



Termination Of Prosecution Based On Restorative Justice In Negligence Caused Death At The Purbalingga District Prosecutor

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Abstract

Sentencing can be interpreted as the stage of determining sanctions for perpetrators of crimes in criminal law. One method of imposing criminal sanctions is litigation or the courts. However, in practice, it doesn't always go as expected. This study aimed to determine the legal arrangements regarding the termination of prosecution based on *Restorative Justice* and its application. The research method used is normative juridical, namely through library research which examines mainly secondary data in the form of laws and regulations, books, other legal documents, research results, and other references. The results of this study are that through a *Restorative Justice* approach, it is hoped that recovery for victims can be realized, the purpose of punishment for perpetrators will be successful, and public order can be achieved. *Restorative justice* is one alternative to realizing justice under the objectives of the law. Justice will be obtained by all parties, both perpetrators, victims, and the community. *Restorative justice* provides the best solution by prioritizing an approach that focuses on recovery with participation between perpetrators, victims, and the community in resolving criminal cases.

Keywords: *Restorative Justice, Termination, Prosecution*

Abstrak

Pemidanaan dapat diartikan sebagai tahapan penetapan sanksi kepada pelaku kejahatan di dalam hukum pidana. Salah satu metode penjatuhan sanksi pidana adalah menggunakan jalur litigasi atau melalui pengadilan. Namun, dalam praktiknya tidak selalu berjalan sesuai dengan apa yang diharapkan. Tujuan penelitian ini adalah mengetahui pengaturan hukum mengenai penghentian penuntutan berdasarkan *Restorative Justice* serta penerapannya. Metode penelitian yang digunakan adalah yuridis normatif yaitu melalui studi pustaka yang menelaah terutama data sekunder berupa peraturan perundang-undangan, buku, dokumen hukum lainnya, hasil penelitian, serta referensi lainnya. Hasil penelitian ini adalah melalui pendekatan *Restorative Justice* diharapkan pemulihan bagi korban dapat terealisasi, tujuan pemidanaan bagi pelaku akan berhasil dan ketertiban masyarakat pun dapat tercapai. *Restorative Justice* merupakan salah satu alternatif untuk mewujudkan keadilan sesuai dengan tujuan hukum. Keadilan yang akan diperoleh semua pihak, baik pelaku, korban maupun masyarakat. *Restorative Justice* memberikan solusi terbaik dengan mengedepankan suatu pendekatan yang menitikberatkan pada pemulihan dengan partisipasi antara pelaku, korban, dan masyarakat dalam proses penyelesaian perkara pidana.

Kata Kunci : *Restorative Justice, Penghentian, Penuntutan.*

I. Introduction

Sentencing can be interpreted as the stage of determining sanctions for criminals. Besides that, it is also the stage of giving sanctions in criminal law. The word "Criminal" is generally defined as law. At the same time, "Criminalization" is defined as punishment. The purpose of the penalty for someone who has been proven to have committed a crime is under the sound in Article 54 of the Criminal Code Bill is to prevent criminal acts by enforcing a legal norm, socializing the convict by conducting coaching, resolving a conflict caused by the existence of a criminal act. Furthermore, acquit the guilt of the convict who has committed a crime.¹

¹ Ni Nyoman Murniyati, "Sistem Pemidanaan Terhadap Pelaku Tindak Pidana Perdagangan Anak di Indonesia," *Journal Ilmu Hukum*, Vol. 01 No. 04 (Juni 2013), 3.

The criminal system is the fundamental statutory rule that exists in the Criminal Code and outside the Criminal Code, which is specific and includes several theories of punishment, one of which is the theory of retaliation.² This theory of retribution justifies the punishment of someone for having committed a crime. Against perpetrators who have committed a crime, it is essential to take revenge in the form of a crime. There is no question of the punishment consequences for the convict being a criminal, and he must be punished according to the theory of retaliation. Based on the absolute theory or theory of retaliation, criminal punishment is imposed because people have committed a crime or criminal act. A criminal must follow every crime. A person is subject to criminal sanctions because he has committed a criminal act. The criminal sanction is to have a deterrent effect.³ One of the methods used in imposing criminal sanctions is to use litigation or the courts.

In practice, the settlement of cases using this litigation route does not always go according to what is expected. The settlement of cases using litigation in the current criminal justice system creates new problems. For example,⁴ patterns of punishment that are still retaliatory, lead to cases accumulation, ignore the victims' rights, are not under the principles rights of simple justice, long, complicated, and expensive processes, legal and rigid settlements, and do not recover the impact of crimes, inadequate conditions of correctional institutions, does not reflect justice for society and so on.

That the law is made in essence to provide justice and benefits for all human beings, restorative justice offers the best solution in solving crime cases, namely by giving priority to the core problem of a crime. Restorative justice may be defined as bringing the actors and communities affected by a problematic situation back into the condition in which the three problems arose. This justice model implies that the parties involved decide how to deal with a conflict and neutralize its collective impact. Restorative justice presents itself as an international network or movement, giving the impression that its tenets are opposed to those inspiring conventional retributive justice. Against such a claim, abolitionists are not alone in maintaining a critical stance.⁵

Restorative justice can be defined as the settlement of criminal cases involving perpetrators, victims, families of perpetrators/victims, and other related parties to jointly seek a solution to a fair problem and prioritizes the principle of benefit by emphasizing restoration back to its original state. Furthermore, retaliation is a legal necessity in society that is now needed and a mechanism that must be built to implement the prosecution authority and reform the criminal justice system.⁶ Termination of prosecution based on Restorative Justice is the process of resolving legal violations between the victim and the perpetrator (suspect) by sitting together in a meeting to talk together.

Based on the above, the public prosecutor as a mediator provides an opportunity for the perpetrators to provide a clear picture of their actions. At this mediation stage, the perpetrator describes his actions and why the perpetrator carried out the act. The victim must listen carefully and thoroughly to the perpetrator's explanation regarding what has been experienced by the victim and the perpetrator. The most important thing to note is that the settlement repairs the damage caused by the crime.⁷ The thing that makes writing interested in this topic is the primary goal of Restorative Justice itself to create a fair trial. In addition, the parties, perpetrators, victims, and the community play a significant role. Victims are expected to receive appropriate compensation and mutually agree with the perpetrators to compensate

² Marjan Miharja, *Khasanah Pemikiran Hukum di Indonesia* (Jakarta : Qiara Media, 2019), 223.

³ Laelly Marlina Padmawati, "Tinjauan Yuridis Pemberian Grasi dalam Kajian Pidana terkait Efek Jera Pemidanaan," *Recidive*, Vol. 2 No. 3 (September - Desember 2013): 305.

⁴ Kristian dan Christine Tanuwijaya, "Penyelesaian Perkara Pidana dengan Konsep Keadilan Restoratif (*Restorative Justice*) dalam Sistem Peradilan Pidana Terpadu di Indonesia," *Jurnal Mimbar Justitia*, Vol. I No. 02 (Edisi Juli-Desember 2015) : 592.

⁵ Vincenzo Ruggiero, "An Abolitionist View of *Restorative Justice*," *International Journal of Law, Crime and Justice*, Volume 39 Issue 2 (August 2011): 100-110.

⁶ Fetri Tarigan, "Upaya Diversi bagi Anak dalam Proses Peradilan," *Lex Crimen*, Vol. IV/No. 5, (Juli 2015): 104.

⁷ Dheny Wahyudhi, "Pendekatan *Restorative Justice* Dalam Penyelesaian Tindak Pidana Kekerasan Dalam Rumah Tangga," *Jurnal Sains Sosio Humaniora*. Vol. 4 No. 2 (Desember 2020) : 497.

and reduce the suffering experienced.⁸ Through the Restorative Justice approach, it is hoped that recovery for victims can be realized, the purpose of punishment for perpetrators will be successful, and public order can be achieved. Restorative justice is one alternative to realizing justice under the objectives of the law. Justice will be obtained by all parties, both perpetrators, victims, and the community.⁹

The Purbalingga District Prosecutor has attempted to terminate prosecution based on Restorative Justice carried out by the public prosecutor in cases of negligence or negligence resulting in death. The incident occurred at the end of February 2020 when a sports teacher (EBS) brought 20 grade 2 students at SD Negeri 3 Makam, Rembang District, to the swimming pool. However, one of the students (MAA) escaped from the teacher's supervision, so he drowned and died at the bottom of the swimming pool.¹⁰ This case has entered the prosecution stage by the prosecutor. Because the victim's parents want to reconcile, the prosecutor considers and submits a request to terminate the prosecution based on Restorative Justice to the Semarang High Court. The High Court accepted the application, and Restorative Justice resolved the case. Based on the description above, the authors are interested in researching with the title **"Termination Of Prosecution Based On Restorative Justice In Negligence Caused Death At The Purbalingga District Prosecutor."**

II. Research Problems

1. What is the legal arrangement for the termination of prosecution based on Restorative Justice by the public prosecutor?
2. How is the termination of prosecution based on Restorative Justice by the public prosecutor in the case of negligence that caused death at the Purbalingga District Prosecutor?

III. Research Methods

The research method used by the author to answer the problem is by using a normative juridical research method. In this study, the law is conceptualized as what is written in the legislation (law in the book) or norms which are the benchmarks for community behavior towards what is considered appropriate.¹¹ The data specification used in this research is descriptive, a study to objectively provide an overview or description of a situation. The data source used is secondary data. Secondary data is used to answer existing problems through library studies such as library materials, literature, previous research, books, etc. Secondary and primary data are then analyzed with regulations related to the problem under study. Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia and the Regulation of the Prosecutor's Office Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice are the secondary data sources in this study. The data collection technique used is secondary data by collecting and tracing legal regulations and books related to the termination of prosecution based on Restorative Justice. The data analysis method in this study is a descriptive analysis method with a qualitative approach, namely describing the implementation of the termination of prosecution based on Restorative Justice and comparing the performance with existing theories, and then concluding the results of the analysis. The data analysis method is carried out by collecting data through the study of library materials or secondary data, which

⁸ Yusi Amdani, "Konsep *Restorative Justice* dalam Penyelesaian Perkara Tindak Pidana Pencurian oleh Anak Berbasis Hukum Islam dan Adat Aceh," *Al-'Adalah*. Vol. XIII, No. 1 (Juni 2016).

⁹ Rena Yulia, "Penerapan Keadilan Restoratif Dalam Putusan Hakim: Upaya Penyelesaian Konflik Melalui Sistem Peradilan Pidana," *Jurnal Yudisial*. Vol. 5 No. 2 (Agustus 2012): 223.

¹⁰ Radar Banyumas, "Guru Olahraga di Purbalingga yang Ditetapkan jadi Tersangka Dibebaskan dari Tuntutan" (<https://radarbanyumas.co.id/guru-olahraga-di-purbalingga-yang-ditetapkan-jadi-tersangka-dibebaskan-dari-tuntutan/>, accessed on October 28, 2020 at 07.19)

¹¹ Jonaedi Effendy and Johnny Ibrahim, *Metode Penelitian Hukum Normatif dan Empiris* (Depok : Prenada Media Group, 2016), 124.

includes primary legal materials, secondary legal materials, and tertiary legal materials. Both in the form of documents and applicable laws and regulations relating to the normative juridical analysis of synchronization Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice with the implementation of these rules in the field.¹²

IV. Research Results And Discussion

1. Legal Arrangements for Termination of Prosecution Based on Restorative Justice by the Public Prosecutor

The Prosecutor's Office is one law enforcement institution whose position is in the sphere of executive power (government). In article 1 Number 1 of Law no. 16 of 2004 concerning The Prosecutor's Office of Indonesia, it is determined that the prosecutor is a functional official who is authorized by law to act as an investigator, public prosecutor and implement court decisions that have obtained legal force and other powers based on Law Number 16 of 2004.¹³ The functions of the prosecutor's office include preventive and repressive procedures in the criminal field and state attorneys in civil and state administration. The Prosecutor's Office (as a government institution that carries out state power in the area of prosecution) must be able to realize legal certainty, legal order, justice, and truth based on law and heed religious norms, decency, and decency and are obliged to practice human values, law, and justice that live in society. Therefore, the role of the prosecutor as one of the spearheads in law enforcement is expected to uphold the justice values that live in society.¹⁴

Public prosecutors, in carrying out law enforcement duties, generally act for and on behalf of the state as stated in Article 8 paragraph (2) of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. In addition, as a law enforcement tool, it is not only based on the power and authority that exists in it under applicable regulations but is also obliged to serve individual legal needs and the interests of the community/state as a harmonious and balanced unit. The Prosecutor's Office must have the courage to take decisive steps against every violator of the law and protect everyone from the actions of violators.¹⁵

The authority of the public prosecutor to stop prosecution based on the concept of Restorative Justice, namely Prosecutor's Regulation Number 15 of 2020, needs to be appreciated because this concept involves the perpetrators, victims, and the community in the process of resolving these criminal cases. As for the considerations in Prosecutor's Regulation No. 15 of 2020 concerning the termination of prosecution based on Restorative Justice, namely:

- a. That the Prosecutor's Office of the Republic of Indonesia (as a government institution that exercises state power in the field of prosecution) must be able to realize legal certainty, legal order, justice, truth based on law and respect religious norms, decency, and morality, and must explore human, legal and moral values. The righteousness that lives in society;
- b. that the settlement of criminal cases by prioritizing restorative justice, which emphasizes recovery back to its original state and the balance of protection and interests of victims and perpetrators of criminal acts that are not oriented to retaliation, is a legal necessity for the community and a mechanism that must be built in the implementation of prosecution authority and reform of the criminal justice system.

¹² Henni Muchtar, "Analisis Yuridis Normatif Sinkronisasi Peraturan Daerah dengan Hak Asasi Manusia," *Humanus*. Vol. XIV No.1 (2015)

¹³ Ratna Sari Dewi Polontalo, "Independensi Jaksa Sebagai Penuntut Umum dalam Tindak Pidana Korupsi Menurut Undang-undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia," *Lex Crimen*. Vol. VII No. 6 Ags (2018).

¹⁴ Ferdy Saputra, "Analisis Yuridis Penerbitan Surat Perintah Penghentian Penuntutan oleh Kejaksaan Dikaitkan dengan Asas Oportunitas dan Undang-Undang No 16 Tahun 2004 tentang Kejaksaan RI," *USU Law Journal*. Vol.II-No.1 (2014) : 105-106.

¹⁵ *Ibid*

- c. that the Attorney General has the duty and power to streamline the law enforcement process provided for by the law by taking into account the principles of fast, simple, and low-cost justice, as well as establishing and formulating case handling policies for the success of prosecutions that are carried out independently for justice based on law and conscience, including prosecution using a restorative justice approach carried out under the provisions of the legislation;
- d. that based on the considerations as referred to in letter a, letter b, and letter c, stipulate a Prosecutor's Regulation concerning Termination of Prosecution based on Restorative Justice;

The principles used in the termination of prosecution in Restorative Justice are: (a) justice; (b) public interest; (c) proportionality; (d) punishment as a last resort; and (d) fast, simple, and low-cost.¹⁶ The public prosecutor has the authority to close a case for the sake of law based on Article 3 paragraph (2) if a. the defendant dies; b. expiration of criminal prosecution; c. there has been a court decision that has permanent legal force against someone in the same case (*nebis in idem*); d. a complaint for a criminal offense is withdrawn or withdrawn; or e. there has been a settlement of the case out of court (*afdoening buiten proces*).

Since July 2020, the Prosecutor's Office has begun to enforce Restorative Justice under the issuance of Prosecutor's Regulation No. 15 of 2020 concerning Termination of Prosecution based on Restorative Justice. The regulation is also the basis for the public prosecutor to terminate the prosecution based on Restorative Justice. The implementation of the termination of prosecution based on Restorative Justice is under the procedures in the Prosecutor's Regulation Number 15 of 2020, in which a case has entered stage 2 (two), where the absolute authority is in the hands of the public prosecutor. In addition, there is also a period given to the prosecutor to submit a request for approval to the Head of the High Prosecutor's Office as contained in Article 12, paragraphs 3 and 4 as follows, paragraph 3: The demand for authorization as referred to in paragraph (2) is submitted within a maximum of 1 (one) day after the peace agreement is reached. Paragraph 4: The Head of the High Prosecutor's Office determines the attitude of agreeing or rejecting the termination of the prosecution based on Restorative Justice in writing accompanied by considerations within a maximum of 3 (three) days after the request is received.¹⁷

The existence of an effort to terminate the prosecution by the public prosecutor does not mean that all cases can be resolved with this effort. Based on the Attorney General's Regulation No. 15 of 2020 concerning Termination of Prosecution based on Restorative Justice in Article 5, the following conditions must be met:

- a. the suspect has committed a crime for the first time;
- b. a criminal offense is only threatened with a fine or is threatened with imprisonment of not more than 5 (five) years;
- c. A criminal act is committed with the evidence value or the loss caused by the crime of not more than Rp. 2,500,000.00 (two million five hundred rupiahs).
- d. There is peace between the two parties because this is the most crucial thing before the case is resolved with Restorative Justice.¹⁸

2. Termination of Prosecution based on Restorative Justice by the Public Prosecutor in the Case of Negligence that Caused Death at the Purbalingga District Prosecutor

Termination of prosecution aims to provide guarantees of legal certainty at the level of prosecution. The Criminal Procedure Code does not require prosecution or investigation to be protracted without an end. Prosecuting a case or event is not a crime, or by the law itself, the

¹⁶ Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice

¹⁷ Based on the identification and clarification of legal facts with the Public Prosecutor Fahmi Idris, S.H., M.H. on March 26, 2021.

¹⁸ Based on the identification and clarification of legal facts with the Public Prosecutor Fahmi Idris, S.H., M.H. on March 26, 2021

trial must be stopped is an act of waste. Besides that, it is also contrary to the principles of the Criminal Procedure Code itself.¹⁹ Therefore, with the Prosecutor's Regulation Number 15 of 2020 concerning the Termination of Prosecution based on Restorative Justice, the Prosecutor's Office is trying to implement Restorative Justice in settlement of cases that meet the requirements for the prosecution to be terminated. Prosecuting cases supported by sufficient evidence or the incident is not a criminal act, or by the law itself, the trial must be stopped is an act of waste. Besides, it is also contrary to the principles of the Criminal Procedure Code, which requires a fast, honest, straightforward, and complimentary case settlement. And low cost.²⁰

The Purbalingga District Prosecutor's Office has terminated the prosecution based on Restorative Justice. The case successfully resolved was a case of negligence that caused death. It started on Saturday, February 22, 2020. Defendant EBS, S.Pd. Bin Pujo Utomo as a teacher in PJOK (Physical Sport and Health Education) at Makam Elementary School, Rembang District, Purbalingga Regency, will conduct water introduction learning activities for grade 2 students at Makam Elementary School. At around 08.20 WIB, the defendant, without being accompanied by another teacher, brought 20 (twenty) 2nd-grade students to Makam Elementary School, including MAA victims. Arriving at the swimming pool, the defendant then directed the students to the shallow pool and gave a briefing regarding learning about water recognition and practicing the introduction material in the shallow pool. After about 30 minutes, the defendant was ordered to change clothes; while waiting for their turn to change clothes, some of the students were accompanied by their parents/guardians, and others were not accompanied by their parents/guardians. Then went to a large pool with a depth ranging from 100 centimeters to 140 centimeters to play on water bikes or play in a large pool using a used car tire, knowing this the defendant allowed it by not prohibiting or reprimanding the students because some students were accompanied by their parents or guardians so that the defendant felt overwhelmed in carrying out the activities. Then at around 10.00 WIB, the defendant gathered the 2nd-grade students of Makam Elementary School to return to school by counting the number of the students without calling their names. When it turned out that the defendant's count had not reached 20 children, then the defendant took the students out of the swimming pool. To return to school without realizing that MAA victims have not been seen among the students. When the defendant was walking almost leaving the swimming pool location, witness A called the defendant to return to the large pool area because the MAA victim had drowned at the bottom of the pool. The defendant headed to the large pool in the east to find the MAA victim had been lifted from the bottom of the pool by witness N. Then the defendant rushed with witness A, carrying the victim to the Flamboyan clinic. Still, when they arrived at the Flamboyan clinic, the MAA victim had died.²¹

On June 23, 2020 (during the investigation process), there was a peace agreement between the victim's family and the suspect, which stated that the victim's family and the suspect had forgiven each other. The victim's family would not demand justice from the suspect; besides, the suspect had given affection to the family. Victim by giving mourning money of Rp. 5,000,000 - (five million rupiah) and provide essential food assistance at 7,40 and 100 days after the victim's death. On August 25, 2020, the suspect and evidence were handed over to the Public Prosecutor (stage 2). In stage 2, the EBS suspect filed a request not to be detained. The petition stated that there had been a reconciliation between the suspect and the victim's family. Hence, on the leadership's orders, the public prosecutor summoned the parties to check whether the reconciliation had occurred. On Friday, the public prosecutor presented the parties accompanied by the respective heads of the local RT and RW and the principal of the school where the suspect worked. On August 28, 2020, the defendant was also willing to help provide essential food assistance to save 1 (one) year and 1,000 (one thousand

¹⁹ Dr. Alfitra, *Hapusnya Hak Menuntut dan Menjalankan Pidana Edisi Revisi* (Jakarta : Raih Asa Sukses, 2018), 100.

²⁰ *Ibid.*

²¹ Based on the identification and clarification of legal facts with the Public Prosecutor Fahmi Idris, S.H., M.H. on March 26, 2021.

days) of the victim's death.²² After the peace agreement and statements from all parties that agreed with this Restorative Justice, the public prosecutor reported to the Semarang High Prosecutor's Office. The Semarang High Prosecutor's Office approved, and on September 21, 2020, the case of negligence that caused this death was officially prosecuted.²³

The settlement of cases of negligence that caused death with the termination of prosecution based on Restorative Justice was under the reconciliation procedure as contained in the Prosecutor's Regulation Number 15 of 2020 Chapter IV Article 7 concerning the procedure for reconciliation as follows: the public prosecutor offers peace efforts to the Victims and Suspects. The peace effort was carried out without pressure, coercion, and intimidation. Peace efforts are carried out at the prosecution stage, namely handing over responsibility for the suspect and evidence (stage two).

Furthermore, the procedure for peace is regulated in Article 8 of the Prosecutor's Regulation Number 15 of 2020 concerning Restorative Justice as follows: for peace efforts, the public prosecutor shall summon the victim legally and appropriately by stating the reason for the summons. If deemed necessary, peace efforts may involve the families of victims or suspects, community leaders or representatives, and other related parties. The Public Prosecutor shall inform the aims and objectives and the rights and obligations of the victim and suspect in the peace effort, including the right to refuse the peace effort.

If peace is accepted by the victim and suspect, the peace process will be continued. After the victim and the suspect receive the reconciliation efforts, the Public Prosecutor shall make a report on the reconciliation efforts received to the Head of the District Attorney's Office or the Branch of the Head of the District Attorney's Office to be forwarded to the Head of the High Prosecutor's Office. In cases that receive special attention from both leaders and the public, the reports referred to in paragraph (5) are also submitted to the Attorney General in stages. If the reconciliation effort is rejected by the victim and/or suspect, the Public Prosecutor: a. to state the failure to achieve peace efforts in the official report; b. make a memorandum of opinion that the case is transferred to the court by stating the reasons, and c. submit case files to the court.

The imposition of a crime is not merely revenge. The most important thing is the provision of guidance and protection. Protection at the same time to the community and the convicts themselves so that they become converted and can become good members of society. Thus the new conception of the function of punishment is no longer a mere deterrent but also an effort for social rehabilitation and reintegration. That conception in Indonesia is called correctional.²⁴

Through a restorative justice approach, it is hoped that recovery for victims can be realized, the purpose of punishment for perpetrators will be successful, and public order can be achieved. Restorative justice is one alternative to achieving justice under the objectives of the law. Justice will be obtained by all parties, both perpetrators, victims, and the community.

V. Conclusions

1. Settlement cases using this litigation route in practice do not always go as expected. Laws are made essentially to provide justice and benefits for all human beings. The public prosecutor's authority to stop prosecution based on Restorative Justice is regulated in Prosecutor's Regulation Number 15 of 2020, which of course, needs to be appreciated because this concept involves perpetrators, victims, and the community in the case settlement process. The existence of Restorative Justice provides the best

²² Based on the identification and clarification of legal facts with the Public Prosecutor Fahmi Idris, S.H., M.H. on March 26, 2021

²³ Based on the identification and clarification of legal facts with the Public Prosecutor Fahmi Idris, S.H., M.H. on March 26, 2021

²⁴ Rena Yulia, "Penerapan Keadilan Restoratif dalam Putusan Hakim: Upaya Penyelesaian Konflik Melalui Sistem Peradilan Pidana," *Jurnal Yudisial* . Vol. 5 No. 2 (Agustus 2012): 227.

solution to solving crime cases, namely by giving priority to the core problem of a crime.

2. The settlement using the Restorative Justice method has been successfully carried out by the Purbalingga District Attorney and ended with peace between the two parties. Through the Restorative Justice approach, it is hoped that recovery for victims can be realized, the purpose of punishment for perpetrators will be successful, and public order can be achieved. Restorative justice is one alternative to recognizing justice under the law's objectives. Justice will be obtained by all parties, both perpetrators, victims, and the community.²⁵

VI. Suggestions

Based on the research results obtained, some suggestions are as follows:

1. The public prosecutor is expected to prioritize the Restorative Justice method for the recovery of both parties in settlement of a case that falls within the criteria for a case that can be resolved using the Restorative Justice method.
2. Availability of standard operational procedures (SOP) and equal perception of public prosecutors in carrying out these rules should be guaranteed so that irresponsible persons do not misuse these rules.

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²⁵ *Ibid.*

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