

Analysis Of Termination Of Prosecution Based On Restorative Justice In The Crime Of Justice-Based Domestic Violence (Case Study at the Malinau District Attorney's Office)

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Abstract. *The research aims to analyze the implementation of termination of prosecution based on restorative justice for domestic violence crimes at the Malinau District Attorney's Office has provided a sense of justice. Obstacles and solutions to implementing the termination of prosecution based on restorative justice for domestic violence crimes at the Malinau District Attorney's Office. Legislative approach method (Statue Approach) in normative legal research using the Pancasila Justice Theory and Legal System. The results of the research and discussion are that (1) Implementation of termination of prosecution based on restorative justice for domestic violence crimes at the Malinau District Attorney's Office has provided a sense of justice, as proven. Resolving domestic violence is fundamentally aligned with and in accordance with the values of Pancasila justice. However, restorative justice relies heavily on its fair, voluntary, and victim-centered implementation. If not implemented carefully, it can perpetuate violence and undermine substantive justice. (2) Obstacles to the implementation of the termination of prosecution based on restorative justice for domestic violence crimes at the Malinau District Attorney's Office in the implementation of the termination of prosecution based on restorative justice in domestic violence cases lie in three main dimensions of law: structure, substance, and legal culture. The three are interrelated and mutually reinforcing. If one pillar is weak, the legal system as a whole cannot work effectively. Therefore, to achieve effectiveness and substantive justice, the three pillars must be built simultaneously, progressively, and oriented towards victim protection. Solution: increasing public understanding of restorative justice through outreach by the prosecutor's office, ensuring that the agreements that have been made run well with mprovide more satisfactory justice solutions for both parties,*

contextualizing the concepts, standards, and principles of restorative justice in each region.

Keywords: *Domestic Violence; Prosecution; Termination.*

1. Introduction

Victims of domestic violence, most of whom are women, must receive protection from the State and/or society to avoid and be free from violence or threats of violence, torture, or treatment that degrades human dignity and status. Forms of violence, especially domestic violence, constitute violations of human rights and crimes against human dignity and forms of discrimination that must be eliminated, so that every citizen has the right to protection of themselves, their families, honor, dignity, and property under their control, and has the right to a sense of security and protection from the threat of fear to act or not and to be free from all forms of violence in accordance with Pancasila and the 1945 Constitution of the Republic of Indonesia (UUDNRI).¹

Domestic violence is an unlawful act that results in suffering and misery, both psychological, physical, and sexual. Furthermore, victims of domestic violence find it difficult to report their experiences to law enforcement, as the perpetrator's abuse is viewed as a private matter (a domestic matter) that cannot be reported to the police.² Generally, the victim, the wife or child, is structurally weak and dependent, particularly economically, on the perpetrator, the husband. Therefore, the victim is often forced to remain silent or even cover up the violence. Making domestic violence cases public exposes the family's shame, thus prolonging the victim's suffering without protection.³

The government's efforts to provide protection for women by ratifying the convention on the elimination of all acts of discrimination against women, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which has been ratified by Indonesia through Law Number 7 of 1984.⁴ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was formed based on an individualistic philosophy, a philosophy that emphasizes respect and freedom of every individual, so it is not surprising that the concept of neglect in Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) is an implementation of the mandate of the material content of the current PKDRT Law which is also based on this philosophy.⁵

Article 4 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) states that one of the objectives of this Law is to prevent all forms of domestic violence, protect victims of domestic violence, prosecute perpetrators of domestic violence, and maintain the integrity of a harmonious and prosperous household. Therefore, in handling cases of domestic violence, they are handled according to the same criminal procedural standards as other criminal cases. If the defendant is found guilty of committing the crime charged by the Public Prosecutor, this process ends with the imposition of a sentence.

2. Research Methods

The research approach used by the researcher is a legislative approach. (*Statue Approach*) in normative legal research and a qualitative approach in empirical legal research. The Statutory Approach is an approach carried out by examining all laws and regulations related to the legal issue being handled. Meanwhile, the Qualitative Approach is a method of analyzing research results that produces descriptive analytical data, namely data stated by respondents in writing or verbally as well as actual behavior, which is researched and studied as a whole.⁶ Therefore, the author must be able to determine which data or legal materials have the quality of data, which legal materials are relevant and related to the research material. Therefore, in this qualitative analysis, data quality is paramount.

3. Results and Discussion

3.1. Analysis of the application of termination of prosecution based on restorative justice for domestic violence crimes at the Malinau District Attorney's Office has provided a sense of justice.

Criminal penalties are an integral part of the criminal justice system in Indonesia. They serve to provide a deterrent effect, protect society, and restore justice for victims. However, in its implementation, the criminal penalty system in Indonesia faces various challenges, both from a normative and philosophical perspective, as well as from a practical perspective. The criminal penalty system is a comprehensive mechanism encompassing the types of penalties, the purpose of punishment, the procedures for imposing sentences, and the implementation of sentences imposed by the courts. This system regulates how the state responds to acts deemed crimes with sanctions stipulated in law.

The purpose of punishment is to prevent future crimes. The purpose of punishment is necessary to understand the basic legal nature of punishment. The basic reason or goal that the state wants to achieve in imposing punishment on perpetrators of criminal acts. In the modern criminal law system, punishment is not merely a form of retribution (retributive), but has broader goals such as protecting society, improving the behavior of perpetrators, and reparation for victims' losses. In the context of Hugo De Groot, "malum passionis propter malum actionis" is said, namely evil suffering befalls, due to evil acts.⁷

Meanwhile, criminalization involves the imposition of sanctions as a legal consequence or punishment imposed on individuals or legal entities who violate

⁶Ibid,

⁷ Muladi, 2008, Conditional Penal Institution, Bandung, Alumni, p.25

applicable legal norms. Sanctions are a crucial element of law, as they serve as a tool to ensure compliance with legal norms in society. Therefore, sanctions are a crucial part of the legal system that ensures the functioning of legal norms in society. The type and severity of sanctions vary depending on the branch of law violated and the severity of the violation. In the context of modern and fair law enforcement, sanctions must also consider proportionality, justice, and expediency, not simply retaliation.

Criminal sanctions as a punishment for cause and effect, the cause is the case and the effect is the law, the person affected by the consequences will receive sanctions either imprisonment or other punishments from the authorities. Criminal sanctions are a type of sanction that is a misery that is threatened or imposed on the actions or perpetrators of criminal acts or criminal acts that can disrupt or endanger legal interests. Criminal sanctions are basically a guarantee to rehabilitate the behavior of the perpetrator of the crime, but it is not uncommon for criminal sanctions to be created as a threat to human freedom itself.⁸

According to Leden Marpaung, criminal law in Indonesia itself can generally be divided into two, namely:

1. Material criminal law, namely all provisions and regulations that indicate actions which are actions that can be punished, who is the person who can accountable for actions and what punishments can be imposed imposed on the person, also known as abstract criminal law.
2. Formal Criminal Law is a number of regulations that contain the ways in which the State uses the right to try and make a decision against someone suspected of committing an act criminal, or in other words, the way the law works abstract criminal law must be enforced in a concrete. Usually people call this type of criminal law as criminal procedural law.⁹

The purpose of criminal law is to protect the interests of individuals or the human rights of society. The purpose of criminal law in Indonesia must be in accordance with the Pancasila philosophy, which ensures fairness for all citizens. Therefore, criminal law in Indonesia is intended to protect all Indonesians. The purpose of criminal law is divided into two::

- a. The purpose of criminal law as a law of sanctions.

⁸Tri Andrisman, 2009, Principles and Basis of Indonesian Criminal Law Regulations, Unila, Bandarlampung, p.8

⁹Leden Marpaung, 2005, Principles-Theory-Practice of Criminal Law, Sinar Grafika, Jakarta, p.2

This goal is conceptual or philosophical in nature and aims to provide the basis for the existence of criminal sanctions. Types, forms and criminal sanctions and as well as a parameter in resolving violations criminal. This purpose is usually not written in the legal articles criminal but can be read from all provisions of criminal law or in general explanation.

- b. The purpose of imposing criminal sanctions on people who violate criminal law.

This goal is pragmatic in nature with clear dimensions and concrete that is relevant to the problems that arise due to the existence of violations of criminal law and the person who committed the violation criminal law. This objective is the embodiment of the objective First.¹⁰

Furthermore, Sudarto also mentioned several opinions, namely that the function of criminal law can be distinguished as follows:

1) Common functions

Criminal law is a part of law, therefore Therefore the function of criminal law is the same as the function of civil law. in general, namely to regulate social life or to organize order in society.

2) Special functions

The special function of criminal law is to protect legal interest in the intended act (*rechtsguterschutz*) with sanctions in the form of criminal penalties which is sharper in nature when compared to sanctions that found in other branches of law. In criminal sanctions, there is a tragedy (something sad) so that the law criminal law is said to be "cutting one's own flesh" or as double-edged sword", which means that criminal law aims to protect legal interests (for example: life, property, freedom, honor), but if there is a violation of the prohibitions and orders, it is inflicting injury (hurting) on the legal interests (objects) of the offender. It can be said that criminal law provides rules to combat evil deeds. In this case It should also be remembered that as a tool of social control the function of law is criminal law is subsidiary, meaning that criminal law should be new held (used) if other efforts are lacking adequate.¹¹

Some of the descriptions above, that the aim of combating crime through criminal law is to prevent people from becoming victims of crime, resolve crimes that occur, so that people are satisfied that justice has been upheld and those guilty have

10 Teguh Prasetyo, 2010, *Criminal Law*, Rajawali Press, Jakarta, p.7

11 Sudarto, 1990, *Criminal Law I*, Sudarto Foundation, Semarang, p.9

been punished, ensure that those who have committed crimes do not repeat crimes again according to the function of the criminal justice system.¹² Thus, the existence of a criminal justice system demonstrates a system-based approach to crime prevention. This system approach considers each component within the system as a unified whole that influences and interacts with one another. In this way, the police, prosecutors, courts, and correctional institutions are essential, interconnected components.¹³

As a criminal justice system, it recognizes three approaches, namely the normative, administrative and social approaches. The normative approach views the four law enforcement apparatuses above as institutions implementing applicable laws and regulations, so that these four apparatuses are an inseparable part of the law enforcement system alone.¹⁴ The administrative approach views the four law enforcement apparatus as a management organization that has a working mechanism, both horizontal and vertical relationships in accordance with the organizational structure that applies in the organization, the system used is an administrative system, while the social approach views the four law enforcement apparatus as an inseparable part of a social system so that society as a whole is responsible for the success and failure of the four law enforcement apparatus in carrying out their duties, the system used is a social system.¹⁵

The criminal justice system in the Criminal Procedure Code (KUHP) is an integrated criminal justice system. This system is based on the principle of functional differentiation among law enforcement officers in accordance with the authority granted by law.¹⁶ Criminal justice systems tend to prioritize the rights of perpetrators, while neglecting the rights of victims, giving criminal law the impression that it primarily protects the rights of perpetrators. The interests of victims, including the harm and suffering they experience as a result of the crime, are often overlooked in criminal justice practices. Crime victims are unable to defend their rights, as they are treated only as witnesses or evidence, in an effort

12 Mardjono Reksodiputro, 2007, *Indonesian Criminal Justice System (The Role of Law Enforcement in Fighting Crime)*, Center for Justice Services and Legal Service, Institute of Criminology, University of Indonesia, Jakarta, p.84

13 Romli Atmasasmita, 1996, *Criminal Justice System: Existentialism and Abolitionism Perspective*, Bina Cipta Publisher, Jakarta, p. 15

14 Romli Atmasasmita, 1996, *Criminal Justice System: Perspectives of Existentialism and Abolitionism*, Putra Abardin, Bandung, p.14

15 Romli Atmasasmita, 2010, *Contemporary Criminal Justice System*, Kencana, Jakarta, p.7

16 M. Yahya Harahap, 2009, *Discussion of Problems and Application of the Criminal Procedure Code: Investigation*

And Prosecution, Sinar Grafika, Jakarta, p. 90

to protect the victim and the public. The public prosecutor represents the victim's interests in prosecuting the perpetrator.¹⁷

Over time, demands have emerged for reforming the penal system to make it more humane and proportional. Due to several major problems within the penal system, including overcriminalization and prison overcapacity, many minor crimes are still subject to prison sentences, resulting in overcrowding. This aims to strive for reform of criminal law. The existence of criminal law reform is essentially part of a rational effort to make law enforcement more effective by improving legal substance, a rational effort to overcome crime (evil acts both by law and by society), a rational effort to overcome social problems that can be resolved through law.¹⁸ Criminal law reform can be interpreted as legal politics in the post-factum sense, or legal politics implemented after concrete situations have occurred in society. Furthermore, Sunaryati Hartono, quoted by Barda Nawai Arif, stated that legal politics is inseparable from the social and traditional realities of a country.¹⁹

According to Sudarto, legal reform, particularly criminal law, is deemed highly urgent due to three factors: first, political reasons: an independent nation must have its own national laws, for the sake of national pride. Second, sociological reasons: laws that reflect a nation's culture. Third, practical reasons: laws in a country must be in the native language of that nation, not translations of those laws.²⁰

The reform of criminal law, with the introduction of a policy of discontinuing prosecution based on restorative justice, is a response to the weaknesses of the criminal justice system, which places too much emphasis on punishment. With a humanistic philosophical foundation, a strong legal basis, and Indonesian social values that uphold peace, this policy represents a concrete manifestation of the transformation of criminal law toward a more just, efficient, and dignified system. Until now, the Indonesian criminal justice system has been retributive and formalistic, placing greater emphasis on punishing perpetrators without considering the needs of victims and social recovery.

17 Josephin Mareta and Jalan HR Rasuna Said Kav, Implementation of Restorative Justice Through Fulfillment of Restitution for Child Crime Victims, *Jurnal Lex Et Societatis*, Vol.3, No. 1, 2018. Url: <https://jurnal.iain-bone.ac.id/index.php/alsyakhshiyah/article/view/2607> Accessed July 13, 2025.

18 Syamsul Fatoni, 2015, *Reform of the Criminal Justice System: Theoretical and Pragmatic Perspectives for Justice*, Setara Press, Jakarta, p. 32

19 Barda Nawawi Arief, 2012, *Anthology of Criminal Law Policy (Development of the Drafting of the New Criminal Code)*, Kencana Prenada Media Group, Jakarta, p. 36

20 Muladi, 2015, *Conditional Sentence Institution*, Third Edition, Alumni, Bandung, p.71

The restorative justice approach resolves cases outside the court by stopping the prosecution. The Public Prosecutor, acting as a facilitator, terminates the prosecution and submits it in stages to the Chief Prosecutor, as regulated in Articles 364, 373, 379, 384, 407, and 483 of the Criminal Code (KUHP), minor criminal cases are the only criminal cases that can be resolved through restorative justice, minor criminal cases can also be applied to cases of child crimes, women in conflict with the law, drugs, information and electronic transactions, and traffic. Meanwhile, the maximum penalty imposed is a maximum of 3 months imprisonment or a fine of IDR 2.5 million.²¹

As for the legal basis restorative justice in cases of minor crimes, this is contained in several regulations as follows:

- 1) Article 310 of the Criminal Code (KUHP)
- 2) Article 205 of the Criminal Procedure Code (KUHP)
- 3) Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2012 concerning Adjustments to the Limits of Minor Crimes and the Amount of Fines in the Criminal Code
- 4) Joint Memorandum of Understanding of the Chief Justice of the Supreme Court, Minister of Law and Human Rights, Attorney General, Chief of the Republic of Indonesia National Police Number 131/KMA/SKB/X/2012, Number M.HH-07.HM.03.02 of 2012, Number KEP-06/E/EJP/10/2012, Number B/39/X/2012 dated 17 October 2012 concerning the Implementation of the Application of Adjustments to the Limits of Minor Crimes and the Amount of Fines, Fast Examination Procedures and the Application of Restorative Justice
- 5) Letter from the Director General of the General Courts Number 301 of 2015 concerning the Settlement of Minor Crimes
- 6) Indonesian National Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice
- 7) Attorney General Regulation (PERJA) Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice.
- 8) JAM Pidum Circular Letter Number: 01/E/EJP/02/2022 Concerning the Implementation of Termination of Prosecution Based on Restorative Justice.

²¹Karim, 2019, *Ius Constituendum: Regulation of the Settlement of Minor Criminal Cases Through Restorative Justice*, CV. Jakad Media Publishing, Surabaya, p. 27

Based on the description above, minor crimes in domestic violence (KDRT) are a serious problem that not only impacts the victim physically and psychologically, but also disrupts social stability and human values within the family. Law enforcement against perpetrators of domestic violence has tended to be retributive, namely focusing on punishing the perpetrator without fully considering the victim's recovery. However, with the development of the restorative justice paradigm, an alternative approach to resolving domestic violence cases has emerged, namely through the termination of prosecution that focuses on restoring relationships, peace, and substantive justice.

The emergence of restorative justice, an approach to resolving criminal cases that emphasizes reparation for the harm caused by the crime, to the victim, the perpetrator, and the community. This approach involves all parties involved in the conflict to actively seek a just solution and restore conditions to what they were before the crime occurred. This approach has been normatively accommodated in the Republic of Indonesia Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, which serves as the basis for prosecutors to terminate the prosecution process in certain cases.

3.2. Analysis of obstacles and solutions to the implementation of termination of prosecution based on restorative justice for domestic violence crimes at the Malinau District Attorney's Office.

Indonesia as a state of law (*recht staats*), then every person who commits a crime must be held accountable for their actions through the legal process. Law enforcement implies that a crime is an act prohibited by a legal rule, where the prohibition is accompanied by a threat (sanction) in the form of a certain penalty as accountability. In this case there is a relationship with the principle of legality, where no act can be punished unless it has been regulated by law, then for anyone who violates the prohibition and the prohibition has been regulated by law, then the perpetrators can be subject to sanctions or punishment, while the criminal threat is directed at the person who caused the incident, there is also a close relationship.²²

Law enforcement, as defined by Abdul Kadir Muhamad, is an effort to implement the law properly, supervise its implementation to prevent violations, and if violations do occur, restore the violated law so that it can be re-enforced. This definition shows that law enforcement lies in the activities carried out by law enforcement officers. These law enforcement activities lie in serious efforts to realize legal norms. Realizing norms means applying existing rules to ensnare or

²²Andi Hamzah, 2001, *Principles of Criminal Law*, Rineka Cipta, Jakarta, p.15

catch anyone who violates the law. Violation of the law is the key word that determines the success or failure of the law enforcement mission.²³

Law enforcement using a restorative justice approach in resolving domestic violence (DV) crimes is a progressive approach that aims to restore social relationships, not just punish the perpetrator. Domestic violence cases tend to be resolved through criminal sanctions, either imprisonment or fines. It can be said that the only way for perpetrators of domestic violence to be held accountable for their actions is through retributive justice, namely through criminal sanctions. The ineffectiveness of this conflict resolution results in the victim remaining a victim, while the perpetrator who is punished creates new problems in his family.²⁴

Restorative justice is one of the key alternatives in resolving domestic violence cases. Restorative justice views the perpetrator as responsible for restoring the victim's psychological, physical, and material well-being by admitting guilt, apologizing, and providing compensation for the losses incurred, while the victim requires recovery from the perpetrator's actions. With the alternative solution of problems through consolidation between the victim and the perpetrator through the concept of restorative justice, it has succeeded in restoring the role of criminal law, namely as a last alternative or ultimum remedium in resolving criminal cases without requiring criminal treatment in the form of imprisonment, which is not always the solution. This consolidative nature is also in line with the characteristic of the Indonesian nation "musyawarah mufakat" (consensus), where in the event of a dispute, the first effort taken is deliberation to reach a consensus with a family-like nature.²⁵

The definition of restorative justice based on Article 1 paragraph (1) of the Republic of Indonesia Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, namely:

Restorative Justice is the resolution of criminal cases by involving the perpetrator, victim, the perpetrator/victim's family, and other related parties to work together to find a just solution with an emphasis on restoring the situation to its original state, and not revenge.

23SUnardi, Danny Tanuwijaya, Abdul Wahid, 2005, Republic of the "Rats"; Reflection *Legal Powerlessness and Human Rights Enforcement*, First edition, Edsa Mahkota, Jakarta, p.16

24 Elias, Rodrigo F. & Tonny Rompis, Implementation and Effect of Restorative Justice as an Alternative for Resolving Criminal Acts in the Criminal Justice System in Indonesia, *Jurnal Lex Crimen* Vol. 10, No. 5, 2021.

25 Angelina, Maria, Implementation of Restorative Justice in Traffic Accident Criminal Cases in Connection with Attorney General Regulation No. 15 of 2020 Concerning Termination of Prosecution Based on Restorative Justice, *Journal of Legal Science Proceedings* Vol.07, No. 1 of 2021. Url: <https://swarajustisia.unespadang.ac.id> accessed July 13, 2025.

With the existence of the Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, the Public Prosecutor has the right to terminate the prosecution of the perpetrator with certain criminal conditions that have fulfilled various requirements for termination of prosecution based on restorative justice. In reality, the handling of the settlement of domestic violence crimes handled by the Malinau District Attorney's Office can fulfill the restorative justice framework, including paying attention to or considering the following circumstances:

1. The interests of victims and other legally protected interests.
2. Negative stigma avoidance
3. Avoidance of retaliation
4. Community response and harmony
5. Compliance, morality and public order
6. Subjects, objects, categories and threats of criminal acts
7. Background to the occurrence/commission of the crime
8. Level of deplorability
9. Losses or consequences arising from criminal acts
10. Costs and Benefits of Case Handling
11. Recovery returns to its original state
12. There is peace between the victim and the suspect so that peace efforts can be implemented.²⁶

The results of the study show that there are several requirements that must be met before the process Termination of Prosecution Based on Restorative Justice in accordance with Letter of Order from the Head of the Malinau District Attorney's Office Number: Print-77/O.4.21/Eku.2/03/2025, Dated March 3, 2025 to Facilitate Peace

²⁶Peace Report File Letter of Order from the Head of the Malinau District Attorney's Office Number: Print-77/O.4.21/Eku.2/03/2025, Dated March 3, 2025 to Facilitate Peace Based on Restorative Justice

Based on Restorative JusticeThe Head of the Malinau District Attorney's Office requested approval to terminate the criminal act of "Physical violence in the household sphere" with the name of the suspect who is suspected of violating Article 44 paragraph (1) of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. As a result of the findings obtained, it was revealed that the implementation ofTermination of Prosecution Based on Restorative Justicehave beneficial consequences. So farTermination of Prosecution Based on Restorative Justicehas been done very well. However, there are some obstacles due to several factors influencing it.However, in its implementation, many obstacles are faced, both normatively, structurally, and culturally in the process of Termination of Prosecution Based on Restorative Justice.domestic violence criminal case at the Malinau District Attorney's Office.

4. Conclusion

The implementation of the termination of prosecution based on restorative justice for domestic violence crimes at the Malinau District Attorney's Office has provided a sense of justice, as proven.In resolving domestic violence, it is basically in line with and in accordance with the values of Pancasila justice, especially from a humanitarian aspect, Deliberation, Restoration of social relations. However, it depends heavily on its fair, voluntary, and victim-centered implementation. If not implemented carefully, restorative justice can perpetuate violence and undermine substantive justice.Because acts of domestic violence (KDRT) are a form of violation of human dignity and honor. Obstacles to the implementation of restorative justice-based prosecution terminations in domestic violence cases at the Malinau District Attorney's Office lie in three main legal dimensions: structure, substance, and legal culture. These three are interrelated and mutually reinforcing. If one pillar is weak, the legal system as a whole cannot function effectively. Therefore, to achieve effectiveness and substantive justice, these three pillars must be built simultaneously, progressively, and oriented towards victim protection. The solution:increasing public understanding of restorative justice through outreach by the prosecutor's office, ensuring that the agreements that have been made run well with mprovide more satisfactory justice solutions for both parties, contextualizing the concepts, standards, and principles of restorative justice in each region.

5. References

Journals:

Abdul Hamid Tome, Membumikan Pancasila : Upaya Pelembagaan Nilai Pancasila Dalam Kehidupan Masyarakat Desa, Jurnal Al-'Adl, Vol. 13 No. 1 Tahun 2020.
Url: <https://ejournal.iainkendari.ac.id/index.php/al-adl/article/view/1717>
accessed on 26 April 2025.

Ahmad Faizal Azhar, Penerapan konsep keadilan restoratif (restorative justice) dalam sistem peradilan pidana di Indonesia, *Mahkamah: Jurnal Kajian Hukum Islam* Vol. 04 No. 2 Tahun 2019. Url: <https://www.syekhnurjati.ac.id/jurnal/index.php/mahkamah/article/view/4936>, accessed on 26 April 2025.

Ahmad Syafiq, *Rekonstruksi Pemidanaan Dalam Hukum Pidana Islam*, Volume 1 No.2 Agustus Tahun 2014.

Albert Aries, 2006, *Penyelesaian Perkara Pencurian Ringan dan Keadilan Restoratif*, *Majalah Varia Peradilan*, Tahun XX. No. 247, Penerbit Ikatan Hakim Indonesia.

Angelina, Maria, Penerapan Restorative Justice dalam Perkara Tindak Pidana Kecelakaan Lalu Lintas Dihubungkan dengan Peraturan Jaksa Agung No 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif, *Prosiding Ilmu Hukum* Vol.7, No. 1 Tahun 2021. Url: <https://swarajustisia.unespadaang.ac.id/index.php/UJSJ/article/view/568?articlesBySimilarityPage=5> accessed on 20 April 2025.

Daniel Ch. M. Tampoli, Penghentian Penuntutan Perkara Pidana Oleh Jaksa Berdasarkan Hukum Acara Pidana, *Jurnal Lex Privatum*, Vol. IV/No. 2 Tahun 2016. Url: <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/11360> accessed on 13 Juni 2025.

Elias, Rodrigo F. & Tonny Rompis, Penerapan dan Pengaruh Keadilan Restoratif Sebagai Alternatif Penyelesaian Tindak Pidana Dalam Sistem Peradilan Pidana di Indonesia, *Jurnal Lex Crimen* Vol. 10, No. 5 Tahun 2021. Accessed on 17 April 2025.

Endi Arofa, Penghentian penuntutan dalam perkara pidana berdasarkan restorative Justice, *Jurnal Surya Kencana dua : dinamika masalah hukum dan keadilan*, Vol. 7, No 2 Tahun 2020. Url: <https://openjournal.unpam.ac.id/index.php/SKD/article/view/9216> accessed on 23 Juni 2025.

Elias, Rodrigo F. & Tonny Rompis, Penerapan Dan Pengaruh Keadilan Restoratif Sebagai Alternatif Penyelesaian Tindak Pidana Dalam Sistem Peradilan Pidana Di Indonesia, *Jurnal Lex Crimen* Vol. 10, No. 5 Tahun 2021.

Eva Achjani Zulfa, Keadilan Restoratif Dan Revitalisasi Lembaga Adat Di Indonesia, *Jurnal Kriminologi Indonesia* Vol 6 No II Tahun 2010. Url: [Http://Journal.Ui.Ac.Id/Index.Php/Jki/Article/Viewfile/1114/1022](http://Journal.Ui.Ac.Id/Index.Php/Jki/Article/Viewfile/1114/1022) , Accessed on 10 Juli 2025.

Firman Freaddy Busroh, Yuli Asmara Triputra, dan Andi Chandra, Analisis Normatif Restoratif Justice Dalam Proses Penyelesaian Kekerasan Dalam Rumah Tangga, Jurnal Tripatang Tahun 2021. Url: <https://www.researchgate.net>, accessed on 18 April 2025.

Bambang Noroyono, Viral Kasus Kasus KDRT, Puan Pertanyakan Peran Pemerintah, <https://news.republika.co.id>, accessed on 13 April 2025.

Hanafi Arief and Ningrum Ambarsari, Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia, Al-Adl: Jurnal Hukum Vol.10 No.2 Tahun 2018. Url: <https://ojs.uniska-bjm.ac.id/index.php/aldli/article/view/1362/0> accessed on 26 April 2025.

Hermawan, Hendra Setyawan Thedja, Analisis Asas Domitus Litis dan Penghentian Penuntutan Berdasarkan Keadilan Restoratif dalam Perspektif Perja No 15 Tahun 2020 Vol. 25, No. 1, 2022, Url: <https://jurnalfsh.uinsa.ac.id/index.php/qanun/article/view/1555> accessed on 13 Juni 2025.

Books:

Abintoro Prakorso, 2013, Kriminologi dan Hukum Pidana, Laksbang Grafika, Yogyakarta.

Abu Hamzah, Abdul Lathif al-Ghamidi, 2010, Stop KDRT Kekerasan dalam rumah tangga, Pustaka Imam Asy-Syafi'i, Jakarta.

Adam Chazawi, 2010, Pelajaran Hukum Pidana 1, Rajagrafindo Persada, Jakarta.

Andi Hamzah, 2006, Analisis dan evaluasi hukum tentang pelaksanaan asas oportunitas dalam hukum acara pidana, BPHN, Jakarta.

Andi Hamzah, 2001, Asas-Asas Hukum Pidana, Rineka Cipta, Jakarta.

Andri Kristanto, 2022, Kajian Peraturan Jaksa Agung Nomor 15 Tahun 2020 Tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif, Magister Hukum Fakultas Hukum Universitas Islam Indonesia, Yogyakarta.

Amirudin dan Zainal Asikin, 2004, Pengantar Metode Penelitian Hukum, Raja Grafindo Persada, Jakarta.

Amirul Hadi, Haryono, 2005, Metodologi Penelitian Pendidikan, Pustaka Setia, Bandung.

- Aroma Elmina Martha, 2003, *Perempuan Kekerasan dan Hukum*, UII Press, Yogyakarta.
- Ahmad Mujahidin, 2007, *Peradilan Satu Atap di Indonesia*, Refika Aditama, Bandung.
- Barda Nawawi Arief, 2012, *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KuHPbaru)*, Kencana Prenada Media Group, Jakarta.
- Buchari Said, 2009, *Hukum Pidana Materil*, FH UNPAS, Bandung.
- Djafar, Chandra, 2007, *Kewenangan Penuntut Umum Selaku Dominus Litis Dalam Penghentian Penuntutan Berdasarkan Keadilan Restoratif*, Gramedia, Jakarta.
- Departemen Pendidikan Nasional, 2006, *Kamus Umum Bahasa Indonesia Edisi Keempat*, Balai Pustaka, Jakarta.
- D.S., Dewi dan Fatahilah A. Syukur, 2011, *Mediasi Penal: Penerapan Restorative Justice di Pengadilan Anak Indonesia*, Indie-Publishing, Depok.
- Dossy Iskandar Prasetyo dan Bernard, 2011, *Tanya, Hukum Etika & Kekuasaan*, Genta Publishing, Yogyakarta.
- Eva Achjani Zulfa, 2009, *Keadilan Restoratif*, FH UI, Jakarta.
- Erdianto Efendi, 2011, *Hukum Pidana Indonesia- Suatu Pengantar*, Refika Aditama, Bandung.
- E.Utrecht, 1960, *Hukum Pidana I*, Penerbitan Universitas Indonesia, Jakarta.
- Fokky Fuad Wasitaatmadja, 2017, *Filsafat Hukum Akar Religiositas Hukum*, Ctk. Kedua, Kencana, Jakarta.
- Harahap, Muhammad Yahya, 2021, *Pembahasan Permasalahan dan Penerapan KUHAP*, ed. II, Sinar Grafika, Jakarta.
- Hadi Supeno, 2006, *Peradilan Restoratif : Model Peradilan Anak Indonesia Masa Datang*, Universitas Diponegoro, Semarang.
- Juhaya S. Praja, 1995, *Filsafat Hukum Islam*, ctk. Pertama, Pusat Penerbitan Universitas LPPM- Universitas Islam Bandung, Bandung.

Johnstone dan Van Ness, 2005, *The Meaning of Restorative Justice*, Makalah untuk Konferensi Lima Tahunan PBB ke-11, Bangkok-Thailand.

Ketut Sudira, 2016, *Mediasi Penal Perkara Penelantaran Rumah Tangga*, UII Pres, Yogyakarta.

Kosasih, E, 2014, *Jenis-Jenis Teks. Analisis Fungsi, Struktur, dan Kaidah serta Langkah Penulisan*, Yrama Widya, Bandung.

Regulation:

Criminal Procedure Code (KUHP)

Law Number 1 of 1974 concerning Marriage.

Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia.

Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice.

The 1945 Constitution of the Republic of Indonesia (UUDNRI)