

## THE APPLICATION OF DISCONTINUATION OF PROSECUTION BASED ON RESTORATIVE JUSTICE IN RELATION TO JOINT CRIMES OF RECEIVING STOLEN GOODS AT THE CILEGON DISTRICT PROSECUTOR'S OFFICE

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### ABSTRACT

*Termination of prosecution based on Restorative Justice is carried out by taking into account the interests of victims and other protected legal interests, avoidance of negative stigma, avoidance of retaliation, response and harmony of society, propriety, morality, and public order. There are indications of problems, namely, first, how is the authority of the Republic of Indonesia Prosecutor's Office in terminating prosecution based on restorative justice and second, how is the application of termination of prosecution based on restorative justice to criminal acts of receiving goods carried out jointly at the Cilegon District Prosecutor's Office. This research is a normative juridical research, so the approach used is a case study research approach. The data obtained are analyzed qualitatively. The results of this study indicate that the Prosecutor's Authority in terminating prosecution of criminal cases based on restorative justice is a form of attribution authority, namely authority derived from statutory regulations in this case the Prosecutor's Law and the Termination of Prosecution Regulation because the Public Prosecutor as the case master (dominus litis) has broad authority in resolving criminal cases. The presence of Attorney General Regulation Number 15 of 2020 concerning the termination of prosecution based on Restorative Justice expands the Authority of the Prosecutor in Terminating Cases in the Criminal Procedure Code and expands the Interpretation of the Explanation of Public Interest or in the Interest of Law, of course through a Restorative Justice approach that prioritizes Peace Efforts to compensate for the rights of victims rather than retaliation and the Application of termination of prosecution based on restorative justice for criminal acts of receiving bribes carried out jointly at the Cilegon District Attorney's Office, especially in the case of Hermansyah Maja, et al., who were suspected of violating Article 480 paragraph (1) of the Criminal Code in conjunction with Article 55 Paragraph (1) Ke-1 of the Criminal Code, prosecution should be able to be terminated based on restorative justice because it has fulfilled the requirements as stipulated in Attorney General Regulation Number 15 of 2020 concerning termination of prosecution based on Restorative Justice and there has been peace between the victims and the suspects so that it is in accordance with the purpose of restorative justice, namely to restore the original situation. In addition, the Cilegon District Attorney's Office during the period 2023 to 2025 has terminated prosecution based on restorative justice in 9 (nine) cases so that the authority of the Republic of Indonesia Attorney General's Office in terminating prosecution based on restorative justice is still considered effective and efficient in resolving conflicts in society by involving all related parties (perpetrators, victims, families, and the community) as a real form of humanistic and modern law enforcement, which focuses on restoring the original state, not merely revenge (retributive).*

**Keywords:** Termination of Prosecution, Arrest, Restorative Justice

### I. INTRODUCTION

Punishment is a concrete manifestation of the application of criminal law, and therefore can be seen as the final stage in enforcing accountability for an individual's actions. This

concept reflects the absolutist theory, which states that the law must be present as a consequence of a crime, so that every guilty perpetrator must be punished.(Rosidah, 2011)

The current trend in society shows that the judicial process is seen as the primary option for resolving criminal cases, while out-of-court settlement mechanisms tend to be neglected. This situation significantly contributes to the backlog of criminal cases, both at the investigation, prosecution, and court hearing stages. Furthermore, another consequence of centralizing case resolution through court proceedings is overcrowding in correctional facilities due to the continued increase in the number of convicts each year.

On the other hand, many criminal cases are resolved in ways that do not reflect a sense of justice, both from a conscience and humanitarian perspective. This assessment arises because many cases end up in court with sentencing decisions deemed disproportionate or inconsistent with the character and seriousness of the perpetrator's crime.

Criminal incidents that are considered to have resulted in court decisions that do not reflect a sense of justice or humanity include the case of taking 1.9 kilograms of rubber latex by Grandpa Samirin in 2019, with a value of around Rp 17,000, which ended with a prison sentence of 2 (two) months and 4 (four) days. Another example is the case of the theft of three cocoa pods worth no more than Rp 10,000 committed by Grandma Minah in 2009, which resulted in her being sentenced to 1 month and 15 days in prison with a probationary period of 3 months.

The cases described above represent only a small fraction of the many minor criminal cases in Indonesia that escape public attention and are resolved in ways deemed neither to reflect a sense of justice nor to uphold human values. These examples demonstrate that the handling of criminal cases in Indonesia is far from justice-oriented, particularly when the length of prison sentences imposed in these minor cases are compared to those imposed on perpetrators of corruption, which causes significant losses not only to individuals but also to the state's finances.

In fact, such cases are more appropriately resolved through a family approach or non-penal mechanisms. With this model of resolution that prioritizes deliberation, the victim's rights can be restored, while the perpetrator has the opportunity to provide tangible compensation to the victim. However, in practice, these cases are still dragged through criminal justice procedures all the way to trial, ultimately resulting in court decisions in the form of prison sentences that are perceived as unfair and contrary to humanitarian values.

For similar cases, a resolution model is needed that emphasizes restoring conditions to pre-crime conditions, actively involving both victims and perpetrators in the pursuit of justice. One approach considered capable of optimizing the resolution of such cases is the implementation of a criminal resolution mechanism based on restorative justice.

Restorative justice is understood as an approach to resolving criminal cases that prioritizes the recovery of victims and affected communities, rather than simply punishing the perpetrator. Restorative justice is practiced through a case-handling process that involves all stakeholders involved in the crime, who deliberate and reach agreement on the steps necessary to restore or repair the suffering caused by the crime.(Atalim, 2013)

Restorative justice can also be interpreted as a mechanism in which all parties involved in a particular crime sit together to find a solution to the problems that arise, while also formulating ways to handle the impacts that arise in the future and the long-term consequences.(Malagano, 2020)

The measure of justice within the restorative justice framework is no longer determined by how much revenge the victim has given the perpetrator, but rather by healing the wounds that have arisen through providing support to the victim and requiring the perpetrator to take responsibility for his actions, with the involvement of family and community if necessary.(Flora, 2018)

Restorative Justice is understood as an idea or paradigm that emerged in response to the development of the criminal justice system, by emphasizing the importance of the participation of the community and victims who have been considered marginalized in the working mechanisms of the conventional criminal justice system currently in effect. (Zulfa, 2009)

By implementing a case resolution model based on restorative justice, the goal of legal benefit can be achieved because the resolution process directly involves the parties. Victims who suffer losses, both material and immaterial, have the opportunity to reclaim their rights, while perpetrators of criminal acts can seek to fulfill these demands to restore the situation to normal.

Termination of prosecution based on restorative justice is carried out by considering the interests of the victim and other protected legal interests, avoiding negative stigma, avoiding retaliation, maintaining community responsiveness and harmony, and maintaining propriety, morality, and public order. Not all criminal cases can be terminated based on restorative justice.

## **II. RESEARCH METHODOLOGY**

The research method used in this work includes normative legal research, also often referred to as doctrinal legal research. This research was conducted through a review of secondary literature or data, including primary legal materials, secondary legal materials, and tertiary legal materials. As emphasized by (Marzuki, 2011) All forms of legal research are inherently normative. The approach taken in this research is a case study. Furthermore, data analysis in this study employs a qualitative approach. The qualitative data analysis process is carried out by first collecting data, then grouping it according to certain qualifications, and then linking it to theories relevant to the problem being studied. Finally, conclusions can be drawn to determine the results of the analysis. This stage of determining the results of the analysis is the next step in processing the research findings.

## **III. RESULT AND DISCUSSION**

### **A. The Authority of the Republic of Indonesia Prosecutor's Office in Terminating Prosecution Based on Restorative Justice**

The Attorney General's Office has launched a case resolution program that offers an alternative pathway, called restorative justice. The Attorney General emphasized that good law must not only regulate formal procedures but also be competent, fair, and sensitive to the needs and aspirations of the community, while prioritizing the achievement of justice, legal certainty, and legal benefit. Restorative justice itself is aimed at restoring the condition of those harmed by criminal acts and actively involving them in the process: victims, perpetrators, and the community. (Flora, 2018)

In Law Number 11 of 2021 concerning Amendments to Law of the Republic of Indonesia Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, the Attorney General's Office is mandated to play a more active role in the law enforcement process, protect the public interest, oversee the implementation of human rights, and eradicate the practices of corruption, collusion, and nepotism.

Article 65 letter f of the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP) affirms the authority of the public prosecutor to terminate prosecution. Based on the principle of *dominus litis*, the public prosecutor holds the control to determine whether a case will be prosecuted or not. The legal basis governing the authority to terminate prosecution with a restorative justice approach is stated in Article

65 letter j of the KUHAP, which gives the public prosecutor the authority to resolve cases through the Restorative Justice mechanism.

Furthermore, one of the key provisions of the Prosecutor's Office Law affirms that the Prosecutor's Office, as a state institution authorized to prosecute, must carry out its duties independently. This means that the Prosecutor's Office is obligated to carry out its prosecutorial functions without interference from the government or other parties. The independence and freedom of the Prosecutor's Office are key factors in maintaining the integrity of the judicial system and ensuring fair and transparent law enforcement.

According to the Republic of Indonesia Law Number 20 of 2025 concerning the Criminal Procedure Code, the public prosecutor will exercise the authority held by the public prosecutor, namely:

1. receive and examine case files from investigators;
2. carry out coordination between investigators and public prosecutors in order to complete the results of the investigation;
3. granting an extension of detention, carrying out detention or further detention, and/or changing the status of the detainee after the case has been transferred by the investigator;
4. make an indictment;
5. delegate cases and carry out prosecutions to court;
6. terminate the prosecution by notifying the investigator;
7. provide notification to the Defendant regarding the time and place of the trial of the case and accompanied by a summons to the Defendant and witnesses to attend the trial as determined;
8. carry out the determination and/or decisions of district court judges, high court judges, or Supreme Court judges;
9. settle fines peacefully;
10. resolve cases through Restorative Justice mechanisms;
11. enter into a Deferred Prosecution Agreement;
12. accept a Guilty Plea; And
13. close the case for legal purposes.

In the basis for the consideration of the enactment of the Republic of Indonesia Attorney General's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice, it is emphasized that the Republic of Indonesia Attorney General's Office, as a government institution that exercises state power in the field of prosecution, is obliged to realize legal certainty and order, while guaranteeing justice and truth according to law. In carrying out these duties, the Attorney General's Office must also uphold religious norms, decency, and morality, and has a responsibility to explore and apply the values of humanity, legal values, and justice that are alive and developing in society.

Furthermore, the resolution of criminal cases that focuses on restorative justice, namely a settlement model that prioritizes the restoration of the original situation and balances the protection and interests of victims and perpetrators without being oriented towards revenge, is seen as a legal need of society as well as a mechanism that needs to be developed in the implementation of prosecutorial authority and reform of the criminal justice system. In this context, the Attorney General has the duty and authority to optimize the law enforcement process provided by the Law by adhering to the principles of fast, simple, and low-cost justice, as well as formulating and establishing case handling policies for the success of prosecutions carried out independently based on law and conscience,

including the implementation of prosecutions with a restorative justice approach implemented in accordance with the provisions of laws and regulations. (Yuspar, 2023)

The definition of restorative justice according to prosecutorial regulations is the resolution of criminal cases by involving the perpetrator, victim, the perpetrator/victim's family, and other related parties to jointly seek a just resolution by emphasizing restoration to the original state and not revenge. (<https://kejaksaan.go.id/keadilan-restoratif/>, nd)

Termination of prosecution based on restorative justice is implemented based on fairness, public interest, proportionality, and the use of criminal penalties as a last resort, as well as speed, simplicity, and low cost. The following requirements apply to terminating prosecution based on restorative justice:

1. The interests of victims and other protected legal interests
2. Avoiding negative stigma
3. Avoidance of retaliation
4. Community response and harmony
5. Propriety, morality and public order

In implementing the restorative justice approach based on the Indonesian Attorney General's Regulation Number 15 of 2020, it is clear that the regulation emphasizes the peace agreement between the perpetrator and the victim and how procedural law then recognizes the existence of the peace agreement as an agreement that has legal force. As a concrete investment of a sentencing paradigm not for retribution but as recovery, the Attorney General's Office took a strategic step by issuing the Indonesian Attorney General's Regulation Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice.

In another matter, the Indonesian Attorney General's Regulation Number 15 of 2020 also contains restrictions on the implementation of restorative justice so that it is not only interpreted as a peace agreement because if so, the ongoing process will actually be trapped in merely carrying out procedural functions so that truth (especially material truth) and justice cannot be achieved.

Attorney General Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice is a concrete step by the Attorney General's Office in responding to the challenges of legal developments and the development of the *dominis litis* principle, which is the domain of prosecutors. The *a quo* regulation represents a delegation of authority from the Attorney General to prosecutors throughout Indonesia, granting prosecutors the authority to resolve cases outside the court for ordinary crimes.

*Restorative Justice* contained in Attorney General Regulation Number 15 of 2020 is only intended for first offenders or people who have committed a crime for the first time so that the Public Prosecutor can still forgive.

Based on the provisions of the articles of Prosecutor's Regulation Number 15 of 2020, there is legitimacy for the authority to implement restorative justice by the Prosecutor's Office, and this authority must be granted to Prosecutors in order to realize a sense of justice in society. Prosecutors, as holders of *dominus litis* (control), are very worthy of being given the authority to implement restorative justice and can set aside cases in the public interest, therefore Prosecutors are the ones authorized to determine the submission of cases to the Court.

The existence of the authority to resolve criminal cases through restorative justice, then this opens the door for Prosecutors to make legal discoveries in carrying out their duties and authorities, which is also in line with the provisions of Article 8 paragraph (4) of Law Number 16 of 2004 in conjunction with Law Number 11 of 2021, which states that: "In carrying out their duties and authorities, Prosecutors always act based on law and conscience by paying attention to religious norms, politeness, morality, and are obliged to

explore and uphold the values of humanity that live in society, and always maintain the honor and dignity of their profession."

Attorney General Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice is the embodiment of the Attorney General's authority to prosecutors throughout Indonesia to prioritize case resolution with a restorative justice approach as an expansion of the *dominis litis* principle which is the domain of prosecutors.

This Attorney General Regulation was made for the sake of justice that is beneficial to the community by prioritizing the conscience of a Public Prosecutor so that law enforcement can be created that is able to realize legal certainty, legal order, justice, and truth based on law and respects religious norms, politeness, and morality, and is obliged to explore the values of humanity, law, and justice that exist in society.

The principle of restorative justice at that time was still not applied enough in the criminal prosecution system of the Republic of Indonesia because the prosecution system was still fixated on the Criminal Code where the aim was to punish someone who committed a crime which was absolute, so the restorative justice approach was still not realized properly and in line with the current prosecution system. However, with the new Attorney General Regulation, namely Prosecutor's Regulation Number 15 of 2020, where the purpose of punishment is not only to punish someone but to achieve justice for all parties and so it is hoped that the same conditions will be created as before the crime occurred and prevent further crimes (recovery).

The role of the Public Prosecutor in the context of restorative justice is crucial. As a facilitator, the Public Prosecutor acts as a mediator and organizer in the restorative justice process. Some aspects of their role include:

- 1) Facilitator and Guide: Public Prosecutors act as facilitators, helping the parties involved in a case understand the goals of restorative justice. They guide the restorative justice process with the goal of achieving mutual understanding and a just resolution.
- 2) Emotional Mediator: In many cases, the parties involved are still emotionally charged due to the conflict. The public prosecutor's role is to calm emotions, create a safe environment, and help all parties speak calmly and openly.
- 3) Listener and Discussion Facilitator: Public Prosecutors listen to the opinions and feelings of all parties involved in the conflict. They facilitate discussions that allow each party to express their views.
- 4) Seeking a Beneficial Agreement: The Public Prosecutor works to reach a common ground in deliberation, which results in an agreement that benefits both parties involved in the conflict.
- 5) Encouraging Accountability: In addition to seeking mutually beneficial solutions, the Public Prosecutor also ensures that perpetrators of crimes understand the consequences of their actions and are held accountable for their actions.

With this careful and sensitive role, the Public Prosecutor helps facilitate the restorative justice process with the goal of achieving reconciliation, healing, and peace between the perpetrator and the victim, as well as the affected community. The deliberation process within the context of restorative justice is an integral part of criminal resolution. In its implementation, this process is grounded in a spirit of peace, which differs from traditional approaches that focus more on punishment.

The facilitator's role in guiding the deliberation process is to ensure that all parties feel comfortable, understood, and able to participate fairly in the effort to reach an adequate and sustainable resolution. The facilitator also helps create an environment that supports open and honest dialogue among all parties involved.

## **B. Implementation of Termination of Prosecution Based on Restorative Justice for Criminal Acts of Collective Handling of Detention at the Cilegon District Attorney's Office**

One of the principles recognized in the prosecution stage is *dominus litis*, which means "prosecutor" or "master of the case." In the criminal justice process, the prosecutor has the authority to determine whether a case can be prosecuted in court. According to Surachman, in several countries, such as Japan, the Netherlands, and France, the prosecutor's authority to prosecute is a monopoly. In Indonesia, this principle forms the basis for the public prosecutor's authority to prosecute. (Surachman, 1996)

The principle of *Dominus Litis* has been universally recognized and is reflected in Article 2 of Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, which states that the Attorney General's Office is a government institution that exercises state power in the field of prosecution and other authorities based on law, which are implemented independently.

Regulation No. 15 of 2020 authorizes prosecutors to discontinue prosecution of a crime based on a restorative justice approach. The restorative justice approach is a concept currently widely used in various countries as an alternative in resolving criminal offenses.

Using a restorative justice approach, efforts are made to achieve reconciliation between victims and perpetrators of crimes by promoting win-win solutions. This approach emphasizes recovery and reconciliation, where victims are expected to receive compensation for their losses and forgive the perpetrators. (Parasdika, 2022)

An example of restorative justice is that the Cilegon District Attorney's Office has submitted a request to stop prosecution of a criminal case of receiving money based on restorative justice with the suspect Hendriyansyah Maja et al. suspected of violating Article 480 paragraph (1) of the Criminal Code in conjunction with Article 55 paragraph (1) Ke-1 of the Criminal Code regarding receiving money with a maximum criminal penalty of 4 (four) years. The case meets the requirements for termination of prosecution based on restorative justice, namely the suspects have committed a crime for the first time and the threat of a fine or imprisonment is not more than 5 (five) years, however, the application for termination of prosecution based on restorative justice in the above case was not granted. The Application for Termination of Prosecution Based on Restorative Justice was because the actions or crimes committed by the suspects were contrary to the basic values according to the Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice and on the grounds that the case in question was carried out together or by several people, but in the opinion of the researcher, he does not agree with the opinion of the Deputy Attorney General for General Crimes, which according to the researcher, the case has met the requirements as per the Republic of Indonesia Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice because the suspects have committed a crime for the first time and the crime is only threatened with a fine or is threatened with imprisonment of not more than 5 (five) years and in the framework of restorative justice, considering that the evidence has been returned to the victim and there is peace between the victim and the suspects and The main point of restorative justice is the victim.

Furthermore, between 2023 and 2025, the Cilegon District Public Prosecutor's Office successfully resolved criminal cases through the application of restorative justice, with the following figures:

No	Full name	Police	Type of Case	Chapter	Information
1.	SOHANDI BIN HANAFI BP/04/II/2023/RESKRIM File Date 02-20-2023	Pulomerak Police Station	Embezzlement	Article 374 of the Criminal Code	Approved by JAMPIDUM with Decree Number: B-480/M.6.15/Eoh.2/04/2023 April 17, 2023
2.	HUJAZ MUHAFIDUN Bin H. JAHURI BP/43/VII/2023/Criminal Investigation File Date 03-07-2023	Cilegon Police	Fencing	Article 480 Ke-1 of the Criminal Code	Approved by JAMPIDUM with Decree Number: B-955/M.6.15/Eoh.2/08/2023 August 30, 2023
3.	HERMAN WIRIADI also known as DONI Bin AWIRUDIN, BP/08/VIII/2023/Criminal Investigation File Date 01-08-2023	Cibeber Police Station	Persecution	Article 351 of the Criminal Code	Approved by JAMPIDUM with Decree Number: B-2754/M.6.15/Eoh.2/04/2023 September 26, 2023
4.	MUHAMAD HADI YUSUF Bin SARDAWI B/88.a/X/RES.4.2/2023/Narcotics Crime Investigation Unit October 11, 2023	Cilegon Police	Narcotics	First Article 114 Paragraph (1) or Second Article 112 Paragraph (1) or Third Article 127 Paragraph (1) letter a of the Republic of Indonesia Law No. 35 of 2009 concerning Narcotics in conjunction with the Regulation of the Ministry of	Completed (Rehabilitation)

No	Full name	Police	Type of Case	Chapter	Information
				Republic of Indonesia Health Regulation No. 30 of 2023 concerning Changes in Classification on Narcotics in the Republic of Indonesia Law No. 35 of 2009 concerning Narcotics	
5.	DIKY RADIANSYAH Bin IWAN SETIAWAN BP/94/X/RES4.2/2023/Narkoba File Date 10-31-2023 SDPD/94/X/RES4.2/2023/Narkoba October 6, 2023	Cilegon Police	Narcotics	Article 114 Paragraph (1) and or Article 112 Paragraph (1) and or Article 127 Paragraph (1) letter a of the Republic of Indonesia Law No. 35 of 2009 concerning Narcotics	Completed (Rehabilitation)
6.	RIZKI ROMADHON ARISANY A.3/08/VIII/2024/Criminal Investigation August 2, 2024	Ciwandan Police Station	Fraud	Article 378 of the Criminal Code	Completed (Dismissal of Prosecution)
7.	Andrea Alek Pratama Bin Demin SPDP/03/IX/2024/Criminal Investigation dated September 23, 2024	Ciwandan Police Station	Theft	Article 363 paragraph (1) 3 and 4 of the Criminal Code	Completed (Dismissal of Prosecution)

No	Full name	Police	Type of Case	Chapter	Information
8.	Muhammad Yasin Als. Pitung Bin (late) Eman. BP/11/IX/2024/Reskrim File Date 09-15-2024C1.01/19.a/X/2024/Reskrim Submission Date 10-08-2024 Date Received: 10-08-2024	Pulomerak Police Station	Persecution	Article 351 Paragraph (1) of the Criminal Code	Completed (Dismissal of Prosecution)
9.	Fahrizal Rohfi Zikari Bin (the late) Jaja Samsudin BP/02/XII/2024/Reskrim File Date 01-01-2025C.101/01/I/2025/Reskrim Submission Date 08-01-2025 Date Received: 08-01-2025	Bojonegara Police Station	Theft	Article 362 of the Criminal Code	Completed (Dismissal of Prosecution)

That there is another example in 2023 to 2025, the Cilegon District Attorney's Office has succeeded in stopping criminal cases through the implementation of Restorative Justice with the following data:

If we look at the data above related to the authority of the Republic of Indonesia Attorney General's Office in terminating prosecution based on restorative justice, it is still considered effective and efficient in resolving conflicts in society by involving all related parties (perpetrators, victims, families, and the community) as a real form of humanistic and modern law enforcement, which focuses on restoring the original state, not merely on revenge (retributive).

The application of restorative justice for joint detention at the Cilegon District Attorney's Office refers to Perja 15/2020 and the new Criminal Procedure Code, focusing on perpetrator-victim reconciliation, the requirement for the suspect to be sentenced for the first time (maximum 5 years in prison), and rehabilitation, however for joint criminal acts, the mediation process and the agreement of the parties are important keys, ensuring that the restorative agreement meets the principle of restoration not just compensation, in line with the spirit of the new Criminal Procedure Code which accommodates an out-of-court justice approach for certain cases.

Restorative justice practices are now regulated not only administratively or internally, but also as part of the formal legal system under Law No. 20 of 2025 concerning the Criminal Procedure Code, through provisions in specific articles (e.g., Articles 79–88 of the Criminal Procedure Code). This confirms the legitimacy of this mechanism as an alternative means of resolving criminal cases, with certain limitations to ensure justice for victims and legal certainty in general.

The application of restorative justice-based prosecution termination for cases of jointly committed bribery can be carried out if the conditions stipulated in Attorney General Regulation Number 15 of 2020, The case of receiving money falls into the category of

criminal acts that can be resolved restoratively, but one example of a case in the Cilegon District Attorney's Office, the application for termination of prosecution based on restorative justice in the above case was not granted. The Application for Termination of Prosecution Based on Restorative Justice was because the actions or crimes committed by the Suspect were contrary to the basic values according to the Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice and on the grounds that the case in question was carried out jointly or by several people, but in the opinion of the researcher, he does not agree with the opinion of the Deputy Attorney General for General Crimes, which according to the researcher, the case has met the requirements as stipulated in the Republic of Indonesia Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice because the suspects had committed a crime for the first time and the crime was only threatened with a fine or threatened with imprisonment of no more than 5 (five) years and in the framework of restorative justice, considering that the evidence has been returned to the victim and there is peace between the victim and the suspect and the main point of restorative justice is victim.

Even though it has been regulated normatively, in law enforcement practice there is still rejection of the application of Restorative Justice to criminal cases that have fulfilled all the requirements as stipulated in PERJA Number 15 of 2020, such as the case of the suspect Hendriyansyah Maja, et al., who are suspected of violating Article 480 paragraph (1) of the Criminal Code in conjunction with Article 55 Paragraph (1) Ke-1 of the Criminal Code regarding receiving goods. This rejection is generally based on the reason of law enforcement discretion, especially the prosecutor as *dominus litis* in the prosecution process.

However, the prosecutor's discretion cannot be understood as absolute. Discretion must be exercised within the law, while still considering the purpose of establishing the regulation, the principle of proportionality, and the principles of justice and expediency. If a case meets the normative requirements of restorative justice, then refusing to implement this mechanism without clear legal justification has the potential to create a discrepancy between norms and practice. Such refusal also raises questions about the consistency of law enforcement, as cases with similar characteristics may be treated differently, potentially violating the principle of equality before the law.

#### IV. CONCLUSION

1. The Prosecutor's authority to stop the prosecution of a criminal case based on restorative justice is a form of attribution authority, namely the authority derived from statutory regulations in this case the Prosecutor's Office Law and the Prosecutor's Termination of Prosecution Regulation because the Public Prosecutor as the case master (*dominus litis*) has broad authority in resolving criminal cases. The presence of Attorney General Regulation Number 15 of 2020 concerning the termination of prosecution based on Restorative Justice expands the Prosecutor's Authority in Terminating Cases in the Criminal Procedure Code and expands the Interpretation of the Explanation of Public Interest or in the Interest of Law, of course through a Restorative Justice approach that prioritizes Peace Efforts to compensate for the rights of victims rather than retaliation. The reality that exists in this authority also provides a paradigm for reforming the criminal justice system from retributive justice to restorative justice which places more emphasis on mediation in order to achieve the values of justice that develop in society.
2. The application of termination of prosecution based on restorative justice for the crime of receiving stolen goods carried out jointly at the Cilegon District Attorney's Office,

especially in the case of Hermansyah Maja et al., which violated Articlesuspected of violating Article 480 paragraph (1) of the Criminal Code in conjunction with Article 55 Paragraph (1) Ke-1 of the Criminal Code, the prosecution should be terminated based on restorative justice because it has fulfilled the requirements as stipulated in the Attorney General's Regulation Number 15 of 2020 concerning the termination of prosecution based on Restorative Justice and there has been peace between the victim and the suspect so that it is in accordance with the purpose of restorative justice, namely to restore the original state. In addition, the Cilegon District Attorney's Office during the period 2023 to 2025 has terminated prosecution based on restorative justice in 9 (nine) cases so that the Authority of the Republic of Indonesia Attorney General's Office in terminating prosecution based on restorative justice is still considered effective and efficient to resolve conflicts in society by involving all related parties (perpetrators, victims, families, and society) as a real form of humanistic and modern law enforcement, which focuses on restoring the original state, not merely retaliation (retributive).

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