

Implementation of Termination of Prosecution in the Criminal Action of Motor Vehicle Embezzlement Based on Restorative Justice

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Abstract. *Fraud or embezzlement is one form of crime that is grouped into crimes against people's property. Provisions regarding this crime are generally regulated in Article 378 to Article 395 of Book II Chapter XXV of the Criminal Code. The purpose of this study is to determine and analyze the Implementation of Termination of Prosecution in the crime of Motor Vehicle Embezzlement based on restorative justice at this time; to determine and analyze the obstacles in the implementation of Termination of Prosecution in the crime of Motor Vehicle Embezzlement based on restorative justice at this time; and to determine and analyze the Implementation of Termination of Prosecution in the crime of Motor Vehicle Embezzlement based on restorative justice in the future. The type of research conducted in this study is a normative legal approach. The implementation of the termination of prosecution in the crime of motor vehicle embezzlement based on restorative justice at the Klaten District Attorney's Office has been implemented in accordance with the Republic of Indonesia Attorney General's Regulation Number 15 of 2020. The termination of prosecution is carried out responsibly by considering the consent of the victim and the perpetrator and the fulfillment of subjective and objective requirements, such as the suspect is committing a crime for the first time, the criminal threat is not more than five years, there is a peace agreement, the restoration of the original condition by the suspect, and community support. However, this implementation faces major obstacles, namely the time limitation of 14 days in the statutory regulations which is considered not comparable to the process of terminating prosecution and cultural factors in the form of low awareness of victims to forgive the perpetrator.*

Keywords: *Embezzlement; Justice; Prosecution; Restorative.*

1. Introduction

Crime continues to be rampant in the lives of the community from very small cases to cases that claim victims, from this the community who are in the position of the criminal circle are confused about what to do. Until now, in resolving criminal cases, they still use the litigation or judicial path through settlement in justice. Both parties involved must undergo a trial process.¹ Criminal acts in the community environment give rise to legal consequences that anyone who violates the provisions of material criminal law as regulated in the Criminal Code (KUHP) or provisions of criminal law outside the Criminal Code will be faced with a criminal justice process based on the provisions of formal criminal law as regulated in the Criminal Procedure Code (KUHAP).

Fraud is a form of crime that is grouped into crimes against people's property. The provisions regarding this crime are generally regulated in Articles 378 to 395 of Book II, Chapter XXV of the Criminal Code. Article 378 regulates the crime of fraud in the narrow sense (*oplichting*) and other articles regulate the crime of fraud in the broad sense (*bedrog*) which have their own specific names. In this case, fraud with the mode of sugar procurement business is included in the crime of ordinary fraud or fraud in the main form, so that it can be prosecuted under Article 378 of the Criminal Code. In the provisions of the Criminal Code, the word "fraud" or "bedrog" is used, because in fact in this chapter a number of acts are regulated that are directed at property, where the perpetrators have used acts that are deceptive or used trickery.

The presence of Attorney General Regulation Number 15 of 2020 concerning the termination of prosecution based on restorative justice which was enacted on July 22, 2021, is a breakthrough in the resolution of criminal acts. Restorative justice is the resolution of criminal cases at the prosecution level or at the prosecutor's office by involving the suspect, victim, family of both parties, and related parties. The purpose of restorative justice is to seek justice based on conscience. Efforts to resolve problems outside the court carried out by perpetrators of criminal acts and victims of criminal acts are expected to be the basis for consideration in the process of examining perpetrators of criminal acts in court in imposing criminal sanctions by the judge/panel of judges.²

The termination of prosecution formulated in the Regulation on Termination of Prosecution is oriented towards the principle of restorative justice implemented by the public prosecutor with the conditions as stipulated in Article 4 of the Regulation on Termination of Prosecution³.

¹ Marlina, *Juvenile Criminal Justice in Indonesia, Development of the Concept of Diversion and Restorative Justice* (Bandung: Refika Aditama, 2009).

² Leden Marpaung, *Principles and Theories of Criminal Law Practice* (Jakarta: Sinar Grafika, 2008).

³ Andi Muhammad Sofyan, *Criminal Procedure Law* (Jakarta: Kencana, 2020).

The case that occurred at the Klaten District Attorney's Office regarding fraud or embezzlement of a Honda Motorcycle with the police number AD 3203 KQ in the name of suspect Hidayat Budiyo bin Samin who is suspected of violating Article 372 of the Criminal Code or Article 378 of the Criminal Code with a maximum prison sentence of 4 years against the victim Wisnu Danu Saputro in the handling of the case has been terminated prosecution based on a letter of termination of prosecution (SKPP).

2. Research methods

The type of research conducted in this study is a normative legal approach and supported by an empirical legal approach. With this approach, researchers will obtain information from various aspects regarding the issue being tried to find an answer. The approaches used in legal research are the Law approach (state approach), case approach (case approach), historical approach (historical approach), comparative approach (comparative approach) and conceptual approach (case approach).⁴ Regarding the factors that cause crimes of fighting between groups, the author uses a legislative approach and a case approach.

3. Results and Discussion

3.1. Implementation of Termination of Prosecution based on Republic of Indonesia Attorney General's Regulation Number 15 of 2020

The term authority or authority is often equated with the Dutch term "bevoegdheid". Regarding authority, it can be seen from the state constitution which provides legitimacy to public bodies and state institutions in carrying out their functions. Authority is the ability to act granted by applicable laws to carry out legal relations and actions.⁵ Authority is the scope of public legal action which not only includes the authority to make government decisions (bestuur), but also includes authority in the context of carrying out tasks, and granting authority and the distribution of authority is primarily determined in statutory regulations.⁶

The existence of the Republic of Indonesia Attorney General's Office as a law enforcement institution has a central position and strategic role in a country of law because the prosecutor's office institution is a filter between the investigation process and the examination process in court.⁷ In relation to this, if correlated with the determination of Indonesia as a country of law, then in fact it has placed the Prosecutor in a strategic position in the aspect of law enforcement in Indonesia, for this reason, every Prosecutor as a law enforcement officer is

⁴ Mukti Fajar and Yulianto Achmad, *Dualism of Normative and Empirical Legal Research* (Yogyakarta: Pustaka Pelajar, 2009).

⁵ Leden Marpaung, *Principles and Theories of Criminal Law Practice* (Jakarta: Sinar Grafika, 2008).

⁶ Lutfi Efendi, *Principles of State Administrative Law* (Malang: Bayumedia, 2004).

⁷ Marwan Effendy, *Indonesian Attorney General's Office: Its Position and Function from a Legal Perspective* (Jakarta: PT Gramedia Pustaka Utama, 2005).

required to act professionally and with integrity so that through the roles and functions they have, it is hoped that they can create legal order in society in order to create a safe and orderly condition in all aspects of national and state life.

Restorative justice is an extension of the theory of justice with a different approach. In the concept, criminal acts are seen as a social disease that must be cured, not as an unlawful act.⁸ Restorative justice is a theory that places the position of the victim or his/her family as having the right to treat the perpetrator of the crime the same as treating the victim. Restorative justice also places a higher value on direct involvement by the parties. The victim is able to restore the element of control, while the perpetrator is encouraged to take direct responsibility as a step to correct the mistakes caused by the crime and in order to build his/her social value system.⁹

Based on this, the resolution of criminal cases that occur in society is prioritized to prioritize efforts to find the best solution for the interests of victims and perpetrators so that criminal sanctions are not the main focus of resolving the case, this is certainly in line with the principle of *ultimum remedium*, namely that criminal sanctions are the last resort that can be imposed on the perpetrator. This concept, if correlated with Article 2 of the Perja on Termination of Prosecution which determines that the termination of prosecution based on restorative justice is carried out based on the principles of a. justice, b. public interest, c. proportionality, d. criminal as a last resort, d. fast, simple and low cost, then it can be understood that the resolution of criminal cases with a restorative justice model is considered more ideal in society.

The issuance of the Perja on Termination of Prosecution is the full authority of the Attorney General as an implementation of the provisions of Article 35 Paragraph (1) letter a of the Attorney General's Law. The position of the Perja on Termination of Prosecution is part of the Attorney General's efforts to build a new mechanism in the implementation of the authority to prosecute and renew the criminal system which is a legal need of society today, namely the creation of a settlement of criminal cases that prioritizes a balance between protection and interests for victims and perpetrators so that it is no longer oriented towards punishment of the perpetrator.

The Head of the Klaten District Attorney's Office in an interview conducted by the author explained that the existence of the Perja Penghentian Penutan is not only seen from the aspect of its legitimacy and is seen as an expression of social values but is a system that works for the benefit of the community in order to

⁸ Cholida Hanum, "Prospects of Restorative Justice in Indonesian Legislation," *Veritas* 7, no. 1 (2023): 1–18, <https://doi.org/10.34005/veritas.v7i1.1231>.

⁹ OC Kaligis, *Legal Protection of the Human Rights of Suspects, Defendants and Convicts* (Bandung: Alumni, 2006).

resolve criminal cases that can be considered more humane and just. With the shift in the paradigm of resolving criminal cases from retributive justice that is oriented towards punishment based on criminal law provisions towards restorative justice through a peace mechanism supported by the existence of normative means of resolving criminal cases outside the court, the existence of the Perja Penghentian Penutan which provides and considers the basis of equal and balance between the perpetrator, victim, community and state can be considered as an efficient regulation or policy.

Termination of prosecution based on restorative justice is the termination of prosecution of a criminal case that has been resolved out of court through a series of peace processes between the victim, perpetrator, and the victim/perpetrator's family facilitated by the public prosecutor based on the terms and procedures as regulated in the Termination of Prosecution Regulation. It is called restorative because this termination of prosecution is based on the restoration of relations or redemption of guilt by the perpetrator towards the victim so that the criminal problem that arises can be resolved fairly between the perpetrator and the victim.

Law enforcement institutions have two inherent elements, namely institutions or organs and perpetrators of law enforcement institutions or apparatus. The influence of law enforcement institutions is limited to the system that exists in the institution considering that the institution is interpreted as being in a silent condition with a fixed pattern or structure, then only operating or moving with the inclusion of perpetrators or apparatus into the legal institution.¹⁰

The legitimacy granted by the Prosecutor's Office Law and the Criminal Procedure Code to the Prosecutor both in his capacity as a functional official and as a Public Prosecutor has legally placed the Prosecutor as a law enforcement officer who carries out the function of enforcing the law on the occurrence of a crime in society. Thus, everything related to the duties and functions carried out by the Prosecutor in the scope of law enforcement, especially in the scope of termination of prosecution based on restorative justice as regulated in Article 30C letter d of the Prosecutor's Office Law and as stated in paragraph 5 (five) of the General Explanation of the Prosecutor's Office Law can certainly be interpreted as a formal legal action based on attribution authority, namely authority derived from statutory regulations.

3.3. Implementation of Termination of Prosecution in the Criminal Act of Embezzlement of Motor Vehicles Criminal Cases on the Basis of Restorative Justice

¹⁰ Kadri Husin, Textbook of Criminal Justice System (Bandar Lampung: Criminal Law Section, Faculty of Law, University of Lampung, 2016).

Humans and law are 2 (two) entities that cannot be separated, even in legal science there is a famous adage that says *ubi societas ibi ius* which means where there is society there is law. This can be described that in every formation of a social structure called society, there will always be a material that acts as a "glue cement" for the various components that form that society, and what functions as the "glue cement" is the law.¹¹

Indonesia adopts an integrated criminal justice system which is based on the principle of functional differentiation, so that every law enforcement officer carries out law enforcement in accordance with the mechanism of the authority process given to each law enforcement officer based on what is regulated in the law.¹² The law enforcement officers included in this system consist of the Police, Prosecutor's Office, Courts and Corrections, which are implemented through a series of hierarchical processes starting from investigation, inquiry, prosecution, trial examination and corrections.

In relation to the implementation of the criminal justice system, the institution of the Prosecutor's Office as the organizer of power in the field of prosecution occupies a very important position both in relation to the investigation process and the examination in court. Although the Public Prosecutor can only exercise his authority after receiving the results of the investigation from the investigator or assistant investigator, however, if we look closely at the provisions of Article 14 letter a of the Criminal Procedure Code in conjunction with Article 138 of the Criminal Procedure Code, it is known that the function of the Public Prosecutor also plays a role in the implementation of the investigation carried out by the Investigator, especially in terms of providing an evaluation of whether the results of the investigation carried out are considered complete or not. Furthermore, in relation to the examination of criminal cases in court, if we look closely at the provisions of Article 139 of the Criminal Procedure Code and Article 140 paragraph (1) and paragraph (2) letter a of the Criminal Procedure Code, it can also be understood that the Public Prosecutor is the party who holds control over the continuation of the examination of cases in court, because by referring to these provisions, the Public Prosecutor can determine his attitude regarding whether or not the investigation case files that have been declared complete can be transferred to the court which is followed up by the preparation of an indictment for the purposes of prosecution, on the other hand the Public Prosecutor can also take a stance to stop the prosecution process.

The Head of the General Crime Section of the Klaten District Attorney's Office explained that, the termination of prosecution on the basis of restorative justice based on the *Perja Penghentian Penutan* is a manifestation of progressive law,

¹¹ Guntur Setiawan, *Implementation in Development Bureaucracy* (Jakarta: Balai Pustaka, 2014).

¹² M. Yahya Harahap, *Discussion of Problems and Application of the Criminal Procedure Code for Investigation and Prosecution* (Jakarta: Sinar Grafika, 2010).

considering that law enforcement by prioritizing the sense of justice of the community is currently considered very important because it could happen that there is a case that is textually considered to fulfill the legal elements in accordance with the Article in the provisions of the criminal law that was violated, but if the case is still examined, it will actually hurt the sense of justice that lives in the community. Thus, every Prosecutor who is or will handle a criminal case has an obligation to act more carefully in providing an assessment of the case in question in order to optimize the implementation of the Perja Penghentian Penutan throughout Indonesia.

In line with this opinion, the Head of the Klaten District Attorney's Office explained that the issuance of the Regulation on Termination of Prosecution cannot be separated from the emergence of various criticisms voiced by various groups, both the community, academics and from law enforcement officers themselves who experience a dilemma in relation to handling criminal cases, especially in the context of certain cases that can be interpreted or viewed as appropriate to be resolved outside the court. Thus, starting from the stipulation and enactment of the Regulation on Termination of Prosecution, all formal and material aspects of the process of terminating the prosecution of criminal cases on the basis of restorative justice must be implemented in accordance with the mechanism of the Regulation on Termination of Prosecution.

Furthermore, the Head of the General Crime Section of the Klaten District Attorney's Office explained that the use of restorative justice in resolving criminal cases by the Prosecutor's Office is basically aimed at repairing or restoring a criminal act committed by the perpetrator with other actions that can be beneficial for the victim, the perpetrator and the community compared to the imposition of criminal penalties. The results to be achieved in this process are a win-win solution that is based on the objectives of criminal law itself, namely the protection of society and guidance for perpetrators of criminal acts.

By observing the provisions of Article 1 number 1 of the Regulation on Termination of Prosecution which provides a definition of restorative justice as the settlement of criminal cases involving the perpetrator, victim, the perpetrator/victim's family and other related parties to jointly seek a just settlement by emphasizing restoration to the original state and not retaliation, it can be understood that the most essential thing in this effort is the creation of a settlement of criminal cases by the Public Prosecutor by means of restoration to the original state and not retaliation. Furthermore, if correlated with the provisions of Article 5 paragraph (6) of the Regulation on Termination of Prosecution, it has provided a concrete picture of what is meant by restoration to the original state carried out by the Suspect, including returning goods obtained from the crime to the victim, compensating the victim's losses, replacing costs

arising from the consequences of the crime and/or repairing damage caused by the consequences of the crime.

The authority to stop prosecution based on restorative justice by the Prosecutor is legally based on the prosecutor's discretion as stated in the General Explanation of the Prosecutor's Law paragraph 5 (five) that: the authority of the Prosecutor in implementing prosecutorial discretion (prosecutorial discretionary or *opportunititeit beginselen*) which is carried out by considering local wisdom and values of justice that live in society has an important 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 from merely realizing retributive justice (revenge) to restorative justice. For this reason, the success of the Prosecutor's task in carrying out prosecution is not only measured by the number of cases referred to the court, including the settlement of cases outside the court through penal mediation as an implementation of restorative justice that balances fair legal certainty and benefits.

The implementation of the prosecutorial discretion is legally carried out through penal mediation efforts as one of the authorities held by the Prosecutor based on the provisions of Article 30C letter d of the Prosecutor's Law. The concretization of the penal mediation process is carried out through the mechanism as regulated in the *Perja Penghentian Penutanan*. The existence of the Prosecutor as the organizer of penal mediation or facilitator of the implementation of the process of terminating prosecution based on restorative justice has relevance to the word of Allah in the Qur'an, Surah Al-Hujaraat verse 9, considering that the main objective of the Prosecutor in the penal mediation process is to achieve peace between the Victim and the Suspect so that the termination of prosecution based on restorative justice can be implemented.

By looking closely at the provisions of the Regulation on Termination of Prosecution, it can be seen that the mechanism for resolving criminal cases implemented through termination of prosecution based on restorative justice is carried out through several stages in a hierarchical manner starting from when the Public Prosecutor receives the transfer of responsibility from the Investigator for the Suspect, evidence and criminal case files, including the following:¹³

- 1) Termination of prosecution based on restorative justice is implemented by the Public Prosecutor based on the principles as regulated in Article 2 of the Regulation on Termination of Prosecution, namely the principle of justice, the principle of public interest, the principle of proportionality, the principle of last resort as well as the principle of speed, simplicity and low cost.

¹³ Andri Kristanto, "Study of Attorney General Regulation Number 15 of 2020 Concerning Termination of Prosecution Based on Restorative Justice," *Lex Renaissance Journal* 7, no. 1 (2022): 180–93, <https://doi.org/10.20885/jlr.vol7.iss1.art14>.

- 2) The Public Prosecutor studies the criminal case files by adjusting the matters as regulated in Articles 4 and 5 of the Regulation on Termination of Prosecution;
- 3) In the event that the case file is deemed to meet the qualifications for the process of terminating prosecution based on restorative justice, then based on the provisions of Article 7 of the Regulation on Termination of Prosecution, the Public Prosecutor offers peace efforts to the Victim and the Suspect;
- 4) Based on Article 8 of the Prosecution Termination Regulation, the Public Prosecutor summons the Victim by involving the Victim's family/Suspect's family, community leaders and other related parties in the context of peace efforts carried out at the local Prosecutor's Office. If the peace efforts are approved, then it is continued with the peace process and reported to the Head of the District Attorney's Office Branch/Head of the District Attorney's Office to be forwarded to the Head of the High Prosecutor's Office, if the case receives special attention from the community then the report is forwarded to the Attorney General of the Republic of Indonesia;
- 5) Based on Article 9 paragraph (5) of the Regulation on Termination of Prosecution, the peace process is carried out within a period of 14 (fourteen) days from the receipt of the transfer of responsibility for the suspect and evidence from the Investigator;
- 6) In the event that the peace efforts are rejected by the Victim or the Suspect, then based on Article 8 paragraph (7) of the Regulation on Termination of Prosecution, the Public Prosecutor will make a report, make a note of opinion that the criminal case will be referred to the court and immediately submit the case files to the court;
- 7) Furthermore, based on the provisions of Article 10 of the Termination of Prosecution Regulation, if the peace process is achieved, the Victim and Suspect make a peace agreement in writing and signed by the Victim and the Suspect witnessed by at least 2 (two) witnesses with the knowledge of the Public Prosecutor. At this stage, the Suspect can make efforts to restore the original condition as regulated in Article 5 paragraph (6) of the Termination of Prosecution Regulation in the form of returning goods obtained from the crime to the victim, replacing the victim's losses, replacing costs arising from the crime and/or repairing damage caused by the crime;
- 8) In the event that a peace agreement is not successful, then based on Article 10 paragraph (6) of the Regulation on Termination of Prosecution, the Public Prosecutor shall state that the peace agreement was not reached in the minutes, make a note of opinion that the case is being referred to the court and immediately transfer the case files to the court;

9) If a peace agreement is reached, then based on Article 12 of the Regulation on Termination of Prosecution, the Public Prosecutor reports this to the Head of the District Attorney's Office Branch/Head of the District Attorney's Office by attaching a report and opinion note to request approval for termination of prosecution based on restorative justice to the Head of the High Prosecutor's Office. The request for approval is submitted to the Head of the High Prosecutor's Office no later than 1 (day) after the peace agreement is reached, and the Head of the High Prosecutor's Office within 3 (three) days of receiving the request immediately determines the attitude of whether or not the termination of prosecution based on restorative justice can be carried out;

10) In the event that the Chief Prosecutor approves the termination of prosecution based on restorative justice, the Head of the District Prosecutor's Office Branch/Chief Prosecutor's Office shall issue a Letter of Decision on Termination of Prosecution no later than 2 (two) days after the approval from the Chief Prosecutor is received. However, if the Chief Prosecutor rejects the termination of prosecution based on restorative justice, the Public Prosecutor shall submit the case files to the court.

3.4. Inhibiting Factors in the Implementation of Termination of Criminal Case Prosecution on the Basis of Restorative Justice as an Implementation of the Republic of Indonesia Prosecutor's Office Regulation 15 of 2020

The existence of law should be considered not only to create order, but also to provide a sense of justice for the community. Legal justice certainly cannot be created by itself but must be applied by law enforcement officers in an actual manner so that it is in accordance with what has been determined or formulated in the intended legal regulations. The role of law enforcement officers in the criminal law enforcement process that has been ongoing continuously is at least based on the aim of preventing criminal acts by enforcing applicable legal norms, providing guidance to convicts in marketing institutions to free them from guilt for their actions, resolving conflicts arising from criminal acts and restoring balance and a sense of peace in society.

The tendency to use penal means in the event of a criminal law problem in society cannot be denied that it has the potential to cause various problems of its own, in addition to the inherent aspect of retaliation, penal means are also considered more oriented towards procedural actions with the final result being the imposition of criminal sanctions in prison on the perpetrator, while the interests of the victim who suffers from the perpetrator's actions are often ignored. In addition, the tendency to use penal means also does not provide a guarantee that the perpetrator will improve himself and not return to committing a crime after undergoing guidance in a correctional institution.

The Head of the General Crime Section of the Klaten District Attorney's Office in an interview conducted by the author explained that, penal efforts are legal implications of the occurrence of a crime in society that must be responded to by enforcing criminal law in accordance with the provisions that have been violated, the steps used in this effort are repressive so that the functionalization of criminal law is more prominent. However, penal efforts are not the only actions that can be applied, considering that currently by paying attention to the various dynamics that occur in the process of enforcing criminal law, law enforcement agencies, especially the Prosecutor's Office, are starting to pay attention to non-penal efforts that prioritize preventive nature, one of which is the termination of prosecution based on restorative justice.

Furthermore, based on the opinion of the Head of the Klaten District Attorney's Office, he explained that in the process of handling criminal cases, it can basically be resolved directly by the Prosecutor's Office without having to go through a trial process, but this must be done in accordance with the regulations in the criminal justice system, including through the use of the authority to stop prosecution based on the Criminal Procedure Code or the Termination of Prosecution Regulation and the authority to set aside cases based on the Prosecutor's Office Law by prioritizing the principle of opportunity held by the Attorney General to eliminate prosecution. This is part of the Prosecutor's Office's function as an institution that controls the case process or *dominus litis* considering that in the criminal justice system, the Prosecutor's Office is an institution that can determine whether or not a case can be submitted to court.

The success of the criminal justice system in resolving a crime that occurs in society, both in the scope of penal efforts and non-penal efforts, will certainly have a positive impact in the form of creating peace in the community, and vice versa when the criminal justice system is considered to have failed to respond to a crime, it can certainly have an impact on low public trust in law enforcement officers and has the potential to encourage the intensity of criminal acts in the community. In this regard, an effective law enforcement facility is needed regarding the resolution of a legal problem considering that the ultimate goal of the criminal justice system is to create a safe, orderly and regular community life.

Settlement of criminal cases at the prosecution level by the Public Prosecutor through the use of the authority to stop prosecution based on restorative justice by referring to normative provisions in the form of the Termination of Prosecution Regulation which prioritizes restorative justice by emphasizing the restoration of the original state and the fulfillment of the balance between the protection of the interests of the victim and the perpetrator so that the resolution of the case is not oriented towards revenge is a legal regulation issued as a result of the renewal of the criminal justice system in order to accommodate the legal needs of the community regarding the resolution of criminal cases.

After examining the substance of the Termination of Prosecution Regulation, it can be analyzed that the application of restorative justice in the provisions is intended as a settlement of a criminal case that does not end with a decision on who the losing party is and who the winning party is because the termination of prosecution process is not based on the aspect of material evidence related to the criminal incident committed by the Suspect. The process carried out prioritizes open dialogue between the Victim, the Suspect and their families and also involves community leaders and other parties who are considered to be able to provide positive input in connection with the dialogue process with the aim of jointly trying to resolve the criminal problems that arise without ignoring the aspect of responsibility for the Victim's losses that must be borne by the Suspect as a result of his criminal actions, so that what must be fulfilled in the termination of prosecution based on restorative justice is the restoration to the original state, the existence of a peace agreement and a positive response from the community.

4. Conclusion

The implementation of Termination of Prosecution in the Criminal Act of Motor Vehicle Embezzlement based on restorative justice at the Klaten District Attorney's Office based on the Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 has been implemented. Termination of prosecution based on restorative justice is carried out responsibly based on the agreement of the victim and the perpetrator, then submitted in stages by the Klaten District Attorney's Office where in the implementation of the Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020, the Prosecutor's Office prioritizes recovery efforts (restorative). Implementation of Termination of Prosecution in criminal acts of motor vehicle embezzlement based on restorative justice with the existence of Perja No. 15 of 2020, which previously termination of prosecution could only be carried out on a limited basis as stipulated in Article 140 of the Criminal Procedure Code, then with the enactment of this regulation, flexibility regarding the authority of the public prosecutor to issue a discretion related to termination of prosecution with the consideration of prioritizing the principle of restorative justice in other words, the policy of termination of prosecution based on the Perja opens up space for perpetrators and victims together in formulating a solution to the problem in order to restore the original situation.

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