaatan {enelitian Kemasyarakatan (Litmas) dalam penerapan restorative justice bagi pelaku dewasa. Secara normatif, Litmas telah memperoleh legitimasi melalui Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan dan Surat Edaran Mahkamah Agung Nomor 1 Tahun 2021, namun dalam praktik penggunaannya masih sangat terbatas. Penelitian ini bertujuan untuk menjelaskan faktor-faktor penentu efektivitas Litmas sekaligus menegaskan pentingnya peran Litmas dalam sistem peradilan pidana. Dengan menggunakan metode yuridis normatif dan analisis kualitatif deskriptif, serta memadukan teori efektivitas hukum Soerjono Soekanto, teori implementasi kebijakan George Edwards III, dan pendekatan gap analysis, penelitian ini menemukan bahwa rendahnya pemanfaatan Litmas disebabkan oleh ketiadaan petunjuk teknis yang operasional, keterbatasan kapasitas kelembagaan dan profesionalisme pembimbing kemasyarakatan, lemahnya koordinasi antar lembaga penegak hukum, dominasi paradigma hukum retributif dalam budaya hukum masyarakat, kurangnya dukungan politik, serta minimnya pemanfaatan teknologi informasi. Kesimpulannya, kesenjangan regulasi dan praktik pemanfaatan Litmas bersifat sistemik dan multidimensi, sehingga efektivitas Litmas hanya dapat diwujudkan melalui penguatan enam faktor determinan yang saling terkait. Penelitian ini menegaskan pentingnya Litmas tidak hanya secara normatif sebagai amanat regulasi, tetapi juga secara praktis sebagai instrumen strategis untuk menghadirkan keadilan yang lebih manusiawi, mengurangi overcrowding, serta memperkuat legitimasi penerapan restorative justice di Indonesia.
Kata Kunci: Penelitian Kemasyarakatan, *Restorative Justice*, Pelaku Dewasa, Sistem Peradilan Pidana.

Peran Strategis Notaris dalam Pembuatan Akta Perjanjian Waralaba untuk Kepastian dan Perlindungan Hukum Para Pihak

Sendee Theresia Suriadiningrat, Ismala Dewi, Pieter E. Latumeten

Perjanjian waralaba memainkan peranan penting dalam kemajuan bisnis waralaba di Indonesia. Meski demikian, perjanjian tersebut sering menimbulkan perbedaan penafsiran serta memiliki kekuatan pembuktian yang lemah karena hanya dibuat secara di bawah tangan. Dalam regulasi yang ada, perjanjian waralaba tidak diwajibkan untuk menggunakan akta autentik. Padahal, akta autentik memiliki kekuatan pembuktian yang sempurna untuk melindungi hak-hak para pihak dalam perjanjian. Notaris secara hukum berwenang menyusun akta autentik dan memberikan penyuluhan hukum terkait isi serta implikasi perjanjian. Penelitian ini bersifat doktrinal dengan pendekatan perskriptif, bertujuan mengkaji penggunaan akta autentik dalam perjanjian waralaba guna menjamin perlindungan hukum. Tujuannya adalah untuk meminimalisir terjadinya sengketa serta potensi penyelewengan hukum ketika perjanjian hanya dibuat secara di bawah tangan. Melalui analisis data sekunder dan wawancara, terdapat fakta bahwa sengketa sering terjadi akibat perbedaan interpretasi terhadap isi perjanjian. Oleh karena itu, perjanjian waralaba seharusnya dibuat dalam bentuk akta autentik, bukan sekedar di bawah tangan. Hal ini penting dilakukan mengingat perjanjian waralaba tidak hanya mencakup unsur-unsur pokok dalam perjanjian seperti hak dan kewajiban para pihak, tetapi juga memuat elemen penting mengenai Hak kekayaan Intelektual seperti merek dan rahasia dagang. Penggunaan akta autentik tidak bertujuan untuk mencari keabsahan tetapi untuk mencari nilai kepastian hukum dalam perjanjian waralaba.
Kata Kunci: Akta Autentik; Perjanjian Waralaba; Perlindungan Hukum; Notaris.

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Lembar abstrak ini boleh diperbanyak tanpa izin atau biaya.

Rumah Adat Gebong Memarong: Strategi Hukum dan Ekonomi dalam Pemanfaatan Ekspresi Budaya Tradisional Sebagai Kekayaan Intelektual Komunal

Nurhayati Dzikri, Muhamad Aziz Zulkifli

Penelitian ini bertujuan untuk menganalisis bentuk pelindungan hukum serta strategi pemanfaatan ekonomi terhadap Rumah Adat Gebong Memarong sebagai Ekspresi Budaya Tradisional (EBT) yang telah diakui sebagai Kekayaan Intelektual Komunal (KIK) di Provinsi Kepulauan Bangka Belitung. Penelitian ini menggunakan metode socio-legal research dengan memadukan pendekatan normatif-hukum dan analisis kebijakan ekonomi. Hasil penelitian menunjukkan bahwa meskipun Rumah Adat Gebong Memarong telah tercatat secara resmi sebagai KIK, pelindungan hukumnya masih menghadapi berbagai kendala, antara lain rendahnya literasi hukum masyarakat adat Mapur, belum tersedianya peraturan daerah yang secara spesifik mengatur KIK, serta lemahnya dokumentasi dan digitalisasi data budaya. Kesenjangan hukum dan kelembagaan tersebut berdampak pada belum optimalnya pemanfaatan ekonomi Rumah Adat Gebong Memarong, terutama dalam pengembangan pariwisata budaya dan ekonomi kreatif berbasis masyarakat. Oleh karena itu, penelitian ini merekomendasikan strategi integratif melalui penguatan kelembagaan komunitas adat, pengembangan inovasi ekonomi kreatif, pelatihan sumber daya manusia, penyelenggaraan festival budaya, serta digitalisasi promosi untuk memperkuat posisi hukum dan ekonomi masyarakat adat. Kontribusi utama penelitian ini terletak pada perumusan model integratif yang menghubungkan pelindungan hukum dan pemberdayaan ekonomi melalui perspektif hukum bisnis. Secara teoretis, penelitian ini memperluas kajian mengenai penerapan Hukum Progresif dalam pelindungan Kekayaan Intelektual Komunal. Secara praktis, hasil penelitian ini memberikan rekomendasi bagi pemerintah daerah dalam penyusunan peraturan daerah (Perda) serta pengembangan tata kelola berbasis komunitas yang berkeadilan dan berkelanjutan bagi pelestarian warisan budaya tradisional.
Kata Kunci: Ekspresi Budaya Tradisional; Kekayaan Intelektual Komunal; Rumah Adat; Hukum Bisnis; Pariwisata Berbasis Budaya.

Mengharmoniskan Asas Praduga Tak Bersalah dan Kehadiran di Persidangan: Rekonstruksi Hukum Acara Pidana dengan Pengawasan Elektronik

Erwin Susilo

Penelitian ini menawarkan rekonstruksi normatif terhadap Kitab Undang-Undang Hukum Acara Pidana (KUHAP) untuk secara eksplisit mengatur alat pengawasan elektronik sebagai alternatif paling ringan (least-restrictive alternative) terhadap penahanan konvensional, guna menjamin kehadiran terdakwa di persidangan tanpa mengabaikan asas praduga tak bersalah. Metode yang digunakan adalah yuridis-normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif-fungsional. Analisis dilakukan terhadap KUHAP, peraturan pelaksananya, Rancangan KUHAP 2025, dan Pedoman Kejaksaan No. 4 Tahun 2023, serta dibandingkan dengan praktik di Inggris, Amerika Serikat, Australia (New South Wales), dan Yordania. Hasil penelitian menunjukkan adanya kesenjangan hukum, karena KUHAP belum mengatur alat pengawasan elektronik dan penerapannya hanya berdasar pedoman internal tanpa legitimasi normatif dan pengawasan yudisial yang kuat. Analisis komparatif memperlihatkan bahwa alat pengawasan elektronik—terutama berbasis GPS—efektif menekan risiko ketidakhadiran terdakwa, mengurangi kelebihan kapasitas tahanan, serta memperkuat due process of law melalui penilaian risiko individual dan uji proporsionalitas yang ketat. Penelitian ini merekomendasikan agar alat pengawasan elektronik dimasukkan secara eksplisit dalam KUHAP sebagai mekanisme yang hanya dapat diterapkan melalui penetapan hakim dengan standar operasional yang jelas, evaluasi berkala, perlindungan privasi, dan pendanaan negara. Integrasi alat pengawasan elektronik dalam KUHAP akan menyeimbangkan efisiensi penegakan hukum dengan perlindungan hak asasi manusia. Kebaruan penelitian ini terletak pada usulan pengaturan eksplisit alat pengawasan elektronik dalam KUHAP sebagai bentuk rekonstruksi normatif pada tahap persidangan.
Kata Kunci: Hukum Acara Pidana; Penahanan; Alat Pengawasan Elektronik; Rekonstruksi Hukum; Asas Praduga Tak Bersalah.

Kata kunci yang dicatat di sini mewakili konsep yang diterapkan dalam artikel.
Lembar abstrak ini boleh diperbanyak tanpa izin atau biaya.

Menutup Celah Eksploitasi dalam Transplantasi Organ Melalui Peran Akta Notaris

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Dibalik kemajuan medis dalam transplantasi organ tubuh manusia, tersembunyi realitas kelam: perdagangan organ ilegal, pemalsuan identitas pendonor, dan eksploitasi pihak yang rentan. Tanpa pengawasan ketat, praktik ini dapat berujung pada ketidakadilan dan pelanggaran hak asasi manusia. Akta notaris menjadi tameng hukum yang memastikan setiap prosedur transplantasi berjalan sesuai regulasi, transparan, dan bebas dari penyalahgunaan. Artikel ini mengkaji peran strategis akta notaris dalam menjamin keabsahan persetujuan antara pendonor dan penerima organ, sebagaimana diatur dalam Pasal 24 ayat (1) huruf d Peraturan Menteri Kesehatan Nomor 38 Tahun 2016. Penelitian ini bersifat doktrinal dengan pendekatan normatif berbasis kajian hukum yang relevan. Studi kasus terhadap Putusan Nomor 464/Pid.Sus/2023/PN.Ckr serta temuan di RSUD Dr. Saiful Anwar mengungkap berbagai penyimpangan dalam praktik transplantasi organ tubuh manusia, termasuk keterlibatan perantara dalam transaksi ilegal organ tubuh manusia. Akta notaris bukan sekadar dokumen formal, tetapi instrumen hukum yang melindungi hak para pihak, memastikan kepatuhan terhadap regulasi, serta menutup celah eksploitasi dan penyalahgunaan dalam prosedur transplantasi organ tubuh manusia.

Kata Kunci: Akta Notaris, Hukum Kesehatan, Transplantasi Organ Tubuh Manusia.