

ABSTRAK

Kasus Trisakti sampai saat ini belum terselesaikan walaupun sebagai langkah awal telah disidang di Pengadilan Militer mengingat pelaku adalah anggota militer. Hal tersebut terjadi karena terkait tempus delicti kasus tersebut yang Indonesia belum memiliki UU HAM dan UU Pengadilan HAM ad hoc. Terjadinya kasus Trisakti terungkap dalam pasal 43 dan 47 UU Pengadilan HAM ad hoc yang dimungkinkan diadili melalui Pengadilan HAM namun tidak dapat terlaksana oleh persetujuan DPR , sehingga berlakulah pasal 47 UU Pengadilan HAM dimana penyelesaiannya melalui UU KKR, dimana UU KKR dikeluarkan pada tahun 2004. Namun disayangkan sebelum UU KKR diterapkan dalam kasus Trisakti, UU tersebut keburu dicabut melalui Putusan MK No.006/PUU-IV/2006. Kasus Trisakti dapat diselesaikan apabila DPR membuat UU KKR dan penerapannya didasarkan pada ketentuan pasal 1 ayat (2) KUHP.

KATA KUNCI : Kasus Trisakti, Undang Undang Hak Asasi Manusia, Undang Undang Pengadilan Hak Asasi Manusia, Komisi Kebenaran dan Rekonsiliasi, Putusan Mahkamah Konstitusi No.006/PUU-IV/2006.

ABSTRACT

The Trisakti case has yet to be resolved even though as an initial step it has been tried in the Military Court considering the perpetrator is a member of the military. This happens because it is related to the tempus delicti of the case that Indonesia does not yet have a human rights law and an ad hoc human rights court law. The Trisakti case was revealed in articles 43 and 47 of the ad hoc Human Rights Court Law which was possible to be tried through a Human Rights Court but could not be carried out by the approval of the DPR, so that article 47 of the Human Rights Court Law was resolved where the resolution was through the TRC Law, where the TRC Law was issued in 2004. Unfortunately before the TRC Law was implemented in the Trisakti case, the Law was revoked through MK Decision No.006 / PUU-IV / 2006. The Trisakti case can be resolved if the Parliament makes the TRC Law and its application based on the provisions of article 1 paragraph (2) of the Criminal Code.

KEYWORDS: *Trisakti Case, Human Rights Act, Human Rights Court Act, Truth and Reconciliation Commission, Constitutional Court Decision No.006 / PUU-IV / 2006.*