

Law Enforcement Through the Restorative Justice Approach in the Settlement of Criminal Cases by the Prosecutor's Office

I Nyoman Ekantara¹⁾ & Gunarto²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: inyomanekantara.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: gunarto@unissula.ac.id

Abstract. *As a democratic country and a country of law, Indonesia wants legal justice for all levels of society. This is clearly stated in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia concerning equal rights before the law. In order to realize this idea, one of the ways is through efforts to optimizerestorative justicein the settlement of criminal cases by the Prosecutor's Office. However, this idea has not yet been fully realized. This research aims toanalyzing the law enforcement process in the Settlement of Criminal Cases by the Prosecutor's Office through a restorative justice approach can provide justice for the parties to the case To analyze the effectiveness of the settlement of criminal cases by the Prosecutor's Office through a restorative justice approach. This thesis uses a qualitative approach with a case study. Based on the results of the study, it is known that the implementation of the restorative justice system in criminal cases in the jurisdiction of the Cirebon City District Attorney's Office has not been implemented effectively, this is indicated by the fact that there has been no settlement of criminal cases through non-penal channels; Factors that influence the implementation of the restorative justice system in criminal cases in the jurisdiction of the Cirebon City District Attorney's Office are victims who do not want the restorative justice path, perpetrators often do not commit to the results of the agreement to resolve criminal cases through restorative justice, and law enforcers who cannot enforce the implementation of legal settlement through restorative justice.*

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

1. Introduction

Law is basically regulatory, coercive and protective. However, the presence of law itself is a series that is implemented by and for the sake of society so that society can live in peace without any threat to themselves. This falls within the scope of legal protection. Where legal protection is an effort to protect a person's interests by allocating a Human Right to him to act in the interests of his interests. This is regulated according to Article 16 and Article 26 of the ICCPR which reads: "Guaranteeing that everyone has the right to obtain legal protection and must be protected from all forms of discrimination." Where this also refers to equality before the law. Equality before the law or Equal Justice Beneath the Law means "all humans are equal before the law" or the principle where everyone is subject to the law in the same court. Simply put, it means that all humans are equal and equal before the law. Equality before the law is one of the most important principles in modern law. This principle has become one of the pillars of the Rule of Law doctrine movement which has also spread to developing countries. This system is a manifestation of the rule of law (*rechtsstaat*) so that it requires the presence of equal treatment for everyone before the law (equality of being equal to the law).¹

The success of the restorative justice approach is also supported by the involvement of various parties, including law enforcement officers, community leaders, victims, and the perpetrators themselves. This collaboration creates a more humane resolution mechanism and is in accordance with the values of social justice adopted in the Indonesian legal system.

However, the implementation of restorative justice still faces several challenges, such as the lack of public understanding of this mechanism, the potential for abuse by perpetrators of crimes, and limited regulations in regulating the types of cases that can be resolved through this approach. Therefore, more massive socialization and strengthening of regulations are needed to ensure that the implementation of restorative justice runs in accordance with the principles of justice.

In addition, the role of prosecutors in the implementation of restorative justice must also be strengthened, both in terms of mediation, monitoring agreements, and ensuring that victims' rights remain protected. Prosecutors must have special competence in handling cases that require restorative resolution so that there is no inequality in the case resolution process.

The implementation of restorative justice is expected to reduce the overcapacity of correctional institutions which has been one of the main problems in the

¹R. Rahaditya, Cora Venessa, Okthavianes Paulina, Eudora Joyce Hiumawan, and Erland Jovian, "Analysis of the Pros and Cons of Restorative Justice in the Implementation of the Justice System in Indonesia", *Jurnal Kewarganegaraan*, Vol. 7, No. 2, 2023, pp. 2154-2159.

Indonesian criminal justice system. By giving perpetrators the opportunity to correct their mistakes without having to serve a prison sentence, this approach can also reduce the recidivism rate.

As part of a dynamic legal system, the Prosecutor's Office needs to continue to develop policies related to restorative justice by considering the social and cultural conditions of the community. Legal reforms oriented towards restorative justice must remain in line with the basic principles of criminal law so as not to conflict with the rights of victims or the public interest.

2. Research Methods

This study is a qualitative descriptive study, which aims to describe and analyze the implementation of the restorative justice approach in resolving criminal cases by the prosecutor's office. This study will explore the perceptions, experiences, and processes that occur in the application of the restorative justice concept in law enforcement practices. The approach used in this study is a qualitative approach with a case study. This approach was chosen because it will provide a deeper understanding of the implementation of restorative justice in resolving criminal cases by the prosecutor's office, which is contextual and based on real experience.

3. Results and Discussion

3.1. The Law Enforcement Process in the Settlement of Criminal Cases by the Prosecutor's Office Through the Restorative Justice Approach Can Provide Justice for the Parties to the Dispute

Van Ness, as quoted by Mudzakkir, said that restorative justice is characterized by several propositions, namely:²

- a. Crime is a conflict between individuals that results in harm to the victim, society and the perpetrator himself.
- b. The goal that must be achieved from the criminal justice process is to reconcile the parties while repairing the losses caused by the crime.
- c. The criminal justice process must facilitate the active participation of victims, offenders and the community. Criminal justice should not be dominated by the state to the exclusion of others.

Restorative justice will conflict with the principles of legality and legal certainty (*rechtzakerheid*). This is because restorative justice does not focus on imprisonment, but rather on how to improve or restore the condition of the victim after a crime has occurred. In this case, the perpetrator of the crime can

²Siswanto Sunarso, *Victimology in the Criminal Justice System*, Sinar Grafika, Jakarta, 2014, p. 157

be required to pay compensation, do community service, or other reasonable actions ordered by law enforcement or the court. The restorative justice approach in criminal law has the power to restore the relationship between the perpetrator and the victim. It also has the power to prevent deeper hostility between the parties and encourage reconciliation between the perpetrator and the victim voluntarily. Another power is to encourage the participation of other community members, such as family members or neighbors and emphasize the importance of the victim's role in a process towards justice. On the victim's side, restorative justice provides the power to give the perpetrator the opportunity to express regret to the victim and it is better if facilitated to meet in a meeting that is conducted professionally.³

In fact, there is another approach to create justice and resolve legal issues, namely restorative justice. Restorative Justice is an approach to resolving criminal cases by involving the perpetrator, victim, family of the perpetrator/victim and other related parties to jointly seek a just solution by emphasizing restoration to the original state, and not retaliation. According to Eva Achjani Zulfa, restorative justice is a concept of thought that responds to the development of the criminal justice system by emphasizing the need for community involvement and victims who feel marginalized by the mechanisms that work in the current criminal justice system. This concept is developing in the world, including in Indonesia in the context of law enforcement. Of course, with such a concept, the handling of various legal issues, especially criminal cases, can be resolved properly without any resentment between the conflicting parties. Resolving cases using the restorative justice approach is one alternative for law enforcers, including the Prosecutor's Office, to resolve a criminal case. Factually, data also shows that from 2020 to October 2023, there were 4,183 cases requested to be resolved through restorative justice. Of the 4,183 cases, 4,006 were approved and 177 were rejected.⁴

The existence of the Prosecutor's Office as a law enforcement institution certainly has a central position and has a strategic role in Indonesia as a country of law because it functions as a filter between the investigation process and the examination process in court. In this context, the Prosecutor can use the restorative justice approach in resolving a criminal case that he faces to provide a win-win solution to the parties involved in the case. In fact, the role of the Prosecutor's Office in handling criminal cases using the restorative justice approach is increasingly evident where in the January 2022 period alone, the Indonesian Prosecutor's Office has shown performance results based on the restorative justice approach in handling 703 criminal cases. The turmoil that often arises in society to obtain a sense of genuine justice from the criminal

³Location, cit.

⁴Interview with Asep Nana Mulyana as Deputy Attorney General for restorative justice at the Attorney General's Office of the Republic of Indonesia, May 12, 2025.

justice system in Indonesia is still a major problem. This can be seen from the stigma that has been built in society that the law in Indonesia is sharp downwards and blunt upwards, which is still often heard among the public. The restorative justice approach is considered to be the right solution in anticipating the increasing number of conflict cases that occur in society. The Attorney General implements a restorative justice approach in resolving cases through Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. However, currently, cases resolved through the restorative justice approach are still limited to small cases. In addition to the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020, there are also Prosecutor's Guidelines Number 1 of 2021 concerning Access to Justice for Women and Children in Handling Criminal Cases and Attorney General's Guidelines Number 18 of 2021 concerning Settlement of Narcotics Abuse Criminal Cases Through Rehabilitation with a Restorative Justice Approach as an Implementation of the Prosecutor's Dominus Litis Principle. These three regulations serve as a reference for the prosecutor's office and its prosecutors to resolve criminal cases with a restorative justice approach. Law enforcement carried out by the Prosecutor's Office by prioritizing a restorative justice approach has characteristics that are the development of the restorative justice concept. Through this restorative justice approach, the Prosecutor's Office seeks to balance between restitution for victims and improving the perpetrator's behavior in order to realize justice.⁵

There is one problem in the application of restorative justice in resolving criminal cases, namely there is no mechanism or formulation of synergy between prosecutors and other law enforcement officers in the criminal justice system so that in this process, the integrity and professionalism of law enforcement officers are then tested where in the settlement process, the settlement is often not based on a sense of justice, but based on the principle of like and dislike. In addition, community involvement for supervision in the application of restorative justice plays an important role so that the application of restorative justice, which should be an effort to obtain justice quickly and cost-effectively, does not become the gateway for judicial corruption. The application of restorative justice without clear provisions and an application that is not accountable and transparent, has the potential to give rise to transactional practices.⁶

The emphasis on one aspect of legal certainty or justice in law enforcement is usually greatly influenced by the legal tradition adopted by a country. For countries that adopt a civil law tradition, more emphasis is placed on statute/state law, so law enforcement leads to legal certainty. This condition is always a source of conflict between the community and law enforcement officers. On the one hand, law enforcement leads to legal certainty, but it is not

⁵*Location, cit.*

⁶*Location, cit.*

necessarily felt to be fair by the community. For the community, especially the general public, understanding of the law is generally very low so that what is demanded is a sense of justice. In the Indonesian criminal justice system, the beginning of the series of criminal trials is the act of investigation and inquiry. This investigative action aims to find answers to the question of whether a criminal event has really occurred. What will be done is to collect materials in the form of statements from witnesses and evidence related to legal interests. If the collection of evidence has met certain requirements, then the fulfillment of the elements in the criminal event is ready to be processed.⁷

The case resolution program with the restorative justice approach, in addition to having to be constructed with a system theory approach, must also be formulated comprehensively all actions oriented towards reconciliation and restoration. Therefore, to apply the method of resolving criminal cases with the restorative justice principle approach, the legal substance, legal structure, and legal culture must first be formulated in a criminal justice system work program that involves all elements of the criminal justice system so that it does not conflict with the applicable procedural legal norms, both general and specialist, or in terms of using the concept of conventional law enforcement but integral and harmonious with the concept of modern criminal law enforcement.⁸

As a comparison, in England and the United States, the concept of Plea Bargaining and Deferred Prosecution Agreement has developed, which are used to resolve criminal cases. The concept of Plea Bargaining is applied to criminal acts committed by individuals, while the Deferred Prosecution Agreement is applied to criminal acts committed by corporations. Plea Bargaining itself is a negotiation process in which the public prosecutor offers the defendant to admit his guilt (guilty plea) with his own conviction and awareness. So, the initial step taken in the justice system is to provide the perpetrator with the opportunity to admit his guilt so that his sentence can be reduced.⁹

Next is about the Deferred Prosecution Agreement. The concept of the Deferred Prosecution Agreement (DPA) is a concept to resolve problems in corporate crimes. The Deferred Prosecution Agreement is a negotiation conducted by the prosecutor with the defendant or his lawyer where the defendant here is a corporation, in an effort to divert prosecution from the judicial process or to handle corporate errors through administrative or civil recovery procedures. In this context, various forms of agreements are available to the public prosecutor and the company in an effort to divert corporate prosecution from the judicial process or to handle corporate errors through administrative or civil recovery procedures. The description above relates to the evidence of "Confession"

⁷Location, *cit.*

⁸Lioc, *cit.*

⁹Lioc, *cit.*

mentioned in the *Herzien Inlandsch Reglement* (HIR) which is adopted in Indonesian civil procedure law. In the Indonesian Criminal Procedure Code (KUHP) there is indeed no recognition of evidence of confession¹⁰, but this can be used as a reference or basis in dealing with criminal acts based on restorative justice.¹⁰ Confessions recognized in criminal trial evidence as regulated in the HIR, can be obtained during the examination process with the inquisitoir system and oriented towards the presumption of guilt, which places a suspect/defendant as an object of examination that can be treated with coercion and violence in order to obtain a confession of the crime accused of him. The position of the accused and the public prosecutor who are in an unbalanced position, causes the rights of the suspect/defendant to always be in a weak position. The inquisitoir system is no longer used since the Criminal Procedure Code was enacted so that according to the Criminal Procedure Code, the principle of proof in criminal law is that things that are generally known do not need to be proven (*notoire feiten*), one witness is not a witness (*unus testis nullus testis*), and the defendant's confession (statement) is not enough to prove that the defendant is guilty (*non self-incriminations*). In the development of criminal justice, there has been a shift to fair and reasonable trials (*due process of law*) by prioritizing the principle of equality before the law and the presumption of innocence and providing more protection of human rights. With the development of the concept of restorative justice which can also be applied to the criminal justice system, the concept of suspect/defendant confession in the Indonesian criminal justice system should be accommodated as a means for suspects/defendants to be considered for reduced sentences. Moreover, by looking at the concept of plea bargaining that is developing in European and American countries, it is necessary to think about changing the principle of *premium remedium* in several criminal laws.¹¹

Various existing problems have resulted in the implementation of restorative justice efforts in resolving criminal cases by the Cirebon City Prosecutor's Office not being optimal. This can be seen from the fact that out of 527 general criminal cases from January to March 2024, only 11 cases were resolved through restorative justice, even though 280 cases could be resolved through restorative justice.¹² This clearly shows that the implementation of restorative justice in resolving criminal cases by the Cirebon City Prosecutor's Office can still be said to be less than optimal.¹³

According to Soerjono Soekanto, there are several factors that influence the law enforcement process, including:¹⁴

¹⁰*Lioc, cit.*

¹¹*Lioc, cit.*

¹²*Lioc, cit.*

¹³*Lioc, cit.*

¹⁴*Ibid.*, p. 3

- a. The law itself is likely to be a mismatch in the laws and regulations regarding certain areas of life.
- b. Law enforcement, namely the parties who form and implement laws.
- c. Facilities or means that support law enforcement in society, namely where the law is enforced and applied.
- d. Culture is the result of works, creations and feelings that are based on human will in social interactions.

The four factors are interrelated because they are the essence of law enforcement and are also a measure of the effectiveness of law enforcement. The law functions to protect the interests of the community. The implementation of the law can take place normally and peacefully, but a violation of the law can also occur. Where the violation of the law must be enforced through proper law enforcement.¹⁵

3.2. Effectiveness of Criminal Case Resolution by the Prosecutor's Office Through the Restorative Justice Approach

According to Islam, restorative justice has been known through the process of Islamic justice which is oriented towards the objectives of law according to Islam. The objectives of law according to Islam are basically regulated in the principle *the purpose of the Shariah*, In the principle of maqsid al-Syariah it is explained that the law must be able to protect five things, namely:¹⁶

- 1) Religion;
- 2) Reason;
- 3) Soul;
- 4) Property;
- 5) Descendants.

Then realize justice, justice according to Islam in this case is equating something with another thing both in value and in size so that it is not biased or partial between one and the other. Furthermore, fair also has the meaning of siding with the truth.¹⁷

Basically, Allah SWT is called "The Most Just and Wise towards His servants, meaning that all human actions will not affect the justice of Allah SWT, good and

¹⁵Sudikno Mertokusumo, 2007, *Understanding Law: An Introduction*, Yogyakarta: Liberty, p. 160.

¹⁶ Ibid, p. 48.

¹⁷Ibid, p. 51.

bad human actions will actually receive their own rewards. This can be seen in the Quran, Chapter 41 Verse 46 which states that "whoever does good deeds, the reward is for himself and whoever does evil deeds, the sin is for himself, and your Lord never wrongs His servants".¹⁸ Meanwhile, the majority of Ulama agree that all of the Prophet's companions were just and there is no need to discuss the justice of the Prophet's companions, which can be seen in the narration of the Hadith.¹⁹

Effectiveness is a vocabulary in Indonesian that comes from English, namely "effective" which means successfully obeyed, validated, efficacious and fortunate. From the series of meanings above, the most appropriate is successfully obeyed. Effectiveness according to Amin Tunggal Widjaya is the result of making decisions that direct doing something right, which helps fulfill a company's mission or achieving goals.²⁰

Meanwhile, according to Permata Weshia, effectiveness is a condition or ability of a work done by humans to provide the expected benefits. In order to see the effectiveness of work, four types of considerations are generally used, namely: Economic, physiological, psychological and social considerations. Effectiveness is also said to be a condition that shows the success of work that has been determined. Sarwoto terms effectiveness as "effective", namely good service in terms of style and quality that really suits the needs in achieving the goals of an organization.²¹

According to Campbell JP, the most common and prominent measures of effectiveness are:²²

- a. Program Success
- b. Target success
- c. Satisfaction with the program
- d. Input and output levels
- e. Achieving overall objectives So that the effectiveness of the program can be carried out with operational capabilities in implementing work programs that are in accordance with previously determined objectives.

Based on the descriptions above, it can be concluded that effectiveness is the ability to carry out the activities of an institution physically and non-physically to

¹⁸Tohaputra Ahmad, *Al-Qur'an and its Translation*, CV. As Syifa, Semarang, 2000, p. 185.

¹⁹*Ibid*, p. 1072

²⁰Amin Tunggal Widjaya, *Management: An Introduction*, First Printing, Rineka Cipta Jaya, Jakarta, 1993, p. 32.

²¹Sarwoto, *Basics of Organization and Management*, Ghalia Indonesia, Jakarta, 1990, p.126.

²²Sarwoto, *Loc.*, cit.

achieve goals and achieve maximum success.

(2) For criminal acts related to property, in the event that there are criteria or circumstances of a casuistic nature which according to the considerations of the Public Prosecutor with the approval of the Head of the District Attorney's Office Branch or the Head of the District Attorney's Office, prosecution can be stopped based on Restorative Justice, carried out while still paying attention to the conditions as referred to in paragraph (1) letter a accompanied by one of letter b or letter c.

(3) For criminal acts committed against people, the body, life and freedom of people, the provisions as referred to in paragraph (1) letter c may be excluded.

(4) In the event that a criminal act is committed due to negligence, the provisions in paragraph (1) letters b and c may be excluded.

(5) The provisions referred to in paragraph (3) and paragraph (4) do not apply in the event that there are criteria/circumstances of a casuistic nature which, according to the considerations of the Public Prosecutor with the approval of the Head of the Branch of the District Attorney's Office or the Head of the District Attorney's Office, cannot be stopped from prosecution based on Restorative Justice.

(6) In addition to fulfilling the terms and conditions as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4), termination of prosecution based on Restorative Justice is carried out by fulfilling the following conditions:

a. there has been a restoration to the original condition carried out by the Suspect in the following manner:

1. return items obtained from criminal acts to the victim;
2. compensate the victim for losses;
3. replace costs incurred as a result of criminal acts; and/or
4. repairing damage caused by criminal acts;

b. there has been a peace agreement between the Victim and the Suspect; and

c. the community responded positively.

(7) If agreed by the Victim and Suspect, the condition for returning to the original condition as referred to in paragraph (6) letter a may be excluded.

(8) Termination of prosecution based on Restorative Justice is excluded for cases:

- a. criminal acts against state security, the dignity of the President and Vice President, friendly countries, heads of friendly states and their representatives, public order and morality;
- b. criminal acts that are subject to a minimum penalty;
- c. narcotics crimes;
- d. environmental crimes; and
- e. criminal acts committed by corporations.

Based on various provisions of Article 5 paragraph (1) letter a of the Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, it is stated that "the suspect has committed a crime for the first time", this can clearly result in someone who actually has no evil intentions and has not committed a crime because in the past he was a perpetrator of a crime but has changed his mind, but must be involved in a crime, the restorative justice system cannot be applied to him. Then Article 10 paragraph (1) letter a of the Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice states that:

(1) In the event that a peace process is achieved, the Victim and Suspect will make a written peace agreement before the Public Prosecutor.

(2) The peace agreement as referred to in paragraph (1) consists of:

- a. agree to make peace accompanied by the fulfillment of certain obligations; or
- b. agree to make peace without fulfilling certain obligations.

(3) The peace agreement as referred to in paragraph (1) is signed by the victim, the suspect and 2 (two) witnesses with the knowledge of the public prosecutor.

(4) In the case of a peace agreement accompanied by fulfillment of the obligations as referred to in paragraph (2) letter a, the Public Prosecutor shall make a report of the peace agreement and a memorandum of opinion after the fulfillment of the obligations has been carried out.

(5) In the case of a peace agreement without fulfillment of the obligations as referred to in paragraph (2) letter b, the Public Prosecutor shall make a report of the peace agreement and a memorandum of opinion.

(6) In the event that the peace agreement is unsuccessful or the fulfillment of obligations is not carried out in accordance with the peace agreement, the Public Prosecutor:

- a. record the failure to reach a peace agreement in the minutes;
- b. make a note of opinion that the case is referred to the court, stating the reasons; and
- c. submit case files to the court.

Based on the provisions of Article 10 paragraph (1) letter a of the Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice above, it is also clear that there is no guarantee that the party who is declared correct in the restorative justice settlement can automatically have their rights restored due to the perpetrator's criminal acts. Article 10 paragraph (1) letter a of the Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice only regulates that when the perpetrator does not carry out his obligations, the victim can file a criminal lawsuit in court. This clearly shows that the restorative justice method cannot guarantee legal certainty regarding the victim's rights.

a. Legal Structure Constraints

The mechanism offered by the restorative justice approach or concept emphasizes the concept of peace. The concept of mediation and reconciliation applied to restorative justice where perpetrators, victims, law enforcement officers, and the wider community participate directly in resolving criminal cases is certainly inversely proportional to or contradicts the traditional criminal justice system that has been in effect for a long time and is still in effect today. The application of the restorative justice concept sectorally tends not to use a systems theory approach, as is the approach to the concept of criminal law enforcement in the criminal justice system. The systems approach to criminal law enforcement in Indonesia has given birth to various procedural norms in the procedural law system, so that the criminal justice process is carried out continuously from the investigation stage to the correctional process in the Correctional Institution. Therefore, the construction of legal substance to apply the concept of law enforcement with the restorative justice principle approach should be built with a systems approach so that the process is continuous within the framework of the criminal justice system, and so that it does not conflict with various basic norms in criminal procedure law. In addition to the obstacles related to the Restorative justice concept which has not been systematically implemented in the criminal justice system. Obstacles related to the role of the

prosecutor's office in realizing the concept of restorative justice in resolving criminal cases also consist of:²³

1) Lack of Standards and Regulations:

The application of RJ is often discretionary and less standardized, giving rise to uncertainty and potential for abuse.

2) Potential for Unfair Participation:

The prosecutor's office, as the party carrying out the prosecution, has the potential to become partisan if it accepts bribes or influence from certain parties.

3) Lack of Awareness and Training:

Lack of awareness and training about RJ among prosecutors may hinder effective implementation.

4) Lack of Resources:

Lack of resources, both human and financial, can hinder the RJ process, such as facilitator training and funding.

5) Dependence on Cooperation:

RJ relies on the voluntary cooperation of both the victim and the perpetrator. If neither is willing, the RJ process cannot proceed.

6) Weak Synergy:

Synergy between law enforcement officers, including the prosecutor's office, police, and courts, is still weak in the implementation of RJ.

b. Legal Culture Constraints

Another weakness in the implementation of Restorative Justice is that not all people are aware of the concept of Restorative Justice as a substitute for the general criminal system. This then causes in the investigation process, often one party cannot be present to carry out the investigation process or cannot attend the diversion process at the investigation level. This often occurs in the handling and use of Restorative Justice in handling the juvenile justice system where the victim's family often refuses to be present to carry out restorative efforts and insists on carrying out the investigation process until completion. This obstacle which then becomes one of the weaknesses of the implementation of Restorative Justice is still not perfectly carried out and implemented in Indonesia, public awareness and also the role of law enforcement in supporting the

²³Interview with Rini Prihartini as Head of Restorative Justice at the Cirebon City District Attorney's Office, April 10, 2025.

implementation of Restorative Justice is still minimal and has not been carried out optimally.²⁴

4. Conclusion

The implementation of the restorative justice system in criminal cases in the jurisdiction of the Cirebon City District Attorney's Office has not been carried out effectively, this is indicated by the fact that there has been no resolution of criminal cases through non-penal channels; Factors that influence the implementation of the restorative justice system in criminal cases in the jurisdiction of the Cirebon City District Attorney's Office are victims who do not want the restorative justice path, perpetrators often do not commit to the results of the agreement to resolve criminal cases through restorative justice, and law enforcers who cannot enforce the implementation of legal settlements through restorative justice.

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