

Penal Mediation as an Ideal Effort to Realize Restorative Justice

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Abstract. *The dynamics of the application of criminal law until now has not produced a deterrent effect should be able to find justice, order, and welfare can be used as a solution by prioritizing the concept of restorative justice in the form of penal mediation for certain cases. The purpose of this study is to analyze and examine the implementation of penal mediation in supporting the realization of restorative justice at the Class II B Open Penitentiary, Kendal Regency, Central Java Province. This research is a sociological juridical legal research using an empirical analysis approach and supported by primary legal materials and secondary legal materials. Secondary legal materials were obtained through direct interviews with officials at the Class II B Open Prison office in Kendal Regency and secondary data collection methods using library data. The data analysis method uses empirical qualitative methods. The results of the study show that the first: penal mediation has an important role in handling cases in the Class II B Open Prison in Kendal Regency. This is because penal mediation is carried out by bringing together the perpetrator and victim with a mediator of legal officers who aim to restore the perpetrator to a better direction and can be accepted back into society socially together with restorative justice which is essentially punishing the perpetrator but the punishment is educational in nature so that it provides benefits to both the perpetrator and the victim. Resolving a case by prioritizing deliberation in making decisions for the common interest is an original culture of the Indonesian nation so that it can be applied to resolve a conflict that does not yet have a strong legal umbrella as in the 4th principle of Pancasila. Second; The implementation of Penal Mediation in realizing restorative justice in the Class II B Open Prison in Kendal Regency can be carried out using the victim offender mediation model.*

Keywords: *Justice; Mediation; Penal; Restorative.*

1. Introduction

The dimensions of legal science are basically very broad like a "tree", law is a large and shady tree consisting of leaves, roots, branches, trunks, fruits that are very dense. Because the law is so dense, it can be studied from the perspective of its principles, sources, distinctions, classifications, and so on. When studied from the perspective of its classification, law can be classified based on its source, form, content, place of application, period of application, how to maintain it, its nature, and based on its form. Talking about law, it is certain to involve society because law and society cannot be separated. According to Von Savigny, law is not created but develops and grows with society. Therefore, law is created to limit and regulate society to be orderly, safe, and peaceful. In everyday life, the implementation of law has an important meaning because the purpose of law is to create justice, certainty and provide benefits to society. These three things must be realized and implemented in the implementation of the law itself. The law must be implemented and obeyed by everyone and everyone equal before the law (equality before the law). If the law is not implemented, the law will have no meaning in people's lives and the legal regulations will die by themselves.

Regarding the law enforcement mechanism in the criminal justice system in Indonesia, it is contained in the Criminal Procedure Code (KUHAP), because in the KUHAP there are procedures for the Indonesian criminal justice system. Criminal law enforcement begins with the investigation and inquiry process in the police, prosecution by the public prosecutor and sentencing or sanctions by the judge. In relation to this, Sauer provides three basic understandings in criminal law, namely unlawful nature, error and criminal.³ The direction of legal policy aims to make law a rule that provides protection for the rights of citizens and guarantees life in future generations. Therefore, the legal system of each country in practice continues to experience modernization and no country can reject it.

The developments that have occurred in Indonesia, especially developments in the field of technology, have triggered increasingly rampant criminal acts of fraud. Not only that, the increase in the number of cases is also followed by various types of cases that are submitted to the courts which are a burden for court to conduct examination and try it. The limited organizational capacity of the court, both technically and in terms of human resources, causes a backlog of cases in court, which is certainly not in line with the principle of simple, fast and low-cost justice. Reconstruction of the results of the struggle of ideas regarding criminal procedure law like this is not a new phenomenon. Such reconstruction has also been struggled with for a long time. Such reconstruction may be recognized as true law or true law is right reason in agreement with nature, which is intended by philosophers and theoreticians or academics to achieve

substantive criminal law, namely justice (justice) *de lege lata*. *De lege lata*, is a Latin phraseology that is acceptable in various legal systems in the world. The phraseology means in accordance with the law.

2. Research Methods

This research is a sociological legal research used in examining the problems in compiling this thesis. This research uses an approach that emphasizes to gain empirical legal knowledge by going directly to the object. Sociological legal research is legal research that uses secondary data as initial data, which is then continued with primary data in the field or on society. Sociological legal research also examines the effectiveness of regulations and the relationship between various variables and symptoms as a means of collection. This research uses a method based on binding norms or regulations. The hope is that this method will allow for investigations into how law, which is empirically a symptom of society, can be seen as a causal variable that has an impact on various aspects of social life. This type of sociological legal research uses primary data, where the primary data is obtained directly from the source so that it is still raw data.

3. Results and Discussion

3.1. The existence of Penal Mediation is an ideal step in realizing restorative justice in the Open Courts of Class II B, Kendal Regency, East Kalimantan.

Penal mediation is one form of alternative dispute resolution outside of court (usually called Alternative Dispute Resolution or ALDR, which is called Dispute Resolution. ALDR is generally used in civil litigation, not in court litigation. Based on the law in force in Indonesia (positive law), in principle, civil litigation cannot be resolved outside of court litigation.⁸⁷. Although in general the settlement of disputes outside the courts is a matter of civil disputes, in practice civil disputes are often resolved outside the courts through the discretion of the law enforcers or through the mechanism of deliberation or *perdamaian* *altalu* remission *dalri* *lembagal-lembagal* *yaling* *aldal* *dallalm* *malsyalralkalt*.

Besides that, through this mediation, there are positive implications for the justice that is carried out philosophically quickly, simply and in the context of the parties involved. *you*Liability is relatively less compared to the process of legalization with the components of the legalization system. The mediation of the penal court is examined from a sociological perspective, in accordance with the local customs of the Indonesian society. From a legal perspective, it leads to the selection of the main issues of the law and the pattern of resolving the legal dispute, usually combined with the superiorities of

negalral with superiority of the legal system, namely the legal nature. In addition to the dimensions in *altals*, the implications of the existence of the actual medial penal law *dalpalt* *dikaltalkaln* *alntalral* “*aldal* *daln*

notalk”⁸⁹. In this case, legal provisions are not known in the criminal justice system, but the legal provisions based on legislative regulations are known as the term law enforcement discretion which is implemented through discretion in a case of an arbitrary nature. The practice of penal mediation has been carried out by the Indonesian government in its settlement outside the judicial system of the institutional mechanism.

Penal mediation is one of the alternative ways to resolve disputes outside of court. In resolving disputes through court, the court must always impose a legal penalty on the perpetrator, but philosophically it does not satisfy all parties, therefore it is necessary to think about resolving disputes through the Alternative Dispute Resolution path with the aim of resolving the conflict between the perpetrator and the victim. Viewed from a historical perspective, public criminal law as it is known has experienced a fairly long development. The development of criminal law is seen as a violation that is detrimental to the interests of the public and is followed by a retaliation. The retaliation is *paldal* generally no *peall* right constitute *tekewa* from *moralyes* harmed by the famous gossip but spread to the whole family's responsibility, even though it became a public responsibility.

Along with the development of the general, changes in the dynamics of the complex social order on one side, while on the other side the regulation of legal regulations such as legal policies, it turns out that public criminal law has shifted its nature to become based on private law, recognized and practiced as a form of criminal mediation outside the court. Thus, although criminal law is a public law, it does not rule out the possibility of mediation in resolving criminal cases. In terms of terminology, penal mediation is known by the terms mediation in criminal cases, mediation in penal problems, victim offenses mediation, offender victim settlement (English), *stralfbemiddeling* (Dutch), *der ALu Bergerichtliche Taltalusgleich* (German), *de mediation penale* (French).

The validity of penal mediation is a new dimension that is studied from a theoretical perspective inpractical. Along with the progress of the case and the increasing number of cases that are not included in the court, the mechanism of the trial becomes one of the solutions to suppress the volume of cases, as long as it is really desired by the parties (especially in the victim), in order to fulfill broader interests, namely the failure of social harmony. Fulfillment of broader interests is the main objective of the trial mediation, so that cases are no longer the case that are not included in the litigation or trial and make cases increasingly piling up.

Settlement Disputes between the disputing parties can cause conflict and cause losses to the parties, if the parties are sued, in carrying out the lawsuit, the victim demands compensation from the perpetrator to be processed in court, by resolving it in court, the victim's rights are clearly determined in accordance with the rights of the victims, but the victim's rights are determined by the parties who want a solution to resolve the dispute. The advantage of resolving disputes

in amicable settlements is that in a quick settlement, which is called cooperative settlement, the disputing parties can argue that they are satisfied, preventing

percalral accumulation inadjudication, eliminating all penalties, maximizing institutional functions by maximizing and strengthening the relationship between parties in resolving disputes in addition to adjudication decisions in the adjudication process. The mediation of the penal also instills the values of justice that are restorative in nature in achieving mutual understanding through a win-win solution through a middle way by achieving mutual understanding by involving a neutral mediator, represented by the victim in the perpetrator along with the victim's actual or potential victim and from the community representative, who aims to return the victim to the restoration of the victim in the perpetrator and the community environment.

The settlement of the dispute based on the right and fairness in dealing with criminal and violent actsIn the scope of the home is more prioritized by the parties, in addition to the benefits obtained from the settlement of the dispute, the privileges of both parties are still protected and are not known by the parties themselves, in the settlement here it does involve a neutral third party who has the authority to make decisions and has no interest in the benefits of discussing the dispute between them. Optimality here in resolving the dispute in the home is basically looking for an ideal and efficient settlement process. altalu causes a wound on the paldal baldaln dalpalt gives bialyal

treatment in sick homes, is widespreadthe mutual discord that arises in the case of the victim, meaning that by sitting together in deliberation in seeking a way out in solving it, in resolving it through the path of the trial, the parties involved in the victim have already made a compromise, including recognizing the rehabilitation given to the victim, or violent acts that occur psychologically cause stress to the victim in the case of the actions carried out by my perpetrator.

The implementation of penal mediation which is carried out by sitting together in search of a unanimous decision is a middle way which is carried out through deliberation which is carried out based on the principle of justice between the parties in resolving disputes in the field of law, with settlement outside the court besides providing a justification for justice9 in the field of law, it is also possible to provide satisfaction in the form of rights and obligations of the parties in seeking a middle way and a solution in resolving disputes in the field of law. aldal. Balnyalk the party who chooses mediation penal kalrenal settlement in the court of law is doing the last wayso that in resolving disputes it is faster and does not take too long, is not complicated and provides satisfaction to the parties.

On the other hand, restorative justice is an approach to dealing withlosses caused byKaln by salalalhaln which focuses on the reversalloss in restoring the relationship,

rather than focusing on legal matters. This approach emphasizes the need for sacrifice, the perpetrator, in the community, by opening up opportunities for dialogue, accountability, and reconciliation. In addition, restorative justice also has a great impact on its essence when applied in a community setting, such as the following:

- a. The focus of the Reversal of Harm. Restorative justice looks at harm as a result of individual wrongdoing in society, not as a result of state law. It aims to reverse the harm caused by the harm and restore it. Their all relations are also involved.
- b. Participation of All Parties. The restorative justice process involves the victim, the perpetrator, and the affected parties. These parties are given the opportunity to communicate, understand the harm, and work together to find a solution.
- c. Accountability in Tanggung Jawab. Restorative fairness prevents problems my perpetrators are responsible for their actions in redeeming the losses they have incurred. This includes restitution, compensation, Always follow traffic rules agreed upon by the parties involved.
- d. Reconciliation and Healing. Restorative justice aims to promote reconciliation and healing for all parties involved, including the victim and the perpetrator. By encouraging dialogue in the process, it can help reduce isolated and unjustified reasoning.
- e. Community Involvement. Restorative justice involves the community playing a vital role in resolving wrongdoing and reversing harm. Community members are involved in the restorative justice process, providing support, guidance, and resources to all parties involved.

The Kendall Class II Naval Forgery Institution is located on the north coast of Jalwal Island, making it a highly developed city with a population density that is different from that of the mountainous areas. This area has a significant impact on the crime rate in Kendall County, which is a major city in Semarang, the combination of Kendall County's culture with Semarang City's culture makes it a specific city. The influence of the community is very large on the form of criminal acts that are common in Kendall Regency. Kendall is known as a religious community, so blending religious and cultural institutions that have influenced the form of education in the Kendall Class III Institution. The Kendall Class III Institution was founded in 1870 by the Dutch East Indies government institution that had a population of 250 people.

Lalpal Kendall Class II B has experienced an increase in the number

of criminal offenses that have occurred in recent years, which are increasingly being replaced by various types of crimes. Some of the crimes include: theft, forgery, fraud and others. This has led to a crime in the installation that needs to be considered. Given the number of installation conditions that are not comparable to the number of criminal offenses that have occurred in the installation. Paldal talhun 2024/2025 the number of daltal the number of nalralpidalnal which are terdalpalt paldal calntor Lalpals Openl Kelals II B Kalbupalten Kendall paldal that year totaled 33 nalralpidalnal people. This condition is malkal alpalbilalNot immediately re-altered and given a solution to the traffic congestion problem, Kendall Class II B traffic congestion problem, considering the various internal and external factors.

The selection of the mediation of the penal as Upalyal in altals is one of the ideal alternative solutions. Kalrenal also participated in altals altals in the office of Lalpals Kendall Class II B so far, on the side of the traffic lights providing restorative justice for regrets. Haldirnyal mediation of the penal dalpalt provides space to altals in to give jallalnlal dallam to givebreak up wisdomdallam accept the nalralpaldinal balru. Some of the advantages of the mediation of the criminal justice system that are often used as a reference value in providing legal assistance that is often in the office of the Kendall Class II B Criminal Justice Center. The advantages of the mediation of the criminal justice system in traffic are that it reduces the amount of compensation for the perpetrators of criminal acts and its procedural flexibility, because it does not require the perpetrator to follow all the processes that are usually carried out by the Criminal Justice System (CPS), so that the results are more accurate and the resolution is faster compared to litigation. In addition, this process also benefits the victims by allowing them to obtain compensation from the perpetrators of the criminal act, which ultimately can restore a harmonious relationship between the victims and the perpetrators of the criminal act.

In addition, the mediation of the penal also has a fast process. The number of steps required for the parties in the renal mediator is much less mediation than is required for mediation, mediation of disputes occurs relatively more often. In addition, once mediation has begun, the mediator must consider the problems that he or she considers important for reconciling the parties' agreements; evidence that this is the case is often avoided, thus interpreting the problem in the sources of the parties' agreements. Even if all evidence gathering has been done, it almost always takes less time to mediate a dispute than to do so at trial. On the other hand Also flexible, no set formula for mediation. Different mediators use different procedures. Procedures are often modified to meet the requirements of a particular case. Mediation usually occurs at a preliminary hearing before the formal legal process begins. Ultimately, mediation generally requires less preparation and is less formal than a preliminary hearing, and is

usually conducted at the end of a dispute, and is usually more convenient than other types of dispute resolution.⁹⁷ Based on results interview on day Wednesday 28 May 2025 with Roni Darmawan as the Head of the Class II B Kendal Open Penitentiary stated that the model that can be applied by the Class II B Kendal Open Penitentiary office is the victim offender mediation model. This is considering that the model offers several benefits, including increased victim satisfaction, reduced perpetrator recidivism, and a more cost-effective justice system. This mediation provides a forum for victims to express their feelings, for perpetrators to take responsibility, and for both parties to work towards a mutually agreed settlement, which often includes restitution and an apology. In addition, this model is very cost-effective because it is usually cheaper than traditional court proceedings, saving resources and reducing the burden on the criminal justice system.

The mediation of the penal court also allows the parties to continue to rebuild their relationship as before in family disputes and commercial disputes. This condition makes it easier for the parties to control the time, location, and duration of the trial to the greatest extent. The settlement does not depend on the court and the trial. This makes the mediation of the penal court more creative in resolving what would otherwise be impossible through arbitration or the determination of the trial. The mediator who returns the balance helps the parties recognize possible solutions. Yoult is not always possible to resolve disputes through normal dispute resolution processes. Creative solutions to disputes may be available to the mediator.

This is in line with what was conveyed by Mulya Adi Guna as Head of the Guidance Section for Prisoners/Students and Work Activities at the Class II B Kendal Open Prison Office on Wednesday, May 28, 2025, who stated that the appropriate mediation model is victim offender mediation to be applied in this office. This model is considered to have many advantages in its implementation, such as: a. Increasing victim satisfaction where victims often feel more empowered and have a greater sense of justice when they are actively involved in the settlement process, b. A mutually acceptable settlement because this model allows victims and perpetrators to develop a restitution plan that addresses the losses caused by the crime, leading to better results satisfactory for both parties and c. Relationships are improved because of the opportunity to apologize in this case the perpetrator has the opportunity to apologize directly to the victim, which is often appreciated by the victim and can help restore the relationship between the victim and the perpetrator who knew each other before the offense, and can even have a positive impact on the perpetrator's relationship with their family and community.

TalkThe importance of mediation is often confused with the fake news that is often used in mediation. Parties who want to avoid the spotlight often use mediation to try to resolve their disputes while keeping them

private. The mediators often make statements that are not used for fake sales purposes but also to help the mediator resolve the dispute. The fake news encourages continuity, and continuity is more likely to result in a settlement. In this case, the party controlling the mediation process and one party has the advantage of ending the mediation, if the reasoning is not in accordance with the interests of the party. In general, communication direct mediation is direct communication between parties. At least the parties have the ability to be heard by the Mediator if the parties are always represented by a mediator.

Seballgalli form pelallksallnallallnlaw enforcement in the criminal justice system is given to all the most important and most important people in every process of investigation, prosecution, and trial. These people are a form of respect for the PUBLIC that must be protected in order to realize the legality of the case. All the things in the criminal justice system include: a. All the things are fast, simple, and very easy; b. All the things are considered to be very easy; c. ALLsalls inspectionsalls inspections are open to the public;

kedallmalliallnsocial life. The success of law enforcement is influenced by several factors that have a neutral meaning, so that in the negative and positive aspects there is a content of these factors. These factors have a mutually interrelated relationship, are the essence and benchmark of the effectiveness of law enforcement. These factors are: a. Law (underlying); b. Law enforcement, namely the parties that form or implement the law; c. All parties that support the establishment of law enforcement; d. e. Culture, which is the law of the universe, creation and society that is the law of the universe.¹⁰²

UThe law that was carried out by the Kendall Class II B office if it was based on the law enforcement theory by Salltjipto Rallhallrdjo, it was used to realize justice and justice in law in the law enforcement in the Lawsobalgalipeace be upon youOne of the indicators that must be considered is from the legal side. In this case, with the mediation of punishment in realizing restorative justice, special regulations need to be formed so that the implementation can be implemented directly by the Kendall Class II B Law Office with the return of justice. This case is reminiscent of the law enforcement that must provide benefits to the community, such as maintaining justice, creating a rationale for the community, and encouraging sustainable national development. Social justice is protected, order is maintained, and human rights are respected.

This hall is always filled with the sounds of music being delivered by Ballrdall Nallwallwi ALLriefballhwall usallhall penallgulallngalln kejalhalltalln with the law of the criminal court palldall hallkikalltnyall is a ballgialln from the usallhall penallkalln of the law of the criminal court so that the selection of the solution altals cause which is aldal by implementing the mediation of the penall pallal Lalpals Kendall Class II B as a form of upalyal law enforcement in the

Malsyalralkalt. The law enforcement is very important because it has a positive impact on the external mall, such as: The law enforcement which is aldil faking all the people who are treated in the haldalpal of the law, talnpal

to influence social and economic development. This helpscreate a more just society, in which every person has a good chance to move from success to prosperity. The enforcement of just law helps build a quality legal culture in society, in which people respect the law and uphold the principles of justice. This helps create a more just and responsible society. In essence, the enforcement of just law is an important foundation for a just, peaceful, and prosperous society. The enforcement of quality laws creates an environment conducive to national development and improves the quality of life for all people.

Jaldi, the mediation of the penal which is the main key to the matterThere are voluntary, voluntary, mutually agreed procedures. The parties are free to terminate mediation only after the final meeting. No decision is often made between the parties involved, in that they may or may not agree to the negotiated settlement. The principle of mutuality ensures that even the options agreed upon by the parties do not have consequences beyond the mediation process. The implementation of penal mediation in Lalpals Kendall Class II B is very important in implementing the restorative actions for repentance. In addition, the urgency of penal mediation provides several advantages in its implementation, such as the following.¹⁰⁴:

a. AllInternal mediation program funding The funding is funded by the personal mediation fund. External mediation funds are comparable to the mediation fund, the mediation process generally takes much less time than moving the case through standard legal channels. The mediation fund in the mediation fund or the mediation fund may take months or years to complete, mediation usually reaches resolution inTaking less time means spending less money on fees per hour.

b. Alllegal aspects. Although the trial is public, the mediation remains completely legal. No one except the disputing parties can participate in themeThe mediator knows the facts that are happening. The mediator has such a vested interest in mediation that in most cases the legal system cannot force the mediator to act in court to recognize the content of the mediation. The mediator can destroy the terms they have made during the mediation after the mediation is complete. The only exceptions to these strict rules usually involve actual abuse or criminal acts that are being carried out. Control—Medialization increases the control that the parties to the dispute have over the settlement. In the case of a trial, the parties obtain a resolution, but control rests with the court or jury. Often, the court or jury is not able to provide the solution that emerges

in the mediation.

c. ALThe heart of the heart is controlled by the parties who work together and are mutually agreed upon, the heart of the heart is halted in the journey that is mediated by mutual agreement. This hallFurthermore, reducing the cost, the party's renal palral does not need to employ a mediator to carry out the most effective travel arrangements. However, a fully mediated trip cannot be carried out in court.

d. ALthe scope of the agreement. The parties in the mediation process are usually ready to work together towards a resolution. InIn addition, the parties' mediation is often willing to engage in mediation, meaning they are willing to "move" the position. Thus, the parties' mediation is more likely to understand the other party's side of the conflict. This has a negative effect because it often disrupts the relationship the parties had before the conflict.

e. ALSpecs support.Mediatortrained dallam to suffer situation yesdifficult.

II B Kendall's Kalbupalten is also vital in order to calcify the existing models.so that the vision and mission of the installation can be realized and realized in return. In addition, the mediation of the penal which gives the advantage in its implementation, but this is also a form of implementation of the fourth principle of the Principle which reads "The Kingdom Led by the Wisdom of Deliberation and Deliberation". This principle directs our heads to determine a choice through deliberation, using deliberation in making decisions for the benefit of all (faith). This principle was then adopted in resolving a dispute, it is necessary to think carefully about the process in deliberation, which is also the original culture of Indonesia, which is often applied in resolving a conflict that does not yet have a quality legal framework through penal mediation.

3.2. The implementation of the Penal Mediation is an ideal step in realizing restorative justice in the Open Court of Class II B, Kendal Regency, East Kalimantan.

IIndonesia is a state of law in accordance with what has been stated in Article 1 paragraph 3 of the 1945 Constitution which states that "Indonesia is a state of law". Law is very important for living in harmony. national renal all conversation inact fastgo on a rampage head the law that has been regulated by law.¹⁰⁵ The enforcement of law is also influenced by the strict interpretation of written legal provisions. Therefore, the influence of this formalistic approach can influence the legal framework that is formed in the legal framework that is applied in concrete cases.In short, Indonesia still follows the positivistic legal tradition that involves the use of clear legal texts in the legislative process and law enforcement. This approach has the advantage of facilitating legal clarity, but can also give rise to difficulties in interpretation and legal flexibility, especially in complex and changing situations.

This concept gave rise to the term ALDR or Mediasi Penal, which is more appropriate. It demands justice and is relatively more efficient. Therefore, the role of mediators in penal mediation is very important strategically in resolving capital cases. Regarding the purpose of capital sales, it is not the same as for capital payments, but also encompassing the restoration of the perpetrator's internal relationship with the victim, the concept of restorative justice, especially in the form of diversion, gained legitimacy by being introduced by the United Nations.

This agreement addresses the implementation of guidelines for minor criminal acts, the introduction of fines, the acceleration of examination procedures, and the implementation of Restorative Justice. The agreement is a continuation of the General Court Regulation Number 2 of 2012 on the Adjustment of the Minimum and Major Criminal Acts Guidelines in the Criminal Code. Through these two provisions, restorative justice in penal mediation is carried out as a non-litigation mechanism that is wrong to resolve criminal cases that involve minor crimes. The perpetrators of penal mediation often have to face both, because the public perception of the justice is still not clear about the implementation of penal mediation in restorative justice, and there is no clear mechanism in the perpetrators of the investigation and prosecution.

The situation annoying the issuance of the Republic of Indonesia's Regulation of the State Police Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice in the Republic of Indonesia's Regulation of the State Police Number 8 of 2021 concerning the Penalty of Criminal Acts Restorative Justice. However, the effectiveness of penal mediation, which was initially seen as a potential solution for compensatory compensation, restitution, and victim assistance, has now fallen by the wayside. The original arrangement has been criticized for failing to provide legal certainty to recognize the validity of penal mediation proceedings, creating overlapping arrangements at the investigation and prosecution levels, and failing to accommodate the types of traffic violations that could potentially be resolved through penal mediation. Consequently, this deficiency hinders the provision of justice in the event of a traffic violation victim seeking compensation, and also raises doubts about the credibility of the mediator.

Penal mediation does not yet have a legal basis in the Indonesian criminal justice system. However, there are several implied provisions that open up the possibility of mediation. It is not specific to penal mediation. With Article 82 of the Criminal Code (KUHP), this provision does not yet clearly define the possibility of a settlement in terms of the perpetrator of the criminal act in the victim. In general, Article 1 of Law 7, Article 76 of Law 1,

Article 89 of Law 4, and Article 96 of Law of the Republic of Indonesia Number 39 of 1999 concerning Criminal Procedure which gives authority to the National Commission for Criminal Procedure to conduct mediation in the case of criminal violations in the Law of the Republic of Indonesia Number 11 of 2012 concerning the Criminal Procedure System. In general, secular rational, terms and conditions recognize mediation seen in the background Police Chief's Letter Republic of Indonesia Number B/3022/XII/2009/SDEOPS dated 14 December 2009 concerning Dispute Settlement Through Alternative Dispute Settlement, Regulation of the Head of the Indonesian National Police Number 7 of 2008 concerning Guidelines for Strategies in the Implementation of Police Policing in the Implementation of Police Duties, Presidential Instruction of the Republic of Indonesia Number 8 of 2002 concerning the Granting of Legal Procedures to Debtors Who Have Completed Their Obligations and Legal Disputes Regarding Unresolved Debtor Obligations Based on the Settlement of Debtor Obligations.

Thus, penal mediation is not used for all types of criminal acts or serious crimes. certain criminal acts. Mudzalkkir put forward the following grouping of criminal scopes that can be resolved through criminal mediation:² a. Violations of criminal law are included in the category of general crimes, including absolute crimes and relative crimes. b. Violations of criminal law are subject to a fine and the perpetrator has paid the fine (Article 80 of the Criminal Code). c. Violations of criminal law are included in the category of "crimes" but not "evil" which are subject to a fine. d. Violation of criminal law includes general offenses in the field of administrative law that impose criminal sanctions such as ultimum remedium. e. Violation of criminal law that is minor in nature in law enforcement using its discretionary authority. f. Violation of criminal law.

This is in line with what was conveyed by Murwoto as Head of the subsection for the care of prisoners/children at the Class II B Kendal Open Prison Office on Wednesday, May 28, 2025, who stated that penal mediation offers several advantages in resolving criminal disputes, especially in cases involving minor violations and cases that emphasize the principles of restorative justice. Mediation can produce more satisfactory results, reduce emotional stress, and be more cost-effective than traditional court processes. The main thing is the empowerment and reconciliation of victims by addressing existing losses. Penal mediation provides a forum for victims to express the impact of the crime and for perpetrators to understand the consequences of their actions. This condition makes restorative justice in mediation facilitate reconciliation and improvement of relations between perpetrators and victims, rather than only focuses on punishment.

On the other hand, another opinion conveyed by Roni Darmawan as the Head of the Class II B Kendal Open Penitentiary Institution that penal mediation in

addition to providing a sense of justice and satisfaction for victims and perpetrators, because they have the right to have a say in resolving the problem. This model can also save costs and time where mediation avoids costs associated with the court process, including attorney fees and court expenses. This condition makes for a faster settlement effort because mediation can be a faster and more efficient way to resolve disputes compared to the traditional court system. This makes it a flexible and personal solution because mediation allows the development of customized agreements that address the specific needs of the parties involved so that this process can build a foundation for future problem solving, which encourages positive relationships and cooperation.¹¹¹ On the side of the victim-offender mediation, it is an ideal model for the case of a case in the Class II B Kendall District Court with a light loss category. The best choice of victim offender mediation has advantages compared to the restorative model.

The parties involved in the mediation mean that the parties involved in the mediation are the ones who have a direct interest in the mediator. Second, the limitation of the parties involved in the mediation reduces the friction of the parties in the will and also has implications for the acceleration of the internalization process. Third, the practice in the internal world of this model has proven successful in overcoming the wrong side of the mediation through the process of avoiding the accumulation of internalization.

The victim offender mediation model is applied in the Open Court of Justice II B of the Regent's Office with the concept of Restorative Justice. Reconciliation occurs when a criminal act is committed by someone (including legal proceedings carried out by the perpetrator). In practice, the settlement is carried out in a meeting or deliberation meeting attended by the perpetrator's legal figure, perpetrator, juror and perpetrator's real person to reach an agreement to reverse the offense. Thus, in fact, it is a value and characteristic of the Indonesian natural law which is stated in the fourth principle of the Pancasila, namely *musyawarah mufakat*¹¹². *Musyawarah mufakat* aims to overcome the criminal justice, so that the criminal justice of the perpetrator in the victim is not *aldal aldalm* in the victim's *dalpalt* is restored.

Musyawarah mufakat in the context of restorative justice can be done with a *traffic*: mediation, payback loss prevention,

The law may not contain different interpretations, such as: *tollkiballtkalln mallyallrallkallt* no more obey law. The law that is caused by law has the meaning of the law that causes the law, through legal products, all of which are the same as the law that is created...

Malkal, with his victim offender mediation model in criminal justice at the Kendall II B Open Court, has provided legal certainty through

his restitutionary remedies. disputes that are able to provide justice for the decisions that are made. This means that the things that are legal are legal, the things that are legal according to the law are obtained by the decision-making process. Legality is the most legal justification for someone to obtain something that is legal in a certain way. The law is tasked with creating legality, the purpose of which is to create order in the world. The nature of law is a characteristic that is not separated from law, especially for written law. The nature of law is lost and is not used as a guideline for all people.

Thus, the mediation of the penall salngalt is suitable to be implemented in the Lalpals Terbuka II B Kendall office with several advantages, such as: the process can be done simultaneously informal and flexible so that a formal account is not required. There is no formal account of evidence in the case of a conclusion. The formal aspect is blocked, because the mediation process is so that the mediator does not reveal any informal or partial information that is revealed during the mediation. The session is not recorded or transcribed. At the end of the mediation, the mediator destroys all the accounts they have made during the mediation session. In addition, it is also fast in its implementation so that when both parties want to continue their business and life, mediation is an option that can be considered first. Mediation generally takes less time to complete, thus allowing for a more thorough resolution than is possible through investigation.

In addition, mediation generally results in the altalu pushingthus the greater degree of control of the parties involved. The parties who negotiate their own settlement have greater control over their disputes. The parties involved have greater say in the process. They do not necessarily determine the dispute, but they do achieve a mutually agreed resolution to their conflict. Finally, through mediation, they can maintain the relationship.

intertwined. Balnyalk disputes occur in the context of ongoing work relationships. Mediated solutions that conflict with the interests of all parties often end up disrupting working relationships with legal matters that are not possible in the decision-making procedure. Dalpalt's mediation also makes the termination of work relationships more difficult. The essence of medialsil penall aldallalh aldalnyal halsil yalng nauseaskaln bersalmal. Paldal parties are generally more satisfied with solutions that they created themselves, compared to solutions that were created by third party decision makers. Such conditions can help the Office of Open Law II B to go forward in experiencing the law more clearly so that it can carry out guidance and mentoring for the perpetrators of the crime in the framework of law enforcement in human rights matters (HALM).

4. Conclusion

Penal mediation has a vital role in the criminal justice system in Class II B Open

Court, Kendall District. This is because penal mediation is carried out by bringing the perpetrator together with a legal mediator who aims to restore the perpetrator to a higher level and be accepted back into society socially through restorative justice which essentially gives punishment to the perpetrator but the punishment is educational in nature so that it gives harm back to the perpetrator and the victim. Settlement of a conflict by using deliberation in making decisions for the benefit of all parties (separation) is an original tradition in Indonesia that is often applied to resolve a conflict that does not yet have a quality legal framework such as the 4th Palncalsilal. The implementation of penal mediation in the Palncalsilal supports the realization of ideal restorative justice in the office.

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