

ABSTRAK

Hukum merupakan suatu kaidah atau peraturan yang mengatur masyarakat, Segala tingkah laku dan perbuatan warga negaranya harus berdasarkan atas hukum itu sendiri. Hukum positif di Indonesia mengharuskan kepada warga Negara bahwa setiap tindakan harus berdasarkan sebagaimana yang diatur dalam undang-undang, sama halnya dengan hukum pidana Indonesia. Masalah yang diangkat adalah Bagaimanakah penyelesaian tindak pidana penipuan jual beli tokek melalui restorative justice di Kepolisian Sektor Telanaipura Kota Jambi. Apakah yang menjadi hambatan dalam penyelesaian tindak pidana penipuan jual beli tokek melalui restorative justice di Kepolisian Sektor Telanaipura Kota Jambi. Bagaimanakah upaya mengatasi hambatan dalam penyelesaian tindak pidana penipuan jual beli tokek melalui restorative justice di Kepolisian Sektor Telanaipura Kota Jambi. Spesifikasi penelitian ini adalah penelitian *deskriptif analitis*. Di dalam penulisan skripsi ini penulis gunakan metode *Yuridis Empiris*. Tehnik pengambilan materi dilakukan secara materi *Purposive Sampling*. Penyelesaian terhadap tindak pidana penipuan jual beli tokek yang terjadi Di Kepolisian Sektor Telanaipura Kota Jambi telah di selesaikan secara Restorative Justice. Sebenarnya penggunaan hukum pidana berupa kurungan penjara dalam penyelesaian kasus tindak pidana penipuan jual beli tokek tersebut merupakan langkah yang sangat tepat guna memberikan efek jera terhadap diri pelaku. Dalam proses penyelesaian tentunya menemui hambatan antara lain (1) adanya dorongan (Intervensi) dari pihak keluarga untuk melanjutkan perkara penipuan tersebut ke meja hijau (persidangan), (2) adanya permintaan ganti rugi materil (uang) yang diminta pihak pelapor sebagai syarat perdamaian (cabut laporan). Adapun upaya dilakukan untuk mengatasi hambatan antara lain (1) pihak satuan Reserse Kriminal Kepolisian Sektor Telanaipura melakukan dialog terhadap pihak keluarga pelapor dengan memberikan pengertian bahwa pelaku penipuan jual beli tokek atas nama Yuslinar tersebut merupakan ibu rumah tangga yang memiliki anak dan tidak memiliki suami (ditinggal mati). maka pihak keluarga pelapor haruslah mempertimbangkan alasan kemanusiaan tersebut, (2) Penyidik Reskrim Kepolisian Sektor Telanaipura memberikan masukan kepada pelapor bahwa hendaknya uang tersebut dibayarkan secara berangsur terhadap pelapor. Saran yang dikemukakan hendaknya pihak keluarga pelapor mempertimbangkan alasan kemanusiaan dengan tidak memaksa meminta syarat mengganti uang secara langsung mengingat dilihat dari kondisi ekonomi Ibu *Yuslinar* tersebut yang dimana ia merupakan ibu rumah tangga yang memiliki anak dan tidak memiliki suami (ditinggal mati) serta tidak mempunyai kemampuan untuk membayarnya secara langsung permintaan pihak pelapor.

Kata Kunci : Penyelesaian Tindak Pidana Penipuan Jual Beli Tokek, Restorative Justice

ABSTRACT

Law is a rule or regulation that regulates society. All behavior and actions of its citizens must be based on the law itself. Positive law in Indonesia requires citizens that every action must be based on what is regulated in law, the same as Indonesian criminal law. The problem raised is how to resolve the criminal act of gecko buying and selling fraud through restorative justice at the Telanaipura Sector Police, Jambi City. What are the obstacles in resolving the criminal act of gecko buying and selling fraud through restorative justice at the Telanaipura Police Sector, Jambi City? What are the efforts to overcome obstacles in resolving the criminal act of gecko buying and selling fraud through restorative justice at the Jambi City Telanaipura Sector Police. The specification of this research is analytical descriptive research. In writing this thesis the author used the Empirical Juridical method. The material collection technique was carried out using Purposive Sampling. The resolution of the criminal act of gecko buying and selling fraud that occurred at the Jambi City Telanaipura Sector Police has been resolved through Restorative Justice. In fact, the use of criminal law in the form of imprisonment in resolving the criminal case of gecko buying and selling fraud is a very appropriate step to provide a deterrent effect on the perpetrator. In the settlement process, of course there were obstacles, including (1) encouragement (intervention) from the family to continue the fraud case to court (trial), (2) a request for material compensation (money) which was requested by the reporting party as a condition for peace (withdraw the report). Efforts were made to overcome obstacles, including (1) the Criminal Investigation Unit of the Telanaipura Sector Police conducted a dialogue with the reporting family by providing an understanding that the perpetrator of the gecko buying and selling fraud in the name of Yuslinar was a housewife who had children and no husband (left behind). then the reporting party's family must consider humanitarian reasons. (2) The Criminal Investigation Investigator of the Telanaipura Sector Police provides advice to the reporting party that the money should be paid in installments to the reporting party. The suggestion put forward is that the reporting party should consider humanitarian reasons by not forcing the requirement to replace the money directly considering the economic condition of Mrs. Yuslinar, where she is a housewife who has children and does not have a husband (she is left dead) and does not have the ability to pay directly at the request of the reporting party.

Keywords: *Resolving the Crime of Gecko Buying and Selling Fraud, Restorative Justice*