



AJUDIKASI

Jurnal Ilmu Hukum

ajudikasi.unsera@gmail.com

e-jurnal.lppmunsera.org/index.php/ajudikasi

ROLES OF PUBLIC PROSECUTOR'S OFFICE IN RESTORATIVE JUSTICE: A FOCUS ON PROSECUTION DISCONTINUATION REGULATIONS

Andy Sasongko

Department of Doctor of Law, Brawijaya University, Kab. Malang, Jawa Timur.

Correspondent email : andysasongko79@gmail.com

Article History	:	
Submission	:	11 Agustus 2023
Last Revisions	:	14 September 2023
Accepted	:	27 September 2023
Copyedits Approved	:	5 Oktober 2023

Abstract

The implementation of restorative justice in criminal cases is crucial for upholding humanitarian values that prioritize the recovery and protection of both victims and offenders. This approach seeks to restore the situation to its original state without solely focusing on punishing the perpetrator, marking a paradigm shift towards reconciliation and healing. In Indonesia, restorative justice aligns with the societal need for more inclusive prosecutorial and judicial authority. Pre-court resolution of criminal cases must explore the potential for resolution before reaching a conviction. The Prosecutor's Office of the Republic of Indonesia holds a central role in executing this approach. The issuance of Prosecution Regulations Republic of Indonesia Number 15 of 2020, concerning the Termination of Prosecution Based on Restorative Justice, provides concrete guidance for the Attorney General of the Republic of Indonesia. This regulation emphasizes the recovery and protection of victims, aligning with broader aspects of humanity and justice. The primary objective is to establish public order, justice, truth, and legal certainty based on existing laws and values such as morality, religious norms, and courtesy. The Prosecution Regulations aims to encourage a more humane and conscientious approach by the Public Prosecutor, prioritizing the recovery of victims and the rehabilitation of offenders. This departure from traditional punitive thinking contributes positively to society. As an integral part of Indonesia's criminal justice system, the Prosecutor's Office bears significant responsibility in creating legal certainty, truth, legal order, and justice based on human values, morality, courtesy, and religious norms. This shift reflects a positive change in a criminal justice system that increasingly emphasizes inclusivity and social healing. Restorative justice goes beyond being a conceptual framework; it signifies a commitment to instigate positive transformations in the handling of criminal cases in Indonesia, ensuring that human values and justice form the bedrock of the justice system.

Keywords: Prosecutor; Attorney; Termination; Restorative Justice.

*Roles of Public Prosecutor's Office in Restorative Justice:
A Focus on Prosecution Discontinuation Regulations*

A. INTRODUCTION

Supremacy in the field of law has the principle of being useful and effective for citizens. Citizens have the desire for legal certainty in law enforcement in order to achieve a sense of national and state justice. However, an idea that is claimed to be sociologically useful cannot literally be said to have a sense of justice, contrary to this, something that is felt to be fair in a philosophical sense cannot also be said to be useful for citizens.¹ Jimly Asshiddiqie believes that citizens want legal certainty, in other words citizens need regulations that can accommodate needs related to legal certainty, legal justice and legal benefits so that laws that state whether the law is fair or not can be explained and applied in the nation and state.² In terms of law enforcement that operates in a country, the most important element, namely justice, must be a priority, but the law in this case is sometimes not specific to justice, the law has a general nature and character, limits and regulates everyone. For example, all thieves are obliged to be punished and sanctioned without having to differentiate between the people who commit the theft. Different from the nature of law, justice has a subjective, individualistic nature and character and does not place things in equal conditions.³

A sense of justice for some people may not necessarily have the same justice as for other people. Regarding this matter, Jimly Asshiddiqie believes that we cannot focus on law and apply it to things that only have a certain character, but the law must have more than one value and character. The law must have various properties and characters or what is commonly known as the values contained in the legal basis. What is meant by the values contained in the legal basis are: justice, benefit and legal certainty.⁴ Although justice, expediency and legal certainty are the basic values of law, but between the three elements there is a spanungsverhältnis (tension), this is because between justice, expediency and legal certainty with one another have different demands, so that justice, expediency and legal certainty have a tendency to contradict each other, on this matter a stage in law enforcement carried out based on the authority of law enforcement officials can provide conformity of justice, expediency and legal certainty, as a reminder of us a legal expert Taverne from the Netherlands said "*Geef me goede rechters, goede rechters commissarisen, goede*

¹ Jimly Asshiddiqie, *Penegakan Hukum yang Menjamin Kepastian Hukum dan Rasa Keadilan Masyarakat, Suatu Sumbangan Pemikiran, Makalah* (Seminar "Menyoal Moral Penegak Hukum" dalam rangka Lustrum XI Fakultass Hukum Universitas Gadjah Mada, 2006), <http://jimly.com/pemikiran/makalah>.

² Ibid.

³ Sudikno Mertokusumo, *Bab-Bab tentang Penemuan Hukum* (Yogyakarta: Citra Aditya Bakti, 1993).

⁴ Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2012).

officieren van justitie en goede politie ambtenaren, enik zalmet een slecht wetboek van strafprocesrecht goed bereiken” bring me good prosecutors, reliable monitoring judges, good police and good judges, I can guarantee that the implementation of law enforcement will be carried out well, even with the existence of criminal law that is not good (not well systemized). The Prosecutor's Office of the Republic of Indonesia is a State institution which, based on its authority, carries out its duties, functions and powers from the State, namely prosecution and other authorities based on law.

The supremacy of criminal law is implemented in a judicial process in Indonesia which is systemized based on the provisions of the Criminal Procedure Code. This proves the existence of an integrated system in the implementation of handling a crime/criminal act by prioritizing a systems approach (criminal justice process), the mechanism for handling cases of a criminal act starting from the process of inquiry/investigation, prosecution and examination in court, execution of the judge's decision and execution of crimes in correctional institutions.

The normative requirements for the action of stopping the prosecution process by the Public Prosecutor have not been regulated specifically and in depth, but the expression *ubi societas ibi ius* (where there is society, there is law) provides meaning and a situation of necessity that the law follows developments in which society develops. This is no exception to the statutory regulations in criminal law enforcement which underlie law enforcers in handling criminal cases are required to be able to keep up with developments in society.⁵

Ratification of PERJA RI Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice aims to provide a sense of justice to society so that justice is achieved for all parties. This is in line with Chapter II concerning Termination of Cases in the Public Interest, Article 3 paragraph (1) states that the public prosecutor has the authority to close cases in the public interest. The main objective of this research is to dissect in detail, understand the duties of the Prosecutor's authority in the process of terminating the prosecution of criminal cases and provide an understanding that the Prosecutor's Office of the Republic of Indonesia is a state institution that exercises State power and is authorized to carry out prosecutions and act as a controller of the case process (*dominus litis*).

⁵ Anik Iftitah, ed., *Perkembangan Hukum Pidana di Indonesia* (Sada Kurnia Pustaka, 2023), <https://sadapenerbit.com/2023/10/23/perkembangan-hukum-pidana-di-indonesia/>.

The prosecutor has the main authority in handling criminal cases and is the agency that determines the continuation of a case that can or cannot be tried until the trial stage in court. Cognition and factual basis for validation PERJA RI Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice is:

1. There have been several viral cases involving flip-flops and criminal acts with small losses.
2. Justice is cheaper if maximum justice (benefit) is achieved, if termination of prosecution based on restorative justice is applied in a case or in other words the conflict between the victim and the defendant is resolved in the process before the case file is submitted to the court.
3. Terminating prosecutions based on restorative justice contains the teaching that judicial behavior needs to be changed so that both its regulations (legal), law enforcement behavior (attitudinal) and law enforcement strategies (strategic) can achieve maximization of social welfare and justice (Pareto improvement).

The priority consideration in the implementation of restorative justice is to pay close attention to the handling of small cases which are humanitarian and in the general interest of society and are not legally appropriate to be submitted to trial, with the aim that mediation can be carried out in such cases in resolving the case, for the sake of law and justice. Based on the understanding above, the author will discuss the problems in this article which are the substance of this article, namely the function and authority of the prosecutor's office in realizing restorative justice based on the Prosecutor's Regulations concerning Termination of Prosecution Based on Restorative Justice.

B. RESEARCH METHODS

This research using normative research methods⁶ by conducting literature studies and analysis of relevant laws and regulations and existing policies.⁷ This normative research approach is used to examine legal regulations, norms, principles, policies and theoretical frameworks related to the research topic.⁸ The aim is to gain a

⁶ Johnny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2011).

⁷ and Muhammad Imam Dhiya'ul Haq Wiwin, H. Syafa'at Anugrah Pradana, "The Regulation of Articles on State Institutional Insults to The Right to Freedom of Expression in Indonesia: A Critical Review," *Mulawarman Law Review* 8, No. 1 (2023), <https://doi.org/https://doi.org/10.30872/mulrev.v8i1.1122>.

⁸ Anik Iftitah, ed., *Metode Penelitian Hukum*, Mei 2023 (Sada Kurnia Pustaka, 2023).

deeper understanding of the legal issues in question and provide recommendations or guidance based on normative analysis. The collected primary, secondary and tertiary legal materials were analyzed descriptively and interpretively to outline the function and authority of the prosecutor's office in realizing restorative justice based on the Prosecutor's Regulations on Termination of Prosecution Based on Restorative Justice.⁹

C. DISCUSSIONS

As a manifestation of the change in handling cases with conscience and prioritizing a sense of humanity, that the imposition of criminal sanctions is aimed not at retaliation but at restoration, the Indonesian Prosecutor's Office issued PERJA RI Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice on July 22 2020. This PERJA is a regulation that aims and prioritizes legal handling that has elements of restorative justice. The specific definition of restorative justice is the resolution of criminal cases involving the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a fair solution by emphasizing restoration to the original condition and not retaliation.

The Criminal Procedure Code in terms of law enforcement and legal settlements also regulates restorative justice, which provides the rule that not all case handling must be submitted to court, there are several formal requirements that must be fulfilled for this action to be carried out, namely that there is no lack of evidence, the criminal action is not included in a criminal act, or dismissed based on law, in which case the prosecutor can terminate the case at the prosecution stage and set it down in a decision letter. In the event that the handling of a case is dismissed based on law, there are several factors that underlie this action, such as the case being expired, *nebis in idem*, the existence of a case with an offense complaint which was withdrawn within the specified time limit, or the defendant died.

The normative requirements for the action of stopping the prosecution process by the public prosecutor because of restorative justice in regulations equivalent to law have not been regulated specifically and in depth, but the expression *ubi societas ibi ius* (where there is society, there is law) gives meaning and there is a situation where the

⁹ and Syahrul Alamsyah Adwi Mulyana Hadi, Anik Iftitah, "Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity," *Mulawarman Law Review* 8, No. 1 (2023), <https://doi.org/https://doi.org/10.30872/mulrev.v8i1.1140>.

law must follow. Developments in which society develops.¹⁰ This is no exception to the statutory regulations in criminal law enforcement which underlie law enforcers in handling criminal cases are required to be able to keep up with developments in society.

Termination of cases at the prosecution stage based on restorative justice as regulated in PERJA RI Number 15 of 2020 is a category of termination of cases by law, there are several provisions that must be fulfilled in terminating prosecution based on PERJA RI Number 15 of 2020, these conditions are that they have committed a crime for the first time, the threat of imprisonment is not more than 5 (five) years, the value of the losses incurred is not more than Rp. 2,500,000,-¹¹

The matter being handled and prosecuted is also a consideration in discontinuing the prosecution, besides that, in terminating the prosecution, the achievement of restorative justice can be seen from the restoration to its original condition carried out by the suspect, namely the return of newspapers to the victim, compensation for losses by the suspect to the victim. , reimbursement of costs by the suspect resulting from a criminal act, most importantly and importantly there must be a peace agreement between the victim and the suspect, and a positive response from the community regarding the action to stop the prosecution for the sake of restorative justice. There are exceptions in terminating prosecution based on restorative justice, these exceptions are focused on handling criminal cases against state security,

The authority of the public prosecutor regarding the termination of prosecution based on restorative justice is a positive breakthrough that prioritizes conscience, public interests and the restoration of social functions in society. This also becomes a reference for subsequent legal regulations, namely the legal structure in implementing its main duties. Public prosecutors are required to be able to exercise their authority based on justice and conscience that upholds the values of Indonesian regulations. So that it will realize the idea of progressive laws that uphold human values.

The values of restorative justice create legal certainty for victims and perpetrators.¹² The determination of justice is entirely based on the agreement of the parties and not by the State. The parties will try to avoid handling cases that are too

¹⁰ Cahya Palsari, "Kajian Pengantar Ilmu Hukum : Tujuan dan Fungsi Ilmu Hukum Sebagai Dasar Fundamental dalam Penjatuhan Putusan Pengadilan," *E-Journal Komunitas Yustisia Universitas Pendidikan Ganesha* 4, No. 33 (2021): 940-50.

¹¹ Peraturan Kejaksaan, "Peraturan Kejaksaan RI Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif" (2020).

¹² Adwi Mulyana Hadi, Anik Iftitah, "Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity."

complicated and take a long time. The resolution of criminal cases must take into account all aspects and interests involved, both from the perpetrator, the victim, and the community.¹³ Restorative justice is a legal breakthrough that is realized from developments in the handling of criminal cases that prioritize justice with conscience that includes the roles of the community, perpetrators and victims. On the other hand, restorative justice is the rules for responding to the handling of criminal cases. In the search for more humane and effective alternatives, the concept of restorative justice has emerged as a promising approach. This restorative justice approach does not only apply to general crimes, but also to juvenile justice which has shifted from a retributive model.¹⁴ Therefore, more and more countries are starting to consider implementing alternative approaches, such as restorative justice. Republic of Ireland¹⁵ has implemented this restorative justice for more than two decades,¹⁶ meanwhile in Indonesia, its application in the general justice environment will only start in 2020.¹⁷

Restorative justice aims to overcome weaknesses in repressive conventional criminal case resolution, as occurs in the Criminal Justice System.¹⁸ A repressive approach tends to focus on punishment and imprisonment for perpetrators without providing satisfaction to victims.¹⁹ This also does not help the offender to reintegrate into society, often giving rise to ongoing resentment and possibly resulting in repeated criminal behavior. This approach is unable to completely resolve conflicts, especially between perpetrators, victims and their environment, because they are not involved in

¹³ Muladi, *Kapita Selekta Hukum Pidana* (Semarang: Badan Penerbit Universitas Diponegoro, 1995).

¹⁴ Derrick M. Gordon Keisha April, Shannon W. Schrader, Toni E. Walker, Robert M. Francis, Hector Glynn, "Conceptualizing Juvenile Justice Reform: Integrating the Public Health, Social Ecological, and Restorative Justice Models," *Children and Youth Services Review* 148 (2023), <https://doi.org/https://doi.org/10.1016/j.childyouth.2023.106887>.

¹⁵ Ian D. Marder, "Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland," *International Journal of Law, Crime and Justice* 70 (2022), <https://doi.org/https://dx.doi.org/10.1016/j.ijlcrj.2022.100544>.

¹⁶ Marder.

¹⁷ Badilum Mahkamah Agung, *Surat Keputusan Dirjen Badan Peradilan Umum tentang Pedoman Penerapan Restorative Justice di Lingkungan Peradilan Umum*, 2020, https://badilum.mahkamahagung.go.id/index.php?option=com_attachments&task=download&id=811.

¹⁸ A. P. Mirza, I. M. M. ., & Zen, "Strategi Internalisasi Asas Restorative Justice Dalam Sistem Peradilan Indonesia," *Pancasila: Jurnal Keindonesiaan* 2, no. 2 (2022), <https://doi.org/https://doi.org/10.52738/pjk.v2i2.45>.

¹⁹ Zico Junius Fernando, "Pentingnya Restorative Justice dalam Konsep Ius Constituendum," *Jurnal Pemerintahan & Politik Islam* 5, No. 2 (2020).

the decision-making process. In fact, case resolution should contribute to achieving justice for all parties involved.²⁰

Since the enactment of PERJA RI Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, the prosecutor's office as a law enforcement agency has had a clear position in its role in handling cases. In accordance with the duties contained in the Republic of Indonesia Prosecutor's Law Number 11 of 2021, the prosecutor's office in the integrated criminal justice system is one of the subsystems, where the prosecutor's role is to carry out the prosecution process. Based on PERJA RI Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, the termination of prosecution is regulated in Article 2 which reads²¹ termination of prosecution based on restorative justice is carried out on the basis of:

- a. justice;
- b. public interest;
- c. proportionality;
- d. punishment as a last resort; And
- e. fast, simple, and low cost.

In Article 3 of PERJA RI Number 15 of 2020, the public prosecutor has the authority to stop handling cases for legal purposes. Termination of the case for legal purposes is carried out with several conditions, namely the death of the defendant, the expiration of criminal prosecution, and *nebis in idem*. Other conditions that can be a reason for discontinuing prosecution are for criminal cases where the complaint has been revoked or withdrawn and finally because there is a resolution of the case outside the court (*afdoening buiten process*).

Termination of prosecution based on Restorative Justice in accordance with Article 4 of PERJA RI Number 15 of 2020 is carried out by prioritizing the interests of victims and other protected legal interests; avoidance of negative stigma; avoidance of retaliation; community response and harmony; as well as propriety, decency and public order. In Article 5 Paragraph 8, termination of prosecution based on restorative justice is excluded for cases:

1. Criminal acts against state security, the dignity of the President and Vice President, friendly countries, heads of friendly countries and their representatives, public order and decency;

²⁰ Mansyur Kartayasa, "Restorative Justice dan Prospeknya dalam Kebijakan Legislasi," 2012.

²¹ Kejaksaan, Peraturan Kejaksaan RI Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif.

2. Criminal acts that are punishable by a minimum criminal threat;
3. Narcotics crime;
4. Environmental crimes; And
5. Criminal acts committed by corporations.

In Article 10 paragraph 1, if peace efforts are accepted by the victim and suspect, the victim and suspect make a written peace agreement before the public prosecutor, then Article 12 paragraphs 1 and paragraph 2 states that the public prosecutor will make a report stating that the peace efforts are accepted and given to the head the district attorney's office or branch of the head of the district attorney's office to be forwarded to the head of the high prosecutor's office. However, if the peace efforts are rejected then the public prosecutor based on Article 8 Paragraph 7:

1. Describe the failure to achieve peace efforts in the minutes;
2. Prepare a memorandum of opinion that the case is transferred to court stating the reasons; And
3. Submit case files to court.

The prosecutor's seriousness in realizing legal certainty, legal order, justice and truth based on the law and heeding religious norms, politeness and decency, and the obligation to explore the values of humanity, law and justice that live in society as stated in PERJA RI Number 15 of the Year 2020 with its authority to resolve criminal cases by prioritizing restorative justice, as evidenced by several cases where prosecution was terminated based on restorative justice, there are several state prosecutors who have succeeded in implementing prosecution termination based on restorative justice, namely:

1. The Labuhanbatu District Prosecutor's Office (Kejari) implemented restorative justice by terminating the prosecution of the criminal case of embezzlement in office in the name of Rudi Hartono alias Rudi. This is in accordance with the Decree on Termination of Prosecution of the Head of the Labuhanbatu District Prosecutor's Office (P-26) Number: 3452/L.2.18/Eoh.2/09/2020 dated 03 September 2020.
2. The Tanah Bumbu District Prosecutor's Office implemented the Termination of Prosecution based on Restorative Justice, in cases of abuse.
3. The Mukomuko District Prosecutor's Office (Kejari), Bengkulu has implemented a termination of prosecution based on restorative justice, in cases of abuse

4. The Dumai District Prosecutor's Office (Kejari) stopped the prosecution based on restorative justice between the Al Hidayah Mosque and the suspect with the initials MI, who is about to turn 17 years old.
5. The Manokwari District Prosecutor's Office implemented a Termination of Prosecution based on Restorative Justice, in cases of criminal acts of theft within the family
6. The Gresik District Prosecutor's Office has stopped the prosecution based on restorative justice in the traffic accident case that occurred in Dermo Village, Benjeng District. The defendant in this case is Saifudin (31), a resident of Nglajur Hamlet, RT. 27 RWs. 07 Tugu Sumberrejo Village, Peterongan District, Jombang Regency.
7. The Dairi District Prosecutor's Office, North Sumatra, has stopped the prosecution based on restorative justice in the case of defamation of Dairi Regent Eddy Keleng Ate Brutu with the respondent Ucok Lumban Gaol.
8. The Kampar District Prosecutor's Office stopped the prosecution based on restorative justice in a theft case committed by a husband and wife who stole 3 teams of cigarettes at a wholesale shop in Kota Garo Village, Tapung Hilir District, Kampar.

Restorative justice prioritizes principles, including the existence of a peaceful agreement between the perpetrator, victim and the community; The perpetrator and victim are important in resolving cases between the two to achieve justice for all parties. To understand the difference between resolving cases in restorative justice and retributive justice, you can see the table below:

Table of Differences in Case Settlement in Restorative Justice and Retributive Justice

<i>Restorative Justice Model</i>	<i>Retributive Justice Model</i>
1. Crime is formulated as one person's offense against another person, and is recognized as a conflict.	1. Crime is formulated as a violation against the state, the conflictual nature of crime is obscured and suppressed.
2. The focus is on solving problems of responsibility and obligation in the future.	2. Attention is directed towards determining past mistakes.
3. Normative nature is built on the basis of dialogue and negotiation.	3. The relationship between the parties is resistance, through an orderly and

<ol style="list-style-type: none"> 4. Restitution as a means of improving the parties, reconciliation and restoration as the main goal. 5. Justice is formulated as a relationship of rights, assessed on the basis of results. 6. Target attention to repairing social disadvantage. 7. The community is a facilitator in the restorative process. 8. The role of victims and perpetrators of criminal acts is recognized, both in solving problems and resolving victims' rights and needs. Perpetrators of criminal acts are encouraged to take responsibility. 9. The responsibility of the perpetrator is formulated as a result of understanding the action and to help decide what is best. 10. Criminal acts are understood in a comprehensive, moral, social and economic context. 11. Stigma can be removed through restorative measures. 	<p>normative process.</p> <ol style="list-style-type: none"> 4. The application of suffering for deterrence and prevention. 5. Justice is formulated deliberately and through process. 6. One social disadvantage is replaced by another. 7. Society is on the sidelines and is presented abstractly by the state. 8. Action is directed from the state towards the perpetrator of a criminal act, the victim must be passive. 9. The responsibility of the perpetrator of a criminal act is formulated in the context of punishment. 10. Criminal acts are formulated in legal terminology which is theoretical and purely devoid of moral, social and economic dimensions. 11. The stigma of crime cannot be removed
---	--

The Prosecutor's Office in the criminal justice system is an institution that has the main duties and functions of prosecution as regulated in Republic of Indonesia Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia. Prosecution has the aim of regulating unified policy in terms of prosecution which is a characteristic that is integrated in the thinking, behavior and work procedures of the Prosecutor's Office. Settlement of criminal cases by prioritizing restorative justice which

emphasizes restoration to the original state and a balance of protection and interests of victims and perpetrators of criminal acts that is not oriented towards retribution is a legal need for society and a mechanism that must be built in the implementation of prosecutorial authority and reform of the criminal justice system. , then the handling of cases that are already in the Prosecution stage if indicated can be resolved before there is a conviction and imposition of sanctions based on the Court's decision. Termination of Prosecution of a criminal case can be carried out by the Prosecutor's Office of the Republic of Indonesia as a government institution that exercises state power in the field of prosecution so that it will be able to realize legal certainty. , legal order, justice and truth based on law and paying attention to religious norms, decency and decency, and must explore the values of humanity, law and justice that live in society. In an effort to realize legal certainty, legal order, justice and truth based on law and pay attention to religious norms, politeness and decency, and are obliged to explore human values, law, and justice that exists in society. The Attorney General of the Republic of Indonesia has established, among other things, the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. The Prosecutor's Office as a sub-system of the criminal justice system in handling criminal cases has always tried to prioritize legal certainty, legal order, justice and truth based on the law and pay attention to religious norms, politeness and decency.

The important role and legal function of the Public Prosecutor by the Prosecutor's Office must be implemented to realize legal certainty, justice and expediency in handling criminal cases, so that the Government and the Prosecutor's Office can become one unit in law enforcement, realizing legal certainty and justice in Indonesia, so that creating conditions for a just and civilized country. The authority of the Prosecutor's Office in discontinuing prosecutions based on Restorative Justice must be able to achieve national and state stability to realize national resilience so that it will be stronger in carrying out its duties as a Public Prosecutor in prioritizing legal certainty, legal order, justice and truth based on the law and paying attention to religious norms, decency, and decency. Activate outreach regarding the main duties and authority of the Prosecutor's Office in terms of Restorative Justice handling criminal cases at the Prosecution stage, as regulated in the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice which has been ratified and has been implemented. There needs to be a common perception between law enforcers and related institutions regarding the

best interests for the resolution of case handling in law enforcement which is able to realize legal certainty, legal order, justice and truth based on the law and respects religious norms, decency and decency, and is obliged to explore values.

D. CONCLUSION

The Prosecutor's Office plays a major role in the Indonesian criminal justice system, especially in the context of prosecuting criminal cases. Prosecution is an integral part of the duties and functions of the Prosecutor's Office, which is regulated by Republic of Indonesia Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia. Prosecution aims to create a unified policy in terms of prosecution which must be integrated into the thinking, behavior and work procedures of the Prosecutor's Office. The restorative justice approach in handling criminal cases is the main focus, with an emphasis on restoration and protection for victims and perpetrators, not on retaliation. This approach is a legal necessity in society and must be part of a more inclusive criminal justice system. It is important to resolve the case before it reaches the court stage,

Public Prosecutors play a role in achieving legal certainty, justice and benefits in handling criminal cases. Collaboration between the Government and the Prosecutor's Office is considered an important step in ensuring effective law enforcement. Socialization regarding the Republic of Indonesia Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice is also recommended to ensure a shared understanding of case handling that prioritizes legal certainty, legal order, justice, and human and legal values that exist in society.

REFERENCES

- Adwi Mulyana Hadi, Anik Iftitah, and Syahrul Alamsyah. "Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity." *Mulawarman Law Review* 8, no. 1 (2023). <https://doi.org/https://doi.org/10.30872/mulrev.v8i1.1140>.
- Agung, Badilum Mahkamah. *Surat Keputusan Dirjen Badan Peradilan Umum tentang Pedoman Penerapan Restorative Justice di Lingkungan Peradilan Umum, 2020*. https://badilum.mahkamahagung.go.id/index.php?option=com_attachments&task=download&id=811.

- Asshiddiqie, Jimly. *Penegakan Hukum yang Menjamin Kepastian Hukum dan Rasa Keadilan Masyarakat, Suatu Sumbangan Pemikiran. Makalah*. Seminar “Menyoal Moral Penegak Hukum” dalam rangka Lustrum XI Fakul^s Hukum Universitas Gadjah Mada, 2006. <http://jimly.com/pemikiran/makalah>.
- Fernando, Zico Junius. “Pentingnya Restorative Justice dalam Konsep Ius Constituendum.” *Jurnal Pemerintahan & Politik Islam* 5, no. 2 (2020).
- Ibrahim, Johnny. *Teori & Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publising, 2011.
- Iftitah, Anik, ed. *Metode Penelitian Hukum*. Mei 2023. Sada Kurnia Pustaka, 2023.
- , ed. *Perkembangan Hukum Pidana di Indonesia*. Sada Kurnia Pustaka, 2023. <https://sadapenerbit.com/2023/10/23/perkembangan-hukum-pidana-di-indonesia/>.
- Kartayasa, Mansyur. “Restorative Justice Dan Prospeknya Dalam Kebijakan Legislasi,” 2012.
- Keisha April, Shannon W. Schrader, Toni E. Walker, Robert M. Francis, Hector Glynn, Derrick M. Gordon. “Conceptualizing Juvenile Justice Reform: Integrating the Public Health, Social Ecological, and Restorative Justice Models.” *Children and Youth Services Review* 148 (2023). <https://doi.org/https://doi.org/10.1016/j.childyouth.2023.106887>.
- Kejaksaan, Peraturan. Peraturan Kejaksaan RI Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif (2020).
- Marder, Ian D. “Mapping Restorative Justice and Restorative Practices in Criminal Justice in the Republic of Ireland.” *International Journal of Law, Crime and Justice* 70 (2022). <https://doi.org/https://dx.doi.org/10.1016/j.ijlcrj.2022.100544>.
- Mertokusumo, Sudikno. *Bab-Bab Tentang Penemuan Hukum*. Yogyakarta: Citra Aditya Bakti, 1993.
- Mirza, I. M. M. ., & Zen, A. P. “Strategi Internalisasi Asas Restorative Justice Dalam Sistem Peradilan Indonesia.” *Pancasila: Jurnal Keindonesiaan* 2, no. 2 (2022). <https://doi.org/https://doi.org/10.52738/pjk.v2i2.45>.
- Muladi. *Kapita Selekta Hukum Pidana*. Semarang: Badan Penerbit Universitas Diponegoro, 1995.
- Palsari, Cahya. “Kajian Pengantar Ilmu Hukum : Tujuan Dan Fungsi Ilmu Hukum Sebagai Dasar Fundamental Dalam Penjatuhan Putusan Pengadilan.” *E-Journal Komunitas Yustisia Universitas Pendidikan Ganesha* 4, no. 33 (2021): 940-50.
- Rahardjo, Satjipto. *Ilmu Hukum*. Bandung: Citra Aditya Bakti, 2012.

Wiwin, H. Syafa'at Anugrah Pradana, and Muhammad Imam Dhiya'ul Haq. "The Regulation of Articles on State Institutional Insults to The Right to Freedom of Expression in Indonesia: A Critical Review." *Mulawarman Law Review* 8, no. 1 (2023). <https://doi.org/https://doi.org/10.30872/mulrev.v8i1.1122>.

