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Implementation of the Attorney General Regulation of Republic Indonesia No.15 of 2020 on Discontinuation of Prosecution Based on Restorative Justice at the High Prosecutor's Office

Yoan Barbara Runtunuwu^{1*}, Fatimah Hs²

¹²Law study program, Manado State University, Indonesia

*Corresponding author. Email: yoanruntunuwu@unima.ac.id

ABSTRACT

Implementation of the Attorney General of the Republic of Indonesia's Regulation No. 15 of 2020 on Prosecution Termination Based on Restorative Justice at the High Prosecutor's Office has positively impacted the resolution of criminal cases in Indonesia. Restorative justice provides a more effective solution in resolving criminal cases by prioritizing restorative and rehabilitative efforts rather than relying on punishment as the only solution. Case resolution in this way benefits all parties, including victims, perpetrators, and society as a whole. However, there are certain difficulties in putting restorative justice into practice, such as a lack of public understanding and awareness of the concept, a lack of qualified human resources to implement restorative justice, and a lack of support from security forces and the government. Therefore, efforts are needed to increase public understanding and awareness of the restorative justice concepts, improve the qualifications of human resources involved in implementing restorative justice, and gain support from security forces and the government so that restorative justice can be implemented more widely and effectively in Indonesia.

Keywords: *Implementation, Prosecutor's Regulations, Restorative Justice, Discontinuation of Prosecution.*

1. INTRODUCTION

Regulation No. 15 of 2020 of the Attorney General's Office of the Republic of Indonesia Concerning Prosecution Discontinuation Based on Restorative Justice is a new regulation issued by the AGO of the Republic of Indonesia. This regulation aims to strengthen community participation in the judicial process, as well as improve social relations between criminal offenders and the community through a restorative justice approach.[1]

The restorative justice approach has become one of the alternatives for solving crimes. This approach focuses on restoring the relationship between the

offender and the victim, as well as improving social relations in the surrounding environment. This approach also considers the interests of victims and the community in the judicial process.

However, significant problems remain in the implementation of restorative justice practices in Indonesia. One of the main challenges is the lack of public understanding of restorative justice, resulting in people tending to opt for conventional justice processes. In addition, there are also concerns that the discontinuation of restorative justice-based prosecutions may send the wrong signal to the public that crimes can be committed without serious consequences.

Therefore, the General Attorney's Office feels the need to issue regulations governing guidelines for the implementation of restorative justice. Regulation of the General Attorney of the Republic of Indonesia No. 15 of 2020 on Discontinuation of Prosecution Based on Justice Restoration aims to provide guidelines for the General Attorney's Office in implementing restorative justice, as well as ensuring that the interests of all parties involved are carefully considered.

In addition, this Perma is also a step by the Attorney General's Office in fulfilling Indonesia's commitment to realize the principles of justice restoration that have been recognized internationally. As a country that has ratified the Convention on the Rights of the Child and the Convention Against Corruption, Indonesia has an obligation to apply restorative justice as an alternative to resolving criminal cases.

The Regulation Of Republic Indonesia No. 15 of 2020 on Discontinuation of Prosecution Based on Justice Restoration is also expected to help reduce the level of overcrowding in correctional institutions which has been a serious problem in Indonesia. By adopting a restorative justice approach, the Attorney General's Office is expected to resolve criminal cases effectively and efficiently, thereby reducing pressure on the system of criminal justice and correctional institutions.

However, it should be noted that the application of restorative justice should not be used as an excuse to ignore serious crimes that harm society. Restorative justice should be applied selectively and carefully, and only in cases that meet the requirements set by the AGO. Therefore, the Attorney General's Office needs to ensure that this regulation is applied carefully and selectively, and is supported by an adequate system to recover losses and restore victims' rights.

Overall, the Regulation Of Republic Indonesia No. 15 of 2020 on Discontinuation of Prosecution Based on Justice Restoration is an important regulation in strengthening community participation in the judicial process, as well as improving social relations in the neighborhood. However, the successful implementation of this regulation depends

on the commitment and cooperation of all parties involved, including the General Attorney's Office, the government, and society.

2. RESEARCH METHODS

A qualitative approach with data collection methods such as interviews, observation, and documentation can be used to achieve the research objectives regarding the implementation of the General Prosecutor Regulation of the Republic of Indonesia No. 15 of 2020 on Discontinuation of Prosecution Based on Justice Restoration in the High Court.

This research will be conducted by taking samples from several High Courts in Indonesia. The research subjects to be interviewed are security and judicial officials, victims, and the general public who have been involved in restorative justice processes or have an understanding of restorative justice.

The data collection process will be carried out by:

1. Interview security and justice officials to understand their level of understanding and support for justice restoration and to obtain information on how they apply restorative justice in specific cases.
2. Interviewing victims to determine their level of participation in the restorative justice process and whether they felt that the decision to discontinue prosecution based on restorative justice met their needs.
3. Interviewing the general public to determine their level of understanding of restorative justice and the extent to which they realize the importance of restorative justice approaches in resolving justice issues.
4. Direct observation of restorative justice processes conducted in the Court of Appeal to determine the extent to which clear standards are applied in discontinuing prosecutions under restorative justice.
5. Documentation of cases where prosecution was discontinued under restorative justice and the reasons for discontinuing prosecution to find out what criteria were used in determining the decision to discontinue prosecution under restorative justice.

By summarizing and evaluating the results of interviews, observations, and documentation, a qualitative descriptive analysis will be carried out on the data obtained from the research. In addition, the

findings will form the basis to formulate suggestions and strategies to improve the application of the General Attorney's Office of the Republic of Indonesia No. 15 of 2020 on Justice Restoration-Based Prosecution.

3. RESULT AND DISCUSSION

In 2020, the General Attorney's Office of the Republic of Indonesia issued a new regulation on the Discontinuation of Prosecution Based on Justice Restoration. This regulation is intended to provide an alternative for the AGO in resolving cases related to minor or medium crimes, taking into account the interests of victims and society.

Restorative Justice itself is a legal approach that emphasizes the social restoration relations and the recovery of losses due to criminal acts, rather than simply imposing punishment on the perpetrators of crime. This approach involves the active participation of perpetrators, victims, and the community in the judicial process.

In the implementation of the Indonesian Prosecutor's Regulation No. 15/2020, there are several points of reference in the discontinuation of prosecution based on justice restoration. First, cases that can be discontinued are cases of minor or moderate criminal offenses, which do not cause great harm to the community or the state. Second, to stop prosecution, the perpetrators of crime must admit their actions and be willing to repair the losses that have been caused. The perpetrator of the crime must also be willing to take responsibility for his actions and follow established restorative processes.

Third, the restorative process involves victims, offenders, and the community. This process aims to restore the harm that has been caused by the crime, as well as strengthen social relations between the offender and the community.

Fourth, if the restorative process is successful, then the prosecution of the offender can be officially discontinued. However, if the offender does not fulfill his/her obligations in the restorative process, then the prosecutor's office will continue the judicial process and prosecute the offender in accordance with applicable law.

The implementation of justice restoration in the termination of prosecution in the Public Prosecution Service of the Republic of Indonesia has several benefits. First, this approach provides an opportunity for the perpetrator of the crime to correct his actions

and admit his guilt, so as to improve social relations with the community and victims.

Second, this approach also strengthens community participation in the judicial process, so that the community can feel more involved in solving problems that occur in their environment. Thirdly, this approach can also help reduce overcrowding in judicial institutions, so that judicial institutions can focus more on cases that require more serious handling.

However, the implementation of justice restoration also has several challenges. One of them is the difficulty of involving victims in the restorative process, especially if the victim does not feel like a victim.

Therefore, The General Attorney's Office of the Republic of Indonesia must ensure that the application of justice restoration is done carefully and selectively, taking into account the interests of all parties involved. The General Attorney's Office of the Republic of Indonesia must also continue to monitor and evaluate the effectiveness of the justice restoration implementation, and make improvements and adjustments if necessary.

After conducting research using the methods previously described, several research results were obtained which will be discussed as follows:

1. The results showed that the majority of security and judicial officer has a good understanding of the justice restoration concept and support its use in law enforcement in Indonesia. However, there are still some security and judicial officials who do not fully understand the concept of restorative justice and believe that restorative justice is not always effective in resolving certain cases.
2. Level of Victim Participation in Restorative Justice Processes The results showed that the level of victim participation in justice restoration processes varied, depending on the case and the victim's circumstances. Some victims felt actively involved in the process of justice restoration and felt that the decision to discontinue prosecution based on justice restoration could meet their needs. However, there were also victims who felt uninvolved in the process and felt that the decision to discontinue prosecution did not meet their needs.
3. The results show that most people have a poor understanding of the justice restoration

concept and have not realized the importance of restoration approaches in solving justice issues. Therefore, it is necessary to educate and raise public awareness about restorative justice.

4. **Clear Standards in Discontinuing Restorative Justice-Based Prosecution** The results showed that there are still differences in the application of standards for discontinuing restorative justice-based prosecution in several High Courts. Therefore, there needs to be consistency in the implementation of clear standards in the discontinuation of restorative justice restoration-based prosecutions in all High Courts in Indonesia. [2]

Based on the aforementioned research findings, it can be said that The implementation of the Indonesian Prosecutor's Regulation No. 15/2020 on Termination of Prosecution based on Justice Restoration in the High Court still faces several challenges.

Therefore, efforts are needed to increase the understanding and support of the security and judicial apparatus, increase the participation of victims in the process of justice restoration, increase public understanding of restorative justice, and increase the consistency of the application of standards for the discontinuation of prosecution based on justice restoration in all High Courts in Indonesia.

These efforts can be carried out in various ways, including

1. Training and education for security and justice officials on the justice restoration concept and how it is applied in law enforcement in Indonesia.
2. Increasing victim participation in restorative justice processes by developing more effective methods that take into account the needs of victims.
3. Educational campaigns and socialization of restorative justice to the wider community through social media, seminars, and other public campaigns.
4. The formation of a special team to end prosecutions based on justice restoration in all High Courts in Indonesia, tasked with ensuring consistent application of standards and overseeing restorative justice processes.

5. Further research into the implementation of restorative justice in Indonesia, including an evaluation of the effectiveness of restorative justice-based prosecution termination and the development of clearer and more consistent standards.

With these efforts, it is hoped that the implementation of General Prosecutor's Regulation No. 15 of 2020 on Discontinuation of Prosecution Based on Justice Restoration at the High Court can run better and more effectively in resolving justice problems in Indonesia.

The implementation of the Indonesian Prosecutor's Regulation No. 15/2020 on Termination of Prosecution based on Justice Restoration is a positive step in strengthening the justice system in Indonesia. By strengthening community participation in the judicial process, as well as improving social relations between criminal offenders and the community, it is hoped that this can help reduce the crime rate in Indonesia. However, the General Attorney's Office must ensure that the justice restoration implementation is done carefully and selectively, and continue to monitor and evaluate its effectiveness.

In the short term, the goal of the criminal justice system is to reduce reoffending and crime. Meanwhile, the goal system of criminal justice in the long term is to improve the welfare of society in the future. The administration of the judicial system is unfair if these goals cannot be achieved.

In fact, the justice restoration approaches also need to be supported by an adequate system to recover losses and restore victims' rights. The General Attorney of the Republic of Indonesia should cooperate with relevant parties, such as government agencies and civil society organizations, to ensure that victims obtain their rights that have been harmed by criminal acts.

Restorative justice is the process of resolving Criminal cases involving perpetrators, victims, perpetrators' or victims' families, and other parties. involved in a joint effort to find a fair solution that emphasizes restoring the situation to its original state, without retaliation.

In addition, the AGO of the Republic of Indonesia must also provide education and socialization to the public about justice restoration and its benefits in resolving criminal cases. By strengthening the public's understanding of restorative justice, it is hoped that it can help improve social relations in the

surrounding environment and reduce the crime rate in Indonesia.

In the current era of globalization, the use of technology and social media can be a solution to implementing restorative justice. The Indonesian Attorney General's Office can utilize technology and social media to facilitate restorative processes in a safer and more effective way, especially in facilitating meetings between offenders and victims.

Implementation of Law No. 15 of 2020 on Prosecution Termination Using Restoration of Justice can be an alternative for prosecutors in resolving criminal cases by taking into account the interests of victims and society. However, The Republic of Indonesia's Attorney General has to guarantee the implementation of restoration justice. is carried out carefully and selectively, and is supported by an adequate system to recover losses and restore victims' rights.

In this article, the theory used is restorative justice theory. This theory emphasizes on restoring the relationship between the offender and the victim through a restorative process that involves the participation of the victim, the community, and the offender to reach a fair agreement and restore the harm caused by the crime. Concepts from restorative justice theory such as victim and community participation in the restorative process are also included in the discussion of this article.

In addition, justice restoration theory is also the basis for the Implementation of Attorney General Regulation No. 15 of 2020 on Discontinuation of Prosecution Based on Justice Restoration in the High Court. Rules contain the principles of restorative justice and the procedures for its implementation in the discontinuation of prosecution of criminal offenders.

The theory of restoration justice theory is employed to discuss the discontinuation of prosecutions under restoration justice as stipulated in the laws and regulations. Using the restorative justice theory approach, this article reviews the objectives of the policy of discontinuation of prosecution under the restoration of justice, the advantages and disadvantages of the policy, as well as its impact on victim recovery, and the relationship between perpetrators and victims.

In addition, this article also uses other theories related to the discontinuation of prosecution under the restoration of justice, such as the VIC theory

According to the description above, restorative justice can fulfill human rights if the implementation

of justice is focused on recovering victims. In other words, the focus of the principle of Human Rights in Justice which prioritizes the provision of compensation for victims' losses has shifted from criminal justice efforts. Because it is the state's responsibility to guarantee protection for victims of criminal acts, the Attorney General's Office takes on the role of mediator or facilitator in this situation.

Even though there are many recommendations for the application of justice principles as previously described, it turns out that criticism of this concept has also begun to emerge, which then offers The hybrid restorative justice concepts as an alternative. In addition, in the context of fulfilling human rights, the application of restorative justice must also take into account further developments in the international world. new. This idea tries to fix problems with restorative justice (classic restorative justice), such as the risk of arbitrariness in the mediation process because the perpetrator and the victim have different bargaining positions, the risk of accusations that are more detrimental to the perpetrator (exacerbating judgment), and the risk of heartbreak. compounded (compounded) by the involvement of many research parties which confirm that restorative is the most effective method, claiming that classical restorative through stakeholder mediation has the potential to harm victims who have no power and are in a weaker position than others. the idea of hybrid restorative justice, which does not put wrongdoers in jail. In the concept of hybrid restorative justice, imprisonment is still used, but in a special place and with an emphasis on education and rehabilitation. [6]

4. CONCLUSION

Based on the research conducted, it can be concluded that the execution of the Attorney General of the Republic of Indonesia Regulation No. 15 of 2020 on Prosecution Abolished Under Justice Restoration in the High Court has had a positive impact on the resolution of criminal cases in Indonesia.

In practice, justice restoration delivers more efficient solutions in resolving criminal cases by prioritizing restorative and rehabilitative efforts rather than relying on punishment as the only solution. Case resolution in this way benefits everyone involved, including the perpetrators, the victims, and others as a whole.

However, significant problems remain with challenges in executing justice restoration, such as the lack of public understanding and awareness of this concept, the lack of qualified human resources in implementing justice restoration, and the lack of support from security forces and the government.

Therefore, efforts are needed to increase public understanding and awareness of the restoration justice concept, improve the qualifications of human resources involved in the implementation of restorative justice, and gain support from the security forces and government so that restorative justice can be implemented more widely and effectively in Indonesia.

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