



Termination of Prosecutions Based on Restorative Justice in The Settlements of Criminal Cases In The Area Of The Hight Prosecutors Of Lampung

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Article's Information	Abstract
Keywords: <i>Implementation, Cessation of Prosecution, Restorative Justice Indonesia</i>	Abstract <i>The Attorney General's Office of the Republic of Indonesia has introduced a significant initiative to resolve cases through the termination of prosecutions based on restorative justice. The Prosecutor's Office, functioning as a case controller under the dominus litis principle, plays a crucial role in the successful implementation of restorative justice in Indonesia. This article examines and analyzes the application and challenges of terminating prosecutions based on restorative justice within the Lampung High Court jurisdiction. Utilizing both normative juridical and empirical juridical research methods, this study draws on six sources, including academic literature and input from the Public Prosecutor at the Lampung High Prosecutor's Office. The data were processed and analyzed cumulatively. The findings indicate that the Lampung High Court has successfully implemented restorative justice-based prosecutions in three District Attorney's Offices. However, significant obstacles persist, including overlapping regulatory frameworks between law enforcement agencies, such as the Prosecutor's Office and the police, which contribute to legal uncertainty and inconsistencies in law enforcement, as well as insufficient community participation, particularly among victims.</i>
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A. Introduction

The Indonesian Prosecutor's Office occupies a pivotal role in enforcing legal authority within the integrated criminal justice system, as delineated by the Criminal Procedure Code. Recent developments include the issuance of Attorney General Regulation (*Perja*) No. 15 of 2020¹, which introduces a significant innovation in case resolution through the application of Restorative Justice. This regulation aims to streamline the legal process in Indonesia by emphasizing principles of expedience, simplicity, and cost-effectiveness, and by ensuring that prosecutions are conducted in accordance with legal standards, including those involving a restorative justice framework.

Restorative justice is a collaborative approach involving offenders, victims, and the community, aiming to restore affected communities to their pre-crime state or as close to it as possible.² This concept is not novel in Indonesian culture, where traditional methods for resolving disputes often align with restorative justice principles to achieve "healing."³ Such customary practices aim to restore societal harmony disrupted by conflicts.⁴

Perja No. 15 of 2020 seeks to address public expectations by balancing the protection of crime victims with the need for resolution outside the conventional criminal justice system. Historically, there have been shortcomings in the legal system's ability to facilitate the restoration of relationships between offenders and victims. Public discontent has been evident in cases such as that of Minah, an elderly woman convicted of stealing three cocoa pods from the Rumpun Sari Antan plantation⁵, who was sentenced to one month and fifteen days with a probationary period of three months.⁶ Similarly, Samirin, a 68-year-old man, was sentenced to two months for stealing rubber latex worth IDR 17,000 from PT. Bri d gemstone in Simalungun Regency, North Sumatra.⁷

The realization of societal justice ideals must be assessed by the efficacy of law enforcement in upholding the law. In Indonesia, the performance of the criminal justice system is often measured solely by the prosecution and punishment of suspects. The introduction of Restorative Justice in Indonesia aims to enhance societal perceptions of justice by prioritizing a conscience-based approach. The Prosecutor's Office of the Republic of Indonesia plays a crucial role in this context, operating under the *dominus litis* principle, which highlights the Prosecutor's unique monopolistic authority to prosecute.⁸ This principle underscores the Prosecutor's pivotal role in the successful implementation of restorative justice, balancing legal certainty with a sense of fairness.

This research investigates the application of restorative justice at the District Attorney's Office in Lampung, particularly in areas outside the capital city. It has been observed that the public perception of restorative justice remains limited, and there is considerable overlap between the Prosecutor's Regulation No. 15 of 2020 and the Indonesian National Police Regulation No. 8 of 2021, both of which address restorative justice procedures. This research

¹ Appludnopsanji and Pujiyono, "Restructuring the Legal Culture of the Prosecutor's Office in Prosecution as Independence in the Indonesian Criminal Justice System", *SASI* 26, no. 4 (2020): 571-581, 572, DOI: <https://doi.org/10.47268/sasi.v26i4.359>.

² S. Jülich and Natalie Thorburn, "Sexual violence and substantive equality: Can restorative justice deliver?", *Journal of Human Rights and Social Work* 2, no. 1 (2017): 34-44, 36, DOI: <https://doi.org/10.1007/s41134-017-0029-0>.

³ Bruce A., Green and L. Bazelon, "Restorative Justice from Prosecutors' Perspective", *Fordham L. Rev.* 88 (2019): 2287-2318, 2311.

⁴ D. Setyowati, "Understanding the Concept of Restorative Justice as an Effort for the Criminal Justice System to Achieve Justice", *Pandecta Research Law Journal* 15, no. 1 (2020): 121-141, 121, DOI: <https://doi.org/10.15294/pandecta.v15i1.24689>.

⁵ M. Iqbal, "Implementation of the Effectiveness of the Principle of Opportunity in Indonesia on the Basis of the Public Interest", *Surya Kencana Satu Journal: The Dynamics of Legal and Justice Problems* 9, no. 1 (2018): 87-100, 89, DOI: <http://dx.doi.org/10.32493/jdmhkdmdhk.v9i1.1178>.

⁶ B. Alamsyah, "Law Enforcement and Justice in Indonesia Between Expectations and Reality", *Legality: Jurnal Hukum* 4, no. 1 (2017): 35-50, 40, DOI: <http://dx.doi.org/10.33087/legalitas.v4i1.111>.

⁷ F. Malik, "Overview of Legal Positivism Theory in the Indonesian Criminal Justice System", *Journal of Citizenship Education Undiksha* 9, no. 1 (2021): 188-196, 189, DOI: <http://dx.doi.org/10.23887/jpku.v9i1.31488>.

⁸ "Penerapan Asas Dominis Litis dalam UU KPK," diakses 25 Oktober 2022, <https://www.hukumonline.com/berita/a/penerapan-asas-dominis-litis-dalam-uu-kpk-lt5ddf8ba3bb064>.

examines the implementation challenges and barriers to prosecutorial termination based on restorative justice within the jurisdiction of the Lampung High Court. The research employs a normative juridical and empirical juridical approach, utilizing data from six academic sources and the Lampung High Court. The analysis reveals that the Lampung High Court has successfully adopted restorative justice-based termination of prosecution in three District Attorney's Offices.

The alignment between Attorney General Regulation No. 15 of 2020 and Indonesian National Police Regulation No. 8 of 2021 is essential. Specifically, the integration of police involvement in the restorative justice process by the Prosecutor's Office could enhance the implementation of restorative justice, which aims to enforce laws in a humane, streamlined, and cost-effective manner, thereby ensuring justice for the community.

This article will address two primary issues: first, the implementation of prosecutorial termination based on restorative justice in criminal case resolution at the Lampung High Prosecutor's Office; and second, the factors inhibiting the application of restorative justice in these proceedings. To achieve these research objectives, a combination of normative juridical and empirical juridical approaches will be employed. This research will utilize data from six sources, including both public prosecutors and academics associated with the Lampung High Prosecutor's Office, and will process and analyze this data cumulatively.

B. Discussion

1. Implementation of Termination of Prosecution Based on Restorative Justice in settlement of Criminal Cases in the Lampung High Prosecutor's Territory

Restorative justice represents a paradigm within criminal justice that reinterprets crime as an offense against society rather than merely an offense against the state. Consequently, it mandates that offenders take steps to rectify the harm inflicted upon the community. This approach centers on addressing the suffering caused by crime and emphasizes the interaction between victims and society concerning the criminal acts perpetrated.

Restorative justice advocates for dialogues, both direct and indirect, between victims and offenders, facilitated through mediation. This framework conceptualizes crime as resulting in loss or damage, with justice serving as a means to repair that harm. It elevates the roles of victims, offenders, and the community as pivotal elements in the criminal justice process. The objectives of the criminal justice system under this model include short-term resocialization of offenders, medium-term crime prevention, and long-term enhancement of public welfare and safety.

Regulated by *Perja* No. 15 of 2020, restorative justice at the prosecution stage aims to prioritize this approach in the resolution of criminal cases. The implementation of restorative justice at this stage focuses on achieving swift, accessible, and cost-effective justice, rather than on punitive measures or retribution.

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⁹Marwan Effendy, "Restorative justice in the context of the *Ultimum Remedium* on the Eradication of Corruption Crimes" Speech on the Inauguration of Professors at Sam Ratulangi University, Manado on October 4, 2012. p. 20.

¹⁰ A. Afolabi and Eseni Azu UDU, "The Jurisprudence Of Restorative Justice For Victims Of Crime In Nigeria", *International Journal Of Comparative Law And Legal Philosophy (Ijocllep)* 1, no. 1 (2020): 151-158, 152.

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The Prosecutor's Regulation on the termination of prosecution based on restorative justice represents the Prosecutor's response to cases where proceeding to trial is deemed unnecessary. *Perja* No. 15 of 2020 allows for the termination of prosecution when a case is considered to lack humanitarian merit or to be contrary to the principles of conscience. Given the evolving social, economic, and cultural dynamics within a diverse society, certain criminal cases may be deemed "inappropriate" for trial, often due to the minimal monetary value of the damage or the non-essential nature of the issue. In such instances, alternative resolution methods outside the courtroom may be warranted.

Restorative justice transcends traditional judgments of winners and losers within the criminal justice system. It aims to create a dialogue among all parties affected by the crime, providing a platform for collaborative resolution that addresses both the immediate and future consequences of the offense.¹⁵ The Public Prosecutor operates under a discretionary prosecution policy, meaning that while there is a general obligation to prosecute based on legal authority (mandatory prosecution), exceptions exist if certain contraindications are present.¹⁶ The decision to prosecute must serve the public interest, and even when sufficient evidence is available, the necessity of prosecution must be weighed against the broader public interest. Other factors, such as judicial behavior, law enforcement practices, and efficiency in promoting community welfare and justice, must also be considered.¹⁷ There are instances where the benefits of prosecution do not justify the costs borne by the state or the ongoing suffering of the victim.¹⁸

The termination of prosecution based on restorative justice must be conducted with consideration for community response, public decency, and order. Positive community feedback is a crucial condition for implementing restorative justice, ensuring that public interest remains a priority. Prosecution may be terminated based on restorative justice if the following conditions are met:¹⁹

- a. This is the first crime committed;
- b. The penalty is not more than five years; and
- c. The value of the evidence or the value of the loss incurred is not more than IDR 2,500,000.

The Public Prosecutor employs specific standards to determine whether a case file should be advanced to the court, reflecting the *dominus litis* principle, which grants the Prosecutor's

¹¹ Muladi, *Implementation of the "Restorative Justice" Approach in the Juvenile Justice System*, (Semarang: UNDIP, 2019).

¹² Pujiyono, et al, "Restorative Justice Breakthrough By The Prosecutors To Maximize Terrorism Prevention Effort", *Multicultural Education* 7, no. 10 (2021): 316-320, 319.

¹³ The results of the interview with Triyadi Andani. (Functional Prosecutor at the Metro District Attorney) on Wednesday, January 19, 2022

¹⁴ Results of an interview with Rivaldo Valini (Head of General Crime Section at the South Lampung District Attorney) on Tuesday, February 15, 2022

¹⁵ Results of an interview with Maroni (Academic at the Faculty of Law, University of Lampung on Monday, March 21, 2022

¹⁶ AF Anisya, Hafrida and Erwin, "Comparative Research of Prosecution of Criminal Cases in the Perspective of the Evidence System under the Indonesian and Thai Criminal Procedure Code." *PAMPAS: Journal of Criminal Law* 2, no. 3 (2021): 59-75, 66, DOI: <https://doi.org/10.22437/pampas.v2i3.14876>.

¹⁷ EF Andriyanti, "The Urgency of Restorative Justice Implementation in Indonesian Criminal Law", *Journal of Education and development* 8, no. 4 (2020): 326-331, 329.

¹⁸ Results of an interview with Maroni (Academic at the Faculty of Law, University of Lampung on Monday, March 21, 2022

¹⁹ Results of an interview with Agung Rahmat Wibowo (Head of Sub-division for Prosecution, Execution and Examination of General Crimes at the Tulang Bawang District Attorney) on Tuesday, 22 March 2022

Office exclusive authority over prosecution decisions. The Prosecutor's Office is the sole entity responsible for controlling prosecution policies, and judges must await prosecution from the Public Prosecutor rather than requesting cases themselves.²⁰

Since the implementation of Indonesian Prosecutor's Office Regulation Number 15 of 2020 on July 22, 2020, until January 2022, the Prosecutor's Office has utilized restorative justice to terminate prosecution in 478 cases.²¹ For example, at the Tulang Bawang District Prosecutor's Office, restorative justice was applied in the case of Cipto, who was accused under Article 374 of the Criminal Code for embezzling half a sack of frozen rubber latex from PT. SIL's plantation in Mesuji District, resulting in a material loss of less than IDR 500,000. Cipto, who admitted to committing the crime to support his children's education and medical needs, was involved in a peace negotiation facilitated by the Tulang Bawang District Attorney on January 12, 2022. The agreement allowed for peace with the condition that Cipto would not return to work at PT. SIL. The request for termination of prosecution based on restorative justice was approved by the Deputy Attorney General for General Crimes on January 26, 2022, and the termination was executed on January 28, 2022.²²

Similarly, on January 27, 2022, the South Lampung District Attorney received the suspect, Susanti Binti Ruswito, involved in a case of assault (Article 351, paragraph 1 of the Criminal Code) against Resdiana Binti Gunawan, with whom she had a family relationship. Restorative justice efforts included peace negotiations between the suspect and the victim, leading to an agreement. This resolution was reported to the Head of the Lampung High Prosecutor's Office and presented on February 4, 2022.²³

The cessation of prosecution based on restorative justice has not been implemented at the Metro District Attorney's Office. However, in the jurisdiction of the Lampung High Prosecutor's Office, restorative justice has been applied multiple times. For instance, at the North Lampung District Prosecutor's Office, prosecution was terminated based on restorative justice for Diki Setiawan bin Slamet on February 3, 2022, who was suspected of violating Article 351, paragraph (1) of the Criminal Code. This case was considered suitable for restorative justice due to several factors: it was Diki's first offense, the potential penalty was under five years, he was a male student, he reimbursed the victim for medical expenses, admitted his wrongdoing, and reached a settlement with the victim.²⁴

In contrast, the Way Kanan District Attorney's Office has not yet implemented restorative justice. However, on March 24, 2022, the Head of the Lampung High Prosecutor's Office, Mr. Nanang Sigit Yulianto, inaugurated the Restorative Justice House, Lamban Adem, in Pekon Dadirejo, Wonosobo District, Tanggamus Regency. The establishment of Lamban Adem is anticipated to provide community support facilities, resolving issues through deliberation and consensus and addressing legal problems within the community.²⁵

According to the Guidelines for the Implementation of Restorative Justice in General Courts, as outlined in the Decree of the Director General of BPU No. 1691/DJU/SK/PS.00/12/2020, restorative justice is applicable to minor offenses, juvenile cases, crimes involving women, and narcotics offenses. This framework ensures that restorative

²⁰ GP Perbawa, "Criminal Law Policy on the Existence of the Dominus Litis Principle in the Perspective of Professionalism and Prosecutors of the Public Prosecutor", *Arena Hukum* 7, no. 3 (2014): 325-342, 334, DOI: <https://doi.org/10.21776/ub.arena.hukum.2014.00703.2>.

²¹ Justice Magazine Issue 74, January 2022. Pg. 10

²² Results of an interview with Agung Rahmat Wibowo (Head of Sub-division for Prosecution, Execution and Examination of General Crimes at the Tulang Bawang District Attorney) on Tuesday, 22 March 2022

²³ Results of an interview with Rivaldo Valini (Head of General Crime Section at the South Lampung District Attorney) on Tuesday, February 15, 2022

²⁴ The results of the interview with Triyadi Andani. (Functional Prosecutor at the Metro District Attorney) on Wednesday, January 19, 2022

²⁵ Results of an interview with Acmad Rismadani Kurniawan, SH (Head of Sub-division for Prosecution and Execution of Special Crimes at the Way Kanan State Attorney's Office) on Tuesday, March 29, 2022

justice is administered impartially and equitably, adhering to applicable laws and considering equal compensation rights and all aspects of life for those involved.²⁶

2. Factors Inhibiting the Termination of Prosecution Based on Restorative Justice in Settlement of Criminal Cases in the Lampung High Prosecutor's Territory

The Prosecutor's effort to resolve criminal cases through a restorative justice approach is a valuable mechanism that can be effectively integrated into the Indonesian criminal justice system.²⁷ The application of restorative justice in criminal case resolution is significantly influenced by various factors impacting law enforcement practices. Concerning the statutory or legal substance, there exists an overlap between Attorney General Regulation No. 15 of 2020 and Indonesian National Police Regulation No. 8 of 2021 regarding the handling of crimes through restorative justice. This overlap includes:

- a. According to *Perja* (*Peraturan Jaksa Agung*), there are specific limits on criminal threats, applying only to acts punishable by imprisonment for up to 5 (five) years. In contrast, *Perkapolri* (*Peraturan Kapolri*) does not establish any such limits regarding criminal threats;
- b. *Perja* stipulates a maximum limit of IDR 2,500,000.00 (two million five hundred thousand rupiahs) for financial losses incurred. Conversely, *Perkapolri* does not specify a limit on financial losses.
- c. *Perja* excludes the application of restorative justice in cases involving drug offenses, environmental crimes, and corporate crimes. Whereas, *Perkapolri* excludes restorative justice for terrorism-related offenses, crimes against state security, corruption, and crimes against life.

The overlap between regulations issued by the Attorney General's Office and the Indonesian National Police concerning restorative justice can lead to legal uncertainty and inconsistencies in law enforcement practices. Such discrepancies can result in disparities in how the law is applied at different stages, potentially leading to perceptions of injustice within the community.

Furthermore, the process for applying restorative justice requires a lengthy and complex procedure. If the Prosecutor decides not to prosecute a case, the suspect must initiate an application for termination of prosecution based on restorative justice. This application must first be submitted through the local District Attorney's Office, then forwarded to the Head of the High Prosecutor's Office, and finally submitted to the Deputy Attorney General for General Crimes and the Attorney General. This extended process can undermine the efficiency and effectiveness of law enforcement, causing delays and complications.²⁸

Another challenge in applying restorative justice is the lack of a formal or material legal basis that serves as a guideline for law enforcement officials. This absence of clear directives leads to varying interpretations and practices at the implementation level, which can conflict with the principles of legality and legal certainty (*rechtzakerheid*). Consequently, law enforcers must exercise caution and prioritize restorative outcomes to align with legal principles.²⁹ Additionally, the current regulations still create legal ambiguity and multiple interpretations, particularly concerning the criteria used by the Public Prosecutor to determine whether a case should be pursued.

²⁶ Keputusan Direktur Jenderal, "Pedoman Restorative Justice di Lingkungan Peradilan Umum," 2020, https://badilum.mahkamahagung.go.id/index.php?option=com_attachments&task=download&id=811.

²⁷ Bambang Waluyo, *Design of the Prosecutor's Function in Restorative Justice*, (Depok: PT. Raja Grafindo Persada, 2016,) p. 246.

²⁸ A. Kristanto, "Review of the Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice", *Lex Renaissance* 7, no. 1 (2022): 180-193, 191, DOI: <https://doi.org/10.20885/JLR.vol7.iss1.art14>.

²⁹ Prim Haryadi, (Director General of the General Judiciary Agency) in the National Webinar "Implementation of Restorative Justice in Indonesia: Constraints and Solutions" on February 4, 2022 organized by the Faculty of Law, University of Mataram.

In terms of law enforcement aspects, differing understandings of restorative justice among law enforcers contribute to inconsistent application. This issue is compounded by the fragmented nature of law enforcement institutions in Indonesia.³⁰ The Criminal Procedure Code (KUHP) emphasizes specialization, differentiation, and compartmentalization, resulting in a clear division of duties, authorities, functions, and responsibilities among various law enforcement bodies.³¹

The reporting mechanism for terminating prosecutions based on restorative justice, which involves submission to the head of the Prosecutor's Office, serves as a form of internal control designed to prevent abuse of the restorative justice process. However, this mechanism can also impede the effectiveness of restorative justice by introducing delays due to the time required for reporting and awaiting leadership approval. This bureaucratic complexity can slow down the restorative justice process and potentially distort case resolution.³²

From a facilities and resources perspective, the application of restorative justice in prosecution termination has been hindered by the lack of specialized training for prosecutors.³³ Variations in understanding among prosecutors highlight the need for comprehensive training programs to ensure uniform application of restorative justice principles. Effective policy implementation requires well-prepared human resources, including prosecutors who possess the necessary knowledge, skills, and attitudes to execute their duties professionally and support restorative justice efforts.

In terms of societal aspects, there remains a general mistrust among the public towards prosecutors who apply restorative justice, with accusations of potential misconduct or case manipulation.³⁴ To address this distrust, it is crucial to provide mechanisms for the community to voice objections and concerns, as outlined in criminal procedural law. Such measures will help uphold public confidence in the justice system and ensure legal certainty. Culturally, differing interpretations of justice among victims, their families, offenders, law enforcement officers, and the community can obstruct the implementation of restorative justice.³⁵ A shift in mindset is necessary, moving from a traditional view where law enforcement success is measured by the number of cases solved, to a modern perspective focused on crime prevention and reducing recidivism. Success in contemporary criminal law is increasingly defined by the effectiveness of crime reduction strategies and the overall impact on societal safety and well-being.³⁶

The community's mindset regarding the resolution of criminal cases must shift from the belief that imprisonment is the only form of justice to recognizing restorative justice as a viable alternative that benefits perpetrators, victims, and society at large.³⁷ Restorative justice offers a more inclusive approach that emphasizes repairing harm and promoting reconciliation rather than solely focusing on punitive measures.

To effect this change, it is crucial to begin with law enforcement officers by providing them with education and training, accompanied by clear directives from leadership through implementation guidelines and technical instructions. Such measures will enhance their understanding of the goals and benefits of restorative justice. Furthermore, fostering a

³⁰ H. Prim Haryadi., *Ibid*

³¹ Hari Sasangko and Lily Rosita, *Commentary on the Criminal Procedure Code*, (Bandung: CV. Mandar Maju, 2003), p. 15.

³² J. Purba, *Law Enforcement against Mild Crimes with Restorative Justice*, (Jakarta: Jala Permata Aksara, 2017), p. 71.

³³ Results of an interview with Reza Andika (Functional Prosecutor at the Central Lampung District Attorney) on Monday, January 17, 2022

³⁴ The results of the interview with Triyadi Andani. (Functional Prosecutor at the Metro District Attorney) on Wednesday, January 19, 2022

³⁵ Bambang Waluyo, *Ibid*

³⁶ Z. Parera and ED Silambi, "Criminal Law Enforcement Against Hate Speech Crimes Through Social Media (Reviewed From Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions)", *Journal of Restorative Justice* 2, no. 2 (2018): 160-176, 172, DOI: <https://doi.org/10.35724/jrj.v2i2.1931>.

³⁷ Donald HJ. Hermann, "Restorative justice and retributive justice: An opportunity for cooperation or an occasion for conflict in the search for justice", *Seattle J. Soc. Just.* 16 (2017): 71-103, 84.

collaborative effort between law enforcement agencies and legal academics is essential. Academics play a significant role in shaping the future of law enforcement by preparing prospective officers with a comprehensive understanding of restorative justice principles. Law enforcement officials should actively engage with the community to educate the public on the rehabilitative purpose of punishment, promoting acceptance of the idea that offenders should be given opportunities for reintegration and positive transformation within society.

Several factors impede the effective implementation of Attorney General Regulation No. 15 of 2020 in the Lampung High Court jurisdiction. These factors include statutory issues, challenges within law enforcement practices, inadequate facilities and resources, limited community engagement, and prevailing cultural attitudes that prioritize punitive measures. The most significant barriers are the lack of comprehensive regulations governing restorative justice and insufficient community involvement, particularly from victims. Additionally, the legal culture in Indonesia still emphasizes traditional criminal law approaches, which complicates the acceptance of restorative justice principles.

The existing regulations, including Police Regulation No. 08 of 2021, Prosecutor's Regulation No. 15 of 2020, and the Guidelines for the Implementation of Restorative Justice in General Courts (SK Director General of BPU No. 1691/DJU/SK/PS.00/12/2020), reflect varied perceptions of restorative justice across different agencies. The lack of effective coordination between the police and the Prosecutor's Office, coupled with bureaucratic hurdles and institutional rigidity, adversely affects the implementation of restorative justice in the judiciary and law enforcement processes.³⁸

C. Conclusion

In Lampung High Court, the termination of prosecutions based on restorative justice has been undertaken by three District Attorneys. However, the effectiveness of restorative justice in this context requires enhancement through objective, equitable implementation and increased legal certainty. Obstacles to the application of restorative justice at the Lampung High Court include statutory constraints, issues related to law enforcement, deficiencies in facilities and infrastructure, community involvement, and cultural factors. The most significant challenge is the presence of overlapping regulations, which contributes to legal uncertainty and discrepancies in the application of restorative justice. Additionally, there is a lack of community participation, particularly among victims, and a prevailing legal culture that favors traditional retributive justice processes, such as incarceration, over restorative approaches.

Perja Number 15 of 2020 and the Regulation of the Indonesian National Police Number 8 of 2021 need to be made in alignment. It is suggested that the Prosecutor's Office involve the police directly in the implementation of restorative justice. This integration aims to ensure that restorative justice regulations, which are designed to be humane, efficient, and cost-effective, are effectively enforced and contribute to delivering justice for the community.

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