

## The Effectiveness of Termination of Prosecution in Settling Fraud Crimes Based on Restorative Justice

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**Abstract.** *This study aims to determine and analyze the implementation of termination of prosecution in criminal acts of theft based on restorative justice, the weaknesses of termination of prosecution in criminal acts of theft based on restorative justice and the effectiveness of termination of prosecution in criminal acts of theft based on restorative justice. The method of this research approach is sociological juridical, the research specification is analytical descriptive. The data used are primary data and secondary data and the data collection method is field study and literature study, while the data analysis method uses qualitative analysis. The theories used are restorative justice theory, legal effectiveness theory and progressive legal theory. Based on the results of the study, it can be concluded that the implementation of termination of prosecution in criminal acts of theft based on restorative justice at the Pekalongan Regency District Attorney's Office has been carried out in accordance with Perja Number 15 of 2020, namely fulfilling formal and material requirements and procedures according to the provisions. Weaknesses of the termination of prosecution in the crime of theft based on restorative justice include the lack of explicit regulation of restorative justice in the law (KUHP), termination of prosecution based on restorative justice depends on the willingness of all parties, the need for trained and professional facilitator prosecutors, limited number of prosecutors and time constraints, the potential for injustice to victims, ignoring the deterrent effect for perpetrators, and weak oversight of peace agreements. These weaknesses can hinder the achievement of the goals of restorative justice. The termination of prosecution in the crime of theft based on restorative justice has not been fully effective, considering that many cases planned to be resolved based on restorative justice failed. However, cases that have been resolved based on restorative justice have been effective.*

**Keywords:** *Restorative Justice; Termination of Prosecution; Theft Crime.*

### 1. Introduction

Indonesia is a state based on the rule of law (rechtsstaat) based on Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD 1945). This is stated in Article 1 paragraph

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(3), which emphasizes that Indonesia is a state based on the rule of law.<sup>1</sup> Consequently, all actions by the government and law enforcement officers must be based on applicable laws and uphold the values of justice, humanity, and legal certainty.

Law, as a social institution, functions as a tool to regulate social life fairly. Regulating fairly means that every individual has the right to equal treatment before the law.<sup>2</sup> Law as an ideology aims to create order, security, justice and prosperity for every citizen.<sup>3</sup>

One of the manifestations of law in social institutions is law enforcement, where sanctions are given to anyone who violates the law without discrimination against every citizen who does not uphold the law.<sup>4</sup> Thus, law enforcement is an effort to ensure that every legal provision is implemented consistently and fairly by all levels of society.<sup>5</sup>

Law enforcement aims not only to impose sanctions on violators, but also to uphold justice, protect human rights, and maintain order and balance in society, the nation, and the state. One of the main stages in criminal law enforcement is criminal prosecution, the process by which the prosecutor's office brings a criminal case to court for a verdict.

Prosecution according to the provisions of Article 1 number 7 of the Criminal Procedure Code and Article 1 number 4 of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia (Prosecutor's Office Law) is an action by the public prosecutor to transfer a criminal case to the competent District Court in the case and according to the method regulated in this law with a request to be examined and decided by a judge in a court hearing. The Prosecutor according to Article 1 number 2 of the Prosecutor's Office Law is a Civil Servant with a functional position who has specialization and carries out duties, functions, and authorities based on the Law. Meanwhile, a Public Prosecutor according to Article 1 number 3 of the Prosecutor's Office Law is a Prosecutor who is authorized by this Law to carry out prosecutions and carry out judge's determinations and other authorities based on the Law.

The Prosecutor's Office's position in criminal justice is crucial because it serves as the bridge between the investigation and the trial phase. The public prosecutor has a monopoly on prosecution, meaning that no individual can be tried until a criminal charge is filed by the public prosecutor.<sup>6</sup>

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<sup>1</sup>Yuli Partimi and Andri Winjaya Laksana, The Role of Prosecutors in Implementing Judges' Decisions on Corruption Criminal Acts (Case Study at The Ende District Prosecutor's Office), Khaira Umma, Vol. 20 No. 2 June 2025, p. 2235.

<sup>2</sup>Luhut Pangarimbuan, 2013, Criminal Procedure Law, Papas Sinar Sinanti, Jakarta, p. 30.

<sup>3</sup>CST Kansil, 2015, Introduction to Indonesian Law and Legal System, Balai Pustaka, Jakarta, p. 346.

<sup>4</sup>Dealita Dwitarni, Conformity of the Public Prosecutor's Evidence in the Crime of Accomplice Accompanied by Negligence Causing Death with Article 184 Paragraph (1) of the Criminal Procedure Code (Study of Decision No. 19/Pid.B/2021/PN.Trk), Verstek Journal of Procedural Law, Volume 7 No. 2, xxxx, p. 336.

<sup>5</sup>Muhammad Saiful Tsani and Aji Sudarmadji, The Inaccuracy of the Public Prosecutor in Applying the Article of the Charge as the Basis for the Judge to Decide Acquit, Jurnal Khaira Ummah, Vol. 19 No. 3, September 2024, p. 294.

<sup>6</sup>Dimas Satri Putra and Widayati, The Role of Prosecutors in Enforcing Corruption Crimes at the Balangan District Attorney's Office with Legal Certainty, Legis Ratio Journal, Volume 3 No. 4, December 2024, p. 984

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Prosecution plays a strategic role in determining whether a case should proceed to trial or be dismissed based on specific legal considerations. In practice, law enforcement through prosecution must be based on the principles of justice, legal certainty, and expediency. However, in practice, the prosecution of criminal offenses often does not align with this spirit, as many minor cases are still brought to court without considering the principles of justice and humanity. One such minor case, with small losses but resolved through the criminal justice system, which requires expensive and lengthy legal proceedings, is theft, as regulated in Articles 262 to 367 of the Criminal Code. However, theft cases involving small losses, or those with consideration for the perpetrator's circumstances, should be resolved outside the courts.

Based on the above conditions, the prosecutor's office issued Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution based on Restorative Justice. Article 1 paragraph (1) of Regulation No. 15 of 2020 defines restorative justice as the resolution of criminal cases by involving the perpetrator, victim, the perpetrator's or victim's family, and related parties to jointly seek a just resolution by emphasizing restoration to the original state and not revenge.

Regulation No. 15 of 2020 was issued to accommodate restorative justice solutions. The considerations state that resolving criminal cases by prioritizing restorative justice, which emphasizes restoration to the original state and a balance of protection and interests of victims and perpetrators of criminal acts that is not oriented towards revenge, is a legal need of society and a mechanism that must be established in the implementation of prosecutorial authority and reform of the criminal justice system. The authority of the Prosecutor to implement the termination of prosecution, which is carried out by considering local wisdom and values of justice that live in society, has a significant meaning in order to accommodate the development of legal needs and a sense of justice in society that demands a change in the paradigm of law enforcement and solely realizing retributive justice to restorative justice.<sup>7</sup>

Basically, the termination of prosecution is based on Article 140 paragraph (2) a of the Criminal Procedure Code which stipulates that in the event that the public prosecutor decides to terminate the prosecution because there is insufficient evidence or the incident turns out not to be a criminal act and/or the case is closed by law, the public prosecutor shall state this in a decision letter. The basis for terminating the prosecution because it is closed by law includes things such as the defendant's death, *Ne bis in idem*, and the statute of limitations.<sup>8</sup>

Termination of prosecution can basically only be carried out in a limited manner as stipulated in Article 140 paragraph (2) a of the Criminal Procedure Code, however with the enactment of Regulation No. 15 of 2020, flexibility regarding the authority of the public

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<sup>7</sup>Risnawati Br Ginting, Ediwarmana, Edi Yunara, Marlina, Termination of Prosecution Through the Implementation of Restorative Justice at the Prosecutor's Office Level, *Locus Journal of Academic Literature Review*, Volume 2 Issue 10, October 2023, p. 791

<sup>8</sup>Irene Trinita Makarewa, Debby Telly Antow, Daniel F. Aling, Analysis of Termination of Investigation and Prosecution Based on the Criminal Procedure Code, *Lex Crimen*, Vol. X/No. 9/Ags/2021, p. 91

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prosecutor to issue a discretion regarding the termination of prosecution with the consideration of prioritizing the principle of restorative justice can open up space for perpetrators and victims to work together to formulate a solution to the problem in order to restore the original situation.

At the Pekalongan District Prosecutor's Office, the prosecution of the suspect ECRW has been stopped, who is suspected of committing the crime of theft as regulated in Article 362 of the Criminal Code. The suspect took items in the form of 1 unit of Mobile Phone, white gold jewelry in the form of earrings but only on the right side and money amounting to Rp. 75,000, - The money he took while washing clothes in the clothes he was going to wash and also in a shopping bag, while the cellphone was taken in a room at the back of the house, while the earrings were taken when sweeping the floor of the house and found the earrings. Due to this incident, the victim suffered a loss of Rp. 5,000,000, -

In this case, the prosecutor argued that the case could be resolved based on restorative justice, where a peace agreement has been reached between the victim and the suspect. If the suspect has admitted his actions, is cooperative, and is willing to return or compensate the victim's losses, resolving the case through a restorative justice approach is a wise step. This approach allows for recovery for the victim, both materially and emotionally, and provides the perpetrator with the opportunity to correct their mistakes without having to serve a prison sentence. The application of restorative justice at the prosecution stage also supports the efficiency of the criminal justice system by reducing the caseload in courts and correctional institutions. Therefore, the policy of terminating criminal prosecutions based on restorative justice is important as a manifestation of the implementation of the principles of restorative justice, which prioritize peace and recovery between the perpetrator and the victim. Therefore, pThis study aims to examine and analyze the effectiveness of prosecution in resolving theft crimes based on restorative justice.

## **2. Research Methods**

The approach used is a sociological-juridical approach, with descriptive analytical research specifications. The data used are primary and secondary, so data collection utilizes field studies and library research. The data analysis method is qualitative analysis.

## **3. Results and Discussion**

### **3.1. Implementation of Termination in Criminal Acts of Theft Based on Restorative Justice**

The Pekalongan District Attorney's Office's discontinuation of prosecution for theft is a manifestation of a more humane and restorative approach to justice in the Indonesian criminal justice system. Based on Prosecutor's Regulation Number 15 of 2020 concerning the Discontinuation of Prosecution Based on Restorative Justice, the prosecutor's office has the authority to discontinue prosecution of a case if several substantive and procedural requirements are met.<sup>9</sup>In practice, the termination of prosecution is often applied to cases

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<sup>9</sup>Ahmad Fauzi, Afandi, Arfan Kaimudin, Termination of Prosecution Based on the Regulation of the Attorney General of the Republic of Indonesia No. 15 of 2020 Concerning Termination of Prosecution Based on Restorative Justice, *Dinamika*, Volume 28 Number 8 January 2022, pages 4228-4245

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of theft that are relatively minor, especially if the perpetrator is a first-time offender, the suspect has compensated the victim or there has been a settlement, and the value of the evidence is relatively small.<sup>10</sup>

Termination of investigations based on restorative justice not only serves as a mechanism for efficiency in the justice system but also reduces unnecessary trials and serves as a form of substantive justice and social restoration. In many cases of termination of prosecution, the perpetrator and victim have reached amicable agreements; evidence has been returned or losses have been compensated; and the perpetrator has demonstrated good faith and a commitment not to repeat the offense.<sup>11</sup> Thus, the policy of terminating prosecution proves that law enforcement in Indonesia can accommodate humanitarian values and restorative justice, not just formal action.

Based on research results, the Pekalongan District Attorney's Office received 69 theft cases from investigators in 2023. In 2024, 59 cases were received, of which 2 were resolved based on restorative justice. In 2025, 27 cases were resolved, with 1 case resolved based on restorative justice. With the resolution of cases based on restorative justice, prosecution of these cases was discontinued.

The stages in terminating the prosecution of the crime of theft at the Pekalongan District Attorney's Office are as follows:<sup>12</sup>

#### 1. Examination of case files

After receiving the case files from investigators, the public prosecutor immediately examines them. Based on the results of this investigation, the prosecutor has a choice as to whether the case can be resolved through restorative justice. If the criteria for restorative justice are met, the prosecutor will offer the parties a restorative justice resolution upon the handover of the suspect and evidence.

#### 2. Peace facilitation

The facilitator prosecutor invites the suspect, victim, the victim's family and the suspect's family, community leaders, investigators and other interested parties to carry out mediation.

#### 3. Peace process

The peace process was held on August 26, 2025, at the Pekalongan Regency District Attorney's Office Hall. The parties present at the peace process were the Head of the Pekalongan Regency District Attorney's Office, the Head of the Criminal Investigation Unit,

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<sup>10</sup>I Nyoman Tiarta Kurniawan, I Made Wirya Darma, Breakthroughs in Criminal Law Through Termination of Prosecution of General Criminal Cases Based on Restorative Justice, *Vyavahara Duta*, Volume XVIII, No. 2, October 2023, pp. 50-59

<sup>11</sup>In a Humane Manner, the General Prosecutor's Office Approves the Termination of a Motorcycle Theft Case by the Jembrana District Attorney's Office. <https://kejati-bali.kejaksaan.go.id>, accessed November 30, 2025.

<sup>12</sup>Results of an interview with Fitriana Charrisa Putri, as Head of the Pre-Prosecution Subsection at the General Crimes Section of the Pekalongan District Prosecutor's Office, November 24, 2025.



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the facilitator prosecutor, the suspect, the suspect's husband, the victim, the victim's family, the victim's neighborhood association (RT) head, village officials, and investigators' witnesses.

#### 4. Preparation of the Peace Process Report

After the peace process is successful, the facilitating prosecutor prepares a peace process report, which contains information about the fulfillment of the requirements for termination of prosecution. In this case, the Public Prosecutor, in implementing the termination of prosecution based on Restorative Justice, adheres to three principal requirements:

- a. The suspect has committed a crime for the first time (Article 5 paragraph (1) letter a);
- b. The criminal threat is a fine or imprisonment of no more than 5 years (Article 5 Paragraph (1) letter b);
- c. There has been an agreement on peace and restoration to the original state between the victim and the suspect and
- d. There has been a peace agreement between the victim and the suspect.
- e. The community responded positively (Article 5 paragraph (6) letters b and c)./ The community responded positively

#### 5. Preparation of minutes of the implementation of peace

Once the peace process is complete and a mutual agreement has been reached, a peace agreement report is prepared and signed by the suspect, victim, and witnesses. The peace agreement report also serves as proof/receipt of the peace agreement from the suspect to the victim.

#### 6. Case exposure

The public prosecutor (facilitator) presented the case to the Central Java High Prosecutor's Office to obtain approval to discontinue prosecution. The facilitator outlined the issues encountered during the mediation process, all of which were presented sequentially from the High Prosecutor's Office to the Attorney General's Office.

#### 7. Issuance of a decree

Based on the letter of request for Termination of Prosecution from the Pekalongan District Attorney's Office, the Central Java High Prosecutor's Office has approved it, so that the Pekalongan District Attorney's Office subsequently issued a Case Settlement Decree based on Restorative Justice.

#### 8. Termination of prosecution

The issuance of a case settlement letter based on restorative justice is followed by the termination of prosecution. If the suspect is detained, the public prosecutor will

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immediately release the suspect from detention. In the case of theft with the suspect ECR, the suspect was detained during the investigation process. With the decision to settle the case based on restorative justice, the suspect will be immediately released by the public prosecutor.

#### 9. Notification to investigators and courts

The public prosecutor (facilitator) of the Pekalongan District Prosecutor's Office made a notification letter to the investigator and also the Pekalongan District Court that the case on behalf of the suspect had been resolved based on restorative justice.

#### 10. Announcement

The announcement is an official notification from the Pekalongan Regency District Attorney's Office regarding the termination of prosecution in a theft case involving suspect ECR, which was resolved through restorative justice. The decision to terminate prosecution is announced to the public. In this case, the Pekalongan Regency District Attorney's Office announced the termination of prosecution through a press release or press conference.

Based on the description above, it can be seen that the implementation of the termination of the crime of theft based on restorative justice has been carried out in accordance with Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. The principle of restorative justice emphasizes the restoration of the victim's losses and provides space for the perpetrator to be directly responsible. In the example of the theft case, there is no suspect who has compensated the victim's loss of Rp 5,000,000. The peace process involves all parties and is carried out through dialogue and mediation between the victim, the perpetrator, and the community, so that the resolution of the case is reached through deliberation to reach a consensus. This mechanism can prevent negative impacts on the perpetrator, such as the emergence of stigma. The approach focuses on the recovery of the victim's condition and the perpetrator's accountability for his actions. The agreement reached through the deliberation reflects the values of justice.

### 3.2. Weaknesses of Termination of Prosecution in Restorative Justice-Based Theft Crimes

Restorative justice-based prosecution termination requires strong collaboration between the community and the government to create conditions that allow victims and perpetrators to resolve conflicts peacefully. This approach returns the issue to the parties most affected—the victims, perpetrators, and the interests of the community—by prioritizing their needs and interests. Restorative justice also emphasizes the fulfillment of human rights and the importance of understanding the impact of social injustice, then redressing it through more humane means, rather than simply imposing formal legal sanctions on perpetrators while depriving victims of justice. Furthermore, restorative justice

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seeks to restore victims' sense of security, respect their dignity and honor, and, most importantly, restore control over themselves.<sup>13</sup>

Restorative justice has provided many benefits, but in practice, the termination of the prosecution of theft cases has several limitations and potential problems. Some of these weaknesses include:

1. Restorative justice has not been expressly regulated in law (KUHP)

The Criminal Procedure Code (KUHP) does not regulate the mechanism for terminating prosecution based on restorative justice. Consequently, the legal basis for restorative justice remains derivative, not *lex primaria*. Prosecutors exercise discretion based on the Prosecutor's Office Law and Perja No. 15 of 2020, rather than the Criminal Procedure Code. This is prone to differences in interpretation and inconsistent practice. This is a weakness because RJ has not been an integral part of the criminal justice system under the primary law (KUHP). This raises issues regarding legal certainty, victim protection, limits on authority, and oversight mechanisms.

This is different from the concept of restorative justice in The United States is a pioneer in the application of restorative justice. Beginning in 1970, the restorative justice process, victim-offender mediation (VOM), has been implemented in North America. This process provides victims with the opportunity to question the perpetrator's reasons for their crimes and demand direct accountability.<sup>14</sup>

In the United States, at least 45 states have adopted a restorative justice approach into their state legislation. This regulation is indeed the authority of each state jurisdiction to incorporate the concept of restorative justice into its justice system. According to Gonzalez's research, only 5 of the 50 states have not integrated restorative justice into their laws.<sup>15</sup>

2. Termination of prosecution based on restorative justice depends on the willingness of all parties.

Termination of prosecution for theft crimes based on restorative justice depends heavily on the willingness of all parties, both the victim and the perpetrator, to reconcile and cease prosecution. If any party is unwilling to reconcile, the theft case will not be resolved through restorative justice, even when the victim's losses are very small or even if the losses have been reimbursed.

3. There is a need for trained and professional facilitator prosecutors to handle cases.

Termination of prosecution based on restorative justice requires a peace process facilitated by a prosecutor-facilitator. Therefore, a trained prosecutor-facilitator is needed to

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<sup>13</sup>Putri Qomariyah Dewi Kumala, Samsul Huda, Hasan Basri, Restorative Justice as an Alternative Effort to Resolve Criminal Acts in Indonesia Based on the Republic of Indonesia Attorney General's Regulation Number 15 of 2020, *Justness, Journal of Political and Religious Law*, Vol. 4 No. 02, December 2024, p. 16

<sup>14</sup>Andika Ramadhani Wibowo Mukti, Rahtami Susanti, Comparative Study of the Implementation of Restorative Justice in Indonesia and the United States, *Wijayakusuma Law Review*, Vol. 5, No. 1, June 2023, p. 73

<sup>15</sup>*Ibid.*, p. 75



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effectively guide dialogue and mediation. Furthermore, facilitators may be subjective in assessing whether restorative requirements are met, with differing interpretations of Regulation No. 15 of 2020, or inconsistent implementation standards across prosecutors' offices. These conditions can lead to inconsistencies, potentially leading to disparities in treatment between cases that are actually similar.

#### 4. Limited number of prosecutors and limited time<sup>16</sup>

The limited number of personnel in the prosecutor's office is a weakness in the implementation of restorative justice because it hinders data collection, increases the risk of inaccurate information, reduces the quality of assistance, weakens monitoring, and limits coordination with the community. All of this has the potential to disrupt the successful resolution of cases peacefully and fairly for all parties.

#### 5. There is potential for injustice for the victims

Not all victims are on equal footing when entering the mediation process. Victims may feel pressured to forgive, agree to a settlement out of fear or a desire for a protracted process, or accept compensation that is disproportionate to the emotional or material losses they have suffered. This can lead to substantive injustice, especially if victims are not provided with adequate support.

#### 6. Ignoring the deterrent effect for the perpetrator

In certain cases, sanctions imposed through restorative justice may be deemed insufficiently deterrent to perpetrators, potentially leading to repeat offenses. Restorative justice can be exploited as a shortcut to avoid formal punishment. Perpetrators may manipulate the process by feigning remorse. This creates a risk of moral hazard, particularly in the case of theft, which tends to be repeated.

#### 7. Weak oversight of the peace agreement

After the perpetrator and victim agree to a settlement, implementation of the agreement is often not strictly monitored. This can result in the perpetrator failing to comply with the entire agreement, the victim lacking an effective mechanism to demand compliance, and authorities lacking specific tools for long-term evaluation. This lack of oversight diminishes the effectiveness of the restoration promised by restorative justice.

### **3.3. The Effectiveness of Termination of Prosecution in Fraud Crimes Based on Restorative Justice**

Restorative justice is essentially a process of restoring relationships and making amends for the wrongs committed by the perpetrator against the victim through peacemaking mechanisms outside of formal justice. This approach aims to resolve legal issues arising from criminal acts peacefully through mutual agreement between the parties. The primary focus

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<sup>16</sup>Results of an interview with Janu Wodono, Head of the Asset Recovery and Evidence Management Section at the Pekalongan District Prosecutor's Office, November 28, 2025

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of restorative justice is the establishment of a fair judicial process, in which the perpetrator, victim, and community are actively involved.

In practice, this approach involves the perpetrator, victim, community, mediator, and law enforcement officials to jointly determine appropriate sanctions for the perpetrator and appropriate compensation for the victim or community. Even in indigenous traditions, mediation has long been practiced, typically led by traditional leaders, tribal chiefs, community leaders, or elders. Therefore, the concept of restorative justice is not entirely new in criminal case resolution, but rather a part of Indonesian traditional and cultural values that have been passed down from generation to generation.<sup>17</sup>

The suspension of prosecution in theft crimes, based on restorative justice, aims to achieve a more humane, expeditious, and restorative resolution of cases. However, in practice, the effectiveness of this policy depends heavily on numerous factors, including clarity of the legal basis, the quality of the prosecution, and public response.

Normatively, the termination of prosecution is considered effective when it provides legal certainty for both the perpetrator and the victim, reduces the caseload in court, and creates a more balanced resolution between the interests of the victim, the perpetrator, and the community. However, this effectiveness is often hampered by limited resources within the Prosecutor's Office, such as a disproportionate number of personnel to the caseload, varying prosecutorial competencies in conducting penal mediation, and a lack of supporting facilities to enable optimal dialogue.

At the Pekalongan District Attorney's Office, the termination of prosecutions in theft cases based on restorative justice has not been fully effective. This is because several theft cases planned for resolution based on restorative justice failed. However, cases resolved based on restorative justice have been effective. This is supported by several factors, including supportive regulations, limited personnel, adequate infrastructure, and community support.

Based on the results of research at the Pekalongan District Prosecutor's Office, the existing personnel are 9 prosecutors, 4 of whom are actively handling criminal cases, 5 others assist the criminal case for pre-prosecution and are assigned to their respective fields, 12 employees consisting of 5 civil servants consisting of 2 prospective prosecutors and 3 civil servant administration personnel consisting of 7 people consisting of 3 prisoner escorts and others office administration. Judging from this number, it is still inadequate in resolving cases based on restorative justice.

Given that the restorative justice process requires data collection and information gathering to support case resolution based on restorative justice, the limited number of prosecutors makes data collection somewhat lengthy.

To resolve cases based on restorative justice, the Pekalongan Regency District Attorney's Office has also conducted outreach to village officials in 19 sub-districts, comprising 13

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<sup>17</sup> Indi Nuroini, The Effectiveness of Restorative Justice Implementation in Criminal Cases in Indonesia, *Cahaya Mandalika Journal*, Vol. 5, No. 1, 2024, p. 821

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urban villages, and 272 villages. Essentially, they are ready to facilitate the resolution of cases based on restorative justice involving their residents.

To support the peace process, the Pekalongan District Attorney's Office currently has four RJ Houses inaugurated: one in Kajen District, one in Wiradesa District, one in Kedungwuni District, and one in the Prosecutor's Office. This number is currently sufficient to facilitate the implementation of case resolution based on Restorative Justice.

Resolving cases based on restorative justice is inseparable from community participation. In this regard, the public response to the restorative justice-based case resolution implemented by the Pekalongan Regency District Attorney's Office has been quite positive.

It should be noted that the emphasis of case resolution based on Restorative Justice is the return/improvement to the original state, meaning that there is no longer any fault between the Defendant and the victim witness, where both have sincerely accepted the resolution of this case, where the Defendant has fully reimbursed the victim witness's losses and the victim witness has also forgiven the actions of the perpetrator, or in other words, Restorative Justice is the resolution of criminal cases by involving the perpetrator, the victim, the perpetrator/victim's family, and other related parties to jointly seek a fair resolution by emphasizing restoration to the original state, and not revenge.

There are several values that must be fulfilled in resolving cases based on the Prosecutor's Restorative Justice, namely the subject, object, category, and threat of the crime; the background to the crime; the level of blameworthiness; the losses or consequences resulting from the crime; the cost and benefit of handling the case; restoration to the original state; and the existence of peace between the victim and the suspect.

ThatThe culture of the community in the Pekalongan Regency District Attorney's Office itself in responding to case resolution based on Restorative Justice is very enthusiastic and understands whether a crime can be categorized as being able to be resolved based on Restorative Justice or not. This is because the Pekalongan Regency District Attorney has routinely socialized the terms and conditions for case resolution based on Restorative Justice to the community on a regular basis, so that their understanding of a crime that can or cannot be resolved using the Restorative Justice Approach is already very clear. In essence, the response and culture of the Pekalongan Regency community is open and positive towards case resolution based on Restorative Justice or must be carried out prosecution as *Ultimum Remedium*.

At the Pekalongan Regency District Attorney's Office, restorative justice-based criminal resolution has been effectively implemented. The process of terminating investigations has been carried out in accordance with Regional Regulation No. 15 of 2020. From the review of case files to the settlement process and the conclusion of an agreement, everything is based on Regional Regulation No. 15 of 2020.

Terminating the prosecution of theft crimes based on restorative justice can reduce overload in detention centers and prisons. Case resolution based on restorative justice can reduce the volume of case files, particularly in the judicial system. This can be seen from

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several benefits, including reducing pressure on the legal system and accelerating case resolution. Restorative case resolution offers an alternative for faster and more efficient case resolution without having to go through formal court procedures. In many cases, especially for perpetrators of minor crimes or first-time offenses, mediation between the perpetrator and victim can result in a fair settlement agreement. This allows cases to be resolved out of court, thereby reducing the number of files submitted to the courts. The Pekalongan Regency District Attorney's Office has only resolved three theft cases out of a total of 155 over the past three years. This number indicates that many theft cases are still being processed criminally and resulting in prison sentences.

#### 4. Conclusion

The implementation of the termination of prosecution in the crime of theft based on restorative justice at the Pekalongan Regency District Attorney's Office has been carried out in accordance with Regulation Number 15 of 2020, namely fulfilling formal and material requirements as well as procedures according to the provisions. Weaknesses in the termination of prosecution in the crime of theft based on restorative justice include internal factors of the prosecutor's office and external factors that can hinder the achievement of restorative justice goals. The termination of prosecution in the crime of theft based on restorative justice has not been fully effective, considering that many cases planned to be resolved based on restorative justice failed. However, cases that have been resolved based on restorative justice have been effective.

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