

ABSTRAK

Petugas Ilegal yang sering kali terlihat berjaga di perlintasan rel kereta api dan sering terlihat melakukan pungutan kepada masyarakat yang melewati perlintasan sebagai imbalan atas jasa yang mereka lakukan. Adapun permasalahan yang dibahas dalam penelitian ini ialah Bagaimana Ketentuan Hukum Terhadap Petugas Ilegal Yang Melakukan Pungutan Di Rel Perlintasan Rel Kereta Api Berdasarkan Undang-undang Nomor 23 Tahun 2007 Tentang Perkeretaapian Dan Bagaimana Analisis Jarimah Takzir Terhadap Petugas Ilegal Yang Melakukan Pungutan Di Perlintasan Rel Kereta Api. Tujuan penelitian ini untuk mengetahui Ketentuan Hukum Terhadap Petugas Ilegal Yang Melakukan Pungutan Di Rel Perlintasan Rel Kereta Api Berdasarkan Undang-undang Nomor 23 Tahun 2007 Tentang Perkeretaapian Dan Analisis Jarimah Takzir Terhadap Petugas Ilegal Yang Melakukan Pungutan Di Perlintasan Rel Kereta Api. Ditarik kesimpulan bahwa konsep hukuman pada petugas ilegal ialah dengan hukuman takzir dan ketentuan hukum bagi petugas ilegal yang mengoperasikan prasarana kereta api terdapat di dalam pasal 195 dan pasal 196 akan dipidana dengan pidana penjara paling lama satu tahun dan pidana denda paling banyak Rp500.000.000.00., (lima ratus juta rupiah). Penulis juga mengkaitkan jarimah takzir kepada kaidah maqashid syariah yang dimana petugas ilegal didalam lima pokok kema slahatan maqashid syariah salah satunya menjaga jiwa.

Kata kunci: Petugas Ilegal, Jarimah Takzir, Maqashid Syariah

ABSTRACT

Illegal officers are often seen standing guard at railway crossings and are often seen charging people who pass through the crossings as compensation for the services they provide. The problem discussed in this research is what are the legal provisions for illegal officers who charge fees at railway crossings based on Law Number 23 of 2007 concerning Railways and how is the Jarimah Takzir analysis of illegal officers who charge levies at railway crossings. The purpose of this research is to determine the legal provisions for illegal officers who charge fees at railway crossings based on Law Number 23 of 2007 concerning Railways and analysis of the Takzir Jarimah against illegal officers who charge levies at railway crossings. The conclusion is drawn that the concept of punishment for illegal officers is a tax punishment and the legal provisions for illegal officers who operate railway infrastructure are contained in articles 195 and article 196 who will be punished with a maximum imprisonment of one year and a maximum fine of IDR 500,000,000.00. ., (five hundred million). The author also links the takzir radius to the rules of maqashid sharia where illegal officers in the five main benefits of maqashid sharia, one of which is protecting the soul.

Keywords: Illegal Officer, Jarimah Takzir, Maqashid Syariah