

MODEL OF TERMINATION OF PROSECUTION RESTORATIVE JUSTICE BY THE PROSECUTOR IN CRIMINAL CASE SETTLEMENT IN INDONESIA

Sri Endah Wahyuningsih¹, Eko Bambang Marsudi², Umar Ma'ruf³ and Deddy Prasetyo⁴

1,3 Faculty of Law, Sultan Agung Islamic University, Semarang

2,4 Doctoral Program, Faculty of Law, Sultan Agung Islamic University, Semarang

DOI: <https://doi.org/10.56293/IJMSSSR.2022.4541>

IJMSSSR 2022

VOLUME 4

ISSUE 6 NOVEMBER – DECEMBER

ISSN: 2582 - 0265

Abstract: In Indonesia, stopping the prosecution of a criminal case is the authority of the prosecutor's office. Based on the Criminal Procedure Code, there are three reasons to stop prosecution: insufficient evidence, not a criminal act, and termination for the sake of the law. However, the termination of prosecution does not consider if there has been peace between perpetrator and victim. This study uses a sociological juridical approach by examining secondary and primary data by finding the legal reality experienced in the field, and qualitative descriptive methods, namely where the data obtained are then arranged systematically so that a comprehensive picture will be obtained. Restorative in Indonesia, if it fulfils 3 (three) cumulative principal requirements that the suspect has committed a crime for the first time, a criminal offence is only punishable by a fine or is threatened with a maximum imprisonment of 5 years. A criminal act is committed with a value of evidence or a maximum loss value of Rp. 2,500,000.00 The case settlement involves the perpetrator, victim, family of the perpetrator/victim, and other related parties jointly seeking a fair settlement by emphasizing restoration of restitution, not retaliation. If an agreement is reached, the prosecution can be terminated for reasons of legal interest.

Keywords: Termination of prosecution, Prosecutor, Criminal justice system. Restorative justice

1. BACKGROUND

In a legal state, judicial power is one of the important pillars of state power and executive and legislative powers. The operationalization of judicial power in the field of criminal law is carried out by the operation of the Criminal Justice System (criminal justice system). The Criminal Justice System, later known as the SPP, consists of a subsystem of investigation, prosecution, court and correctional. The investigation subsystem is carried out by investigative institutions such as the police, PPNS, prosecutors' investigators and other investigators such as the Corruption Eradication Commission and the National Narcotics Agency. The Prosecutor's Office carries out the prosecution subsystem in all criminal acts for Corruption and Money Laundering by the Prosecutor's Office and the KPK. The court subsystem is carried out by the Courts starting from the District Court and High Court to the Supreme Court. At the same time, the disciplinary function is carried out by the Correctional Institution [1].

In the operation of the Criminal Justice System, each subsystem should carry out its functions in an integrated manner, which is then known as the term integrated criminal justice system. Although each works in different institutional bureaucracies, in carrying out their functions, they cannot be separated from operational control from the process of investigation, prosecution to court. The investigation function carried out by investigators is controlled by the Public Prosecutor, and the Public Prosecutor is controlled by Judges and Judges of the First Level Court are controlled by the Court of Appeals to the Supreme Court. While the Correctional Institution is the institution where the prosecutor executes the judge's decision. This control function is carried out without reducing the independence of the implementation of each judicial subsystem. Resolving criminal cases according to criminal procedural law is a long process stretching from beginning to end through the investigation stage, the prosecution stage, the examination stage in court proceedings, the implementation stage and the supervision of court decisions.

These stages in the law enforcement process are called suppressive actions (repressive). Repressive measures are law enforcement actions starting from investigations, investigations to courts. For this reason, each law enforcement element must have a common perception, namely investigators, prosecutors, and judges, because repressive actions must be able to cause a deterrent effect, so the provision of legal sanctions must be appropriate [2].

In regulating all these relationships, the law aims to strike a balance between various interests, lest an interest is neglected or violated in addition to another interest whose purpose is fully realized. The balance will only occur if the laws that govern it are implemented, respected, and not violated. Meanwhile, violations of the norms of criminal law committed by a person, group of people, or a legal entity, as evidenced by a public prosecutor, are the elements in formulating the alleged crime. One of the legal issues that need to be clarified and adjusted to the legal awareness of the community so that it needs attention in the context of carrying out the duties of the Public Prosecutor to maintain legal order is wisdom in carrying out the authority of criminal prosecution. In criminal procedural law, a body is expressly authorized to carry out criminal prosecutions in a court called the Public Prosecutor. In Indonesia, the Public Prosecutor is also called the prosecutor [3].

The execution of prosecution duties is carried out by a prosecutor who is appointed as a public prosecutor based on a warrant. Based on the order, the public prosecutor makes an indictment based on the case file because of the investigation, which has been declared complete and then transfers the case file along with evidence to the District Court for later after the trial day is set, the public prosecutor carries out the process of proving the case by presenting and examining the defendant. Witnesses and evidence. The culmination of the implementation of the prosecution is when the public prosecutor reads the letter of demand in front of the trial.

The public prosecutor is also given the authority to stop prosecution based on the principle of opportunity and legality. Acts threatened with criminal law are actions that absolutely must meet formal requirements, namely matching the formulation of the law stipulated by the Criminal Code and other regulations with a criminal dimension and have a material element that is contrary to ideals. - ideals regarding community association or, in short, a nature against the law or a criminal act.

The authority to terminate prosecution based on the principle of opportunity is the authority possessed by the Attorney General of the Republic of Indonesia based on the provisions of Article 35 letter c of the Law of the Republic of Indonesia Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General of the Republic of Indonesia which states "The Attorney General has the duty and authority to override cases in the public interest. Based on the sound of Article 35 letter c of the Prosecutor's Law, it can be concluded that the authority to put aside cases is the authority of the attorney general, and the act of putting aside the case must be in the public interest [4].

Indonesia also recognizes the authority to terminate prosecutions by prosecutors based on the principle of legality as regulated in Article 140 paragraph (2) letter of the Criminal Procedure Code, which states:

"If the public prosecutor decides to stop the prosecution because there is not enough evidence or the event does not constitute a criminal act, or the case is closed for the sake of law, the public prosecutor shall state this in a decree."

The dynamics of the development of criminal law today have undergone a paradigm shift from retributive justice to restorative justice. The current sense of community justice requires handling relatively light cases with a humanitarian aspect, such as theft with minimal losses, so that prosecutors no longer raise the case to the trial table. Therefore, the prosecutor must now be able to sue, or act based on restorative justice. This is one of the manifestations and discretion of the prosecution (prosecutorial discretionary) [5].

2. Research Method

This study uses a sociological juridical approach by examining primary data. And secondary data. Primary data was obtained by conducting interviews with prosecutors who had handled restoratively terminated cases at the district attorney's office in the Central Java region. At the same time, secondary data is obtained by conducting library studies. The data obtained were then analyzed using a qualitative descriptive method.

3. Discussion

Criminal law is the ultimum remedium in resolving criminal cases that arise in the community. Settlement through the courts is the last resort imposed if other lighter law enforcement mechanisms are ineffective or unable to resolve existing problems. Criminal law has harsh sanctions in the form of suffering and even limitation or elimination of human rights. Therefore, it is necessary to try to settle the case before entering the trial to avoid harsh criminal sanctions. Non-criminal law tools such as civil, administrative, disciplinary, or customary law can be used before using criminal law.

The main purpose of resolving cases through the concept of restorative justice is to realize the criminal goal of restoring justice. Restorative justice is present as a form of approach to resolving cases according to criminal law based on forgiveness and volunteerism, involving the perpetrators of the crime, victims, families of victims or other related parties to seek a fair solution by emphasizing restoration back to its original state.

Restorative justice is a new criminal paradigm that emphasizes the settlement of cases outside the court and places the victim as an important part of the purpose of sentencing. The existence of restorative justice not only enriches the existing repertoire of criminal theories but also provides a new paradigm for the direction of criminal law thinking. If this philosophy is accepted as the basic form of the new paradigm of punishment, then what will happen is a change in the paradigm that is the frame for the existence of the existing criminal law. This view will impact a paradigm shift in criminal law with its legalistic character, oriented towards restorative justice [6].

There are several weaknesses of the current criminal justice system, namely:

1. Criminal acts are attacks on government authorities rather than on victims or the public.
2. The victim is only part of the evidentiary system and not an interested party in the ongoing process.
3. The process is only focused on punishing the perpetrators and preventing crime without looking at efforts to repair the losses incurred and restore the balance of society.
4. In settlement of a criminal case, the focus of attention is only to prove the perpetrator's guilt. Therefore, communication only occurs in one direction between the judge and the perpetrator. The main concept of dialogue between the perpetrator and the victim does not exist.

To realize true legal justice and humanize humans before the law, the application of conscience is necessary. In crystallizing how conscience can be applied properly and wisely in the corridor of law enforcement, the Attorney General, as the highest Public Prosecutor in the Republic of Indonesia, has issued Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice [7].

The termination of prosecution based on restorative justice is carried out to fulfil the community's sense of justice by balancing legal certainty (*rechtmatigheid*) and practicality (*doelmatigheid*) in the exercise of prosecution authority based on law and conscience. To address the dynamics of legal developments and the community's legal needs, the Attorney General stipulates the Prosecutor's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, which has been effectively implemented and responded to positively by the community.

The issuance of the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice which gives the prosecutor's authority to stop prosecution based on restorative justice, is a breakthrough in settlement of criminal acts [8].

Based on Circular Letter No: 01/E/EJP/02/2022 concerning the Implementation of Termination of Prosecution, especially in criminal cases based on restorative justice, ordered all work units and public prosecutors at the District Attorney's Office and District Attorney's Branch to implement Prosecutor's Regulation No. 15 of 2020 regarding Termination of Prosecution Based on Restorative Justice provided that it fulfils 3 (three) cumulative applicable principles:

- 1) The suspect has committed a crime for the first time
- 2) Criminal acts are only threatened with a fine or are threatened with imprisonment of not more than 5

(five) years; and

- 3) The criminal act is committed with the value of the evidence or the value of the loss caused by the crime of not more than Rp. 2,500,000.00 (two million five hundred thousand rupiahs). In its application to certain criminal acts, the 3 (three) principle requirements, as referred to in number 1, maybe deviate based on the following provisions:
 - a. Article 5 paragraph (2) for criminal acts related to property can be terminated based on restorative justice if the suspect has committed a crime for the first time and is added with 1 (one) another principle requirement (letter a + letter b or letter a + letter c).
 - b. Article 5 paragraph (3) for criminal acts committed against persons, bodies, lives and independence of persons, the prosecution can be terminated based on restorative justice if the suspect has committed a crime for the first time and the crime is only threatened with a fine or imprisonment of not more than 5 (five) years (only letter a + letter b).
 - c. Article 5 paragraph (4) if the criminal act is committed due to negligence, the prosecution can be terminated based on restorative justice if the suspect has committed a crime for the first time (only letter a).
 - d. Fulfilment of the principle requirements as referred to in Article 5 paragraph (1) or the exceptions in Article 5 paragraph (2). Paragraphs (3) and (4) do not apply automatically. Still, they must remain within the corridor of the public prosecutor's policy originating from the public prosecutor's opportunity, proportional and subsidiary, by taking into account and taking into account the provisions of Article 4 as well as criteria/conditions of a casuistic nature, which according to the considerations The public prosecutor with the approval of the Head of the District Attorney's Branch or the Head of the District Attorney's Office may terminate the case based on restorative justice.

The process of terminating cases based on restorative justice is carried out by asking for approval from the Deputy Attorney General for General Crimes through a case title through the stages that have been ordered in Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. If there are reasons that can be considered for the sake of recovery and the rights of the victim as well as the good faith of the parties, the period of implementation of the peace can be extended by considering the time limit for detention at the prosecution stage if the suspect is held in state detention [9].

The procedure for termination of prosecution through restorative justice by the Prosecutor's Office in Article 12 of the Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, namely

- (1) If a peace agreement is reached, the Public Prosecutor shall report to the Head of the District Prosecutor's Office or the District Attorney's Office by attaching the minutes of the peace agreement and a memorandum of opinion.
- (2) Based on the Public Prosecutor's report as referred to in paragraph (1), the Head of the District Prosecutor's Office or the Head of the District Attorney's Office requests approval for the termination of prosecution based on Restorative Justice to the Head of the High Prosecutor's Office.
- (3) The request for approval, as referred to in paragraph (2), shall be submitted no later than 1 (one) day after the peace agreement is reached.
- (4) The Head of the High Prosecutor's Office shall determine the attitude of agreeing or rejecting the termination of the prosecution based on Restorative Justice in writing accompanied by considerations within a maximum of 3 (three) days after the request is received.
- (5) In certain cases that receive special attention from the leadership, the Head of the High Prosecutor's Office shall request approval from the Attorney General with due regard to the time as referred to in paragraph (3).
- (6) If the Head of the High Prosecutor's Office approves the termination of prosecution based on Restorative Justice, the Head of the District Prosecutor's Office or the Head of the District Attorney's Office as the Public Prosecutor shall issue a Decision Letter on Termination of Prosecution within a maximum period of 2 (two) days after the approval is received.
- (7) By fulfilling the requirements or provisions and procedures above, the prosecution can be terminated for reasons of legal interest if there has been a settlement of the case out of court (adorning buiten process),

namely in the form of a peace agreement between the suspect and the victim.

By fulfilling the requirements or provisions and procedures above, the prosecution can be terminated for reasons of legal interest if there has been an out-of-court settlement (afdoening buiten proces) in the form of a peace agreement between the suspect and the victim [10].

Restorative justice is concerned with rebuilding relationships after a crime has occurred rather than exacerbating the rift between perpetrators, victims and society, which is today's character of the modern criminal justice system. Because so far, people consider certain cases that touch the poor and weak and assume that the sense of justice has not been enforced, that law is said to be like a sword that is sharp down but blunt up.

Currently, the practice of all law enforcement institutions in Indonesia, including the Supreme Court, the Attorney General's Office, the Indonesian National Police, and the Ministry of Law and Human Rights of the Republic of Indonesia, have adopted the principle of restorative justice as a way to resolve a criminal case. In 2012 these four institutions made a mutual agreement, namely the Memorandum of Understanding with the Chief Justice of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, and the Head of the State Police of the Republic of Indonesia Number 131/KMS/SKB/X/2012, Number M-HH-07.HM.03.02 Year 2012, Number KEP-06/E/EJP/10/2012, Number B/39/X/2012 dated October 17, 2012, concerning Implementation of Adjustment of Limits on Minor Crimes and Amount of Fines, Quick Examination and Application of Restorative Justice [11].

After the Memorandum of Understanding was agreed upon, the Supreme Court, the Attorney General's Office, and the Indonesian National Police made further regulations for each institution as a guideline for resolving criminal cases with the principles of restorative justice, including:

1. Circular Letter of the Head of the Indonesian National Police Number SE/8/VII/2018 the Year 2018 concerning the Application of Restorative Justice in the settlement of Criminal Cases (SE Kapolri 8/2018")
2. Regulation of the Head of the National Police of the Republic of Indonesia Number 6 of 2019 concerning Criminal Investigations (Perkapolri 6/2019)
3. Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice (Perkejaksaan 15/2020; and Decree of the Director General of the General Court of Justice of the Supreme Court of the Republic of Indonesia Number 1691/DJU/SK/PS.00/12/2020 concerning the Enforcement of the Guidelines Application of Restorative Justice (Kepdirjenbadilum 1691/2020).

Based on the Prosecutor's Regulation No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, from now on referred to as Perja No. 15 of 2020, contains how restorative justice seeks to involve perpetrators, victims, and the community in the process of resolving these criminal cases. In implementing the restorative justice approach based on Prosecutor's Regulation No. 15 of 2020, it appears that the regulation focuses on a peace agreement between the perpetrator and the victim and how the procedural law recognizes the existence of the peace agreement as an agreement that has legal force. As a substantial investment in a paradigm of punishment not for retaliation but as a remedy, the Prosecutor's Office took a strategic step by issuing Prosecutors' Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice [12].

In other cases, Prosecutor's Regulation No. 15 of 2020 also contains restrictions on the implementation of restorative justice so that it is not only interpreted as being limited to a peace agreement because if so, the ongoing process will be trapped in only carrying out procedural functions so that truth (especially material truth) and justice cannot be achieved. This regulation is also considered a legal substance, formulated to eliminate rigid positivistic notions by prioritizing progressive law labelled restorative justice. Restorative justice is the settlement of criminal cases involving the perpetrator, victim, family of the perpetrator or victim, and other related parties to jointly seek a fair solution by emphasizing restoration to its original state and not retaliation.

Based on the provisions of Article 4 Perja Number 15 of 2020, the authority of the Public Prosecutor in Terminating prosecution based on Restorative Justice is carried out by taking into account the following:

1. The interests of the victim and other protected legal interests.
2. Avoidance of negative stigma
3. Avoidance of retaliation
4. Community response and harmony, and
5. Propriety, decency, and public order.

In addition to the above, the Public Prosecutor in Termination of prosecution based on Restorative Justice is also carried out by considering the following:

1. Subjects, objects, categories, and threats of criminal acts
2. The background of the occurrence of the crime
3. Disgrace level
4. Losses or consequences arising from criminal acts
5. Costs and benefits of handling cases
6. Recovery back to its original state, and
7. There is peace between the victim and the suspect.

The existence of the Attorney General's Regulation No. 15 of 2020, which gives the prosecutor's authority to stop prosecutions based on restorative justice, is a breakthrough in settlement of criminal acts. Restorative justice is an approach to resolving criminal acts currently being voiced again in various countries. Through a restorative justice approach, victims and perpetrators of criminal acts are expected to achieve peace by prioritizing a win-win solution and emphasizing that the victim's loss is replaced, and the victim forgives the perpetrator of the crime. Normatively, the criminal justice system is aimed at law enforcement. The system is an operational tax system with statutory provisions to overcome crime and produce legal certainty. The criminal justice system can facilitate the implementation of social defense to realize better social welfare. The criminal justice system should consider social aspects based on practicality. This criminal justice system is intended to reduce recidivism and crime in the short term. Meanwhile, in the long term, the criminal justice system intends to create better social welfare. If this goal cannot be realized, then there is an irregularity in the justice system that has been implemented [13].

Based on the Prosecutor's Regulation No. 15 of 2020, not all criminal acts can be terminated based on restorative justice. In Article 5 of the Prosecutor's Regulation Number 15 of 2020 it has been explained:

- 1) Criminal cases can be closed for the sake of law, and the prosecution terminated based on Restorative Justice if the following conditions are met:
 - a. This is the first time the suspect has committed a crime
 - b. Criminal acts are only threatened with a fine or are threatened with imprisonment of not more than 5 (five) years, and
 - c. The crime is committed with the value of the evidence or the value of the loss caused by the crime of not more than Rp. 2,500,000 (two million five hundred thousand rupiahs).
- 2) For criminal acts related to property, if some criteria or circumstances are casuistic which, according to the consideration of the Public Prosecutor with the approval of the Head of the Branch Office of the District Attorney or the Head of the District Attorney's Office, the prosecution based on Restorative Justice can be terminated with due regard to the conditions as referred to in paragraph (1) letter a is accompanied by either letter b or letter c.
- 3) For criminal acts committed against persons, bodies, lives, and independence of persons, the provisions as referred to in paragraph (1) letter c may be excluded.
- 4) If a criminal act is committed due to negligence, the provisions in paragraph (1) letter b and letter c may be excluded.
- 5) The provisions as referred to in paragraph (3) and paragraph (4) shall not apply if there are criteria/conditions

of a casuistic nature which, according to the consideration of the Public Prosecutor with the approval of the Head of the Branch of the District Attorney's Office or the Head of the District Attorney's Office cannot be terminated by the prosecution based on Restorative Justice.

- 6) In addition to fulfilling the terms and conditions as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4), termination of prosecution based on Restorative Justice is carried out by fulfilling the following conditions:
 - a. There has been a recovery back to its original state carried out by the suspect by:
 1. Returning the goods obtained from the crime to the victim
 2. Compensating the Victim's Loss
 3. Reimbursement of costs incurred because of criminal acts and
 4. Repairing the damage caused by the criminal act.
 - a. b. There has been a peace agreement between the victim and the Suspect, and
 - b. The community responded positively.
- 7) If the Victim and the Suspect agree, the condition for recovery back to its original condition, as referred to in paragraph (6) letter a, may be excluded.
- 8) Termination of prosecution based on Restorative Justice is excluded for cases:
 - a. Crimes against state security, the dignity of the President and Vice President, friendly countries, heads of friendly countries and their representatives, public order and morality
 - b. Criminal acts that are punishable by a minimum criminal threat
 - c. Narcotics crime
 - d. Environmental crimes and
 - e. Criminal acts committed by corporations.

The fulfillment of the conditions for termination of prosecution based on restorative justice is used as a consideration for the Public Prosecutor to determine whether the case file can be transferred to the court.

Termination of prosecution based on restorative justice can also be considered quasi-pioneering. This is considering that the Attorney General only owns the pioneering authority to set aside cases in the public interest as a form of opportunity. In contrast, the public prosecutor can close cases for legal purposes [14].

With the issuance of Prosecutor's Regulation No. 15 of 2020, the Attorney General has delegated some of his pioneering authority to the public prosecutor in the form of quasi-pioneering in terms of terminating prosecutions that have a public interest dimension. Keeping in mind this quasi nature, in its development, the determination of whether to use restorative justice in a criminal case is controlled by the Deputy Attorney General for General Crimes [15].

4. Conclusion

1. Termination of prosecution based on restorative justice is carried out to fulfil the public's sense of justice by balancing legal certainty (*rechtmatigheid*) and practicality (*doelmatigheid*) in the exercise of prosecution authority based on law and conscience. To address the dynamics of legal developments and the community's legal needs, the Attorney General stipulates the Prosecutor's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, which has been effectively implemented and responded to positively by the community.
2. Termination of Prosecution Based on Restorative Justice in Indonesia provided that it fulfils 3 (three) cumulative principal requirements that the suspect has committed a crime for the first time, the crime is only punishable by a fine or punishable by a maximum imprisonment of 5 years; and a criminal act is committed with a value of evidence or a maximum loss value of Rp. 2,500,000.00 The case settlement involves the perpetrator, victim, family of the perpetrator/victim, and other related parties jointly seeking a fair settlement by emphasizing restoration of restitution, not retaliation. If an agreement is reached, the prosecution can be terminated for reasons of legal interest.

5. Suggestion

1. The lack of public knowledge of law enforcers and high public trust in law enforcement causes the general public not to understand the termination of prosecution by the Prosecutor's Office, namely the difference in public perception of the provisions of the law, where this will result in the result that law enforcement is also different between certain community groups and other community groups so that the community needs to receive ongoing socialization and explanations regarding the duties and roles of law enforcement, especially prosecutors.
2. The government and the DPR are expected to be able to make improvements to the Draft Criminal Code and the Criminal Procedure Code on the Termination of Prosecution. No law and special legal review on the Termination of Prosecution can be used as a guideline, so it is necessary to draft laws and regulations concerning the Termination of Prosecution, which are clear, and systematically arranged, compiled comprehensively and applicable regarding the Termination of Prosecution to ensure the creation of legal order in Indonesia.

References

1. Z. Zainuddin, "Restorative Justice Concept on Jarimah Qishas in Islamic Criminal Law," *Jurnal Dinamika Hukum*, vol. 17, no. 3, p. 335, 2017, doi: 10.20884/1.jdh.2017.17.3.826.
2. S. E. Wahyuningsih, R. Samodra, and D. Wahyono, "THE IMPLEMENTATION OF RESTORATIVE JUSTICE IN THE TRAFFIC CRIME INVESTIGATION PROCEDURES IN," vol. 97, no. 24, pp. 97–109.
3. B. S. Daud and I. Cahyaningtyas, "Criminal Justice System Toward Children With Legal Conflict Seen In Justice Restorative Presfective," *Jurnal Hukum Prasada*, vol. 7, no. 1, pp. 14–26, 2020, doi: 10.22225/jhp.7.1.1223.14-26.
4. A. Muhammad, "the Restorative Justice Approach To the Implementation of Children'S Criminal Justice System in Indonesia," *Jurnal Ilmiah Kajian Keimigrasian*, vol. 1, no. 2, pp. 189–198, 2018, doi: 10.52617/jikk.v1i2.32.
5. S. E. Wahyuningsih, A. Indah, and M. Iksan, "The implementation of restorative justice to children as perpetrator in criminal investigation in Indonesia," *Test Engineering and Management*, vol. 83, no. 2746, pp. 2746–2752, 2020.
6. S. W. A. Dekker and H. Breakey, "' Just culture :? Improving safety by achieving substantive , procedural and restorative justice," *Saf Sci*, vol. 85, pp. 187–193, 2016, doi: 10.1016/j.ssci.2016.01.018.
7. T. Harmanto, B. Oktafian Abriato, and X. Nugraha, "Penal Mediation By Police Institution In Handling Hate Speech Through Electronic Media: A Legal Efforts To Resolve With A Restorative Justice Approach," *International Journal Of Artificial Intelegence Research*, vol. 6, no. 1, pp. 2579–7298, 2022, doi: 10.29099/ijair.v6i1.388.
8. X. Yuan, "International Journal of Law , Crime and Justice Good seeds , bad soil ? A case study of the vital context in the restorative justice process in mainland China," *Int J Law Crime Justice*, no. November 2017, pp. 0–1, 2018, doi: 10.1016/j.ijlcj.2018.06.001.
9. G. Maglione, "International Journal of Law , Crime and Justice Imaging victims , offenders and communities . An investigation into the representations of the crime stakeholders within restorative justice and their cultural context," *Int J Law Crime Justice*, vol. 50, pp. 22–33, 2017, doi: 10.1016/j.ijlcj.2017.02.004.
10. A. Javaid, "International Journal of Law , Crime and Justice," *Int J Law Crime Justice*, vol. 52, no. July 2017, pp. 199–210, 2018, doi: 10.1016/j.ijlcj.2017.12.003.
11. J. Penelitian and H. de Jure, "Reconstruction of the Juvenile Criminal Justice System Abstract," vol. 21, no. 2, pp. 253–266, 2021.
12. D. Rahmat, "The Effectiveness of Law Enforcement on Illegal Logging Based on the Value of Justice," *UNIFIKASI : Jurnal Ilmu Hukum*, vol. 7, no. 1, p. 28, 2020, doi: 10.25134/unifikasi.v7i1.2715.
13. T. H. E. Implementation, O. F. Criminal, S. To, T. H. E. Actors, O. F. Corruption, and I. N. Indonesia, "The implementation of criminal sanction to the actors of corruption in indonesia," vol. 2, pp. 161–165,

- 2017.
14. F. D. Sanjaya, "Legal Aid in Indonesia: A Study of Legal Aid with a Transcendental Dimension," *Journal of Transcendental Law*, vol. 2, no. 2, pp. 83–99, 2020, doi: 10.23917/jtl.v2i2.11854.
 15. M. Welner, K. Y. O. Malley, J. Gonidakis, A. Saxena, and J. Burnes, "The Depravity Standard II: Developing a measure of the worst of crimes," *J Crim Justice*, vol. 55, no. December 2017, pp. 25–34, 2018, doi: 10.1016/j.jcrimjus.2017.12.009.