

**MECHANISM FOR PROVIDING RESTORATIVE JUSTICE IN
CRIMINAL CASES AT THE LABUHANBATU DISTRICT ATTORNEY'S
OFFICE**

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ABSTRACT

This study aims to analyze the mechanism of providing *restorative justice* in criminal cases at the Labuhanbatu District Attorney's Office, assess the effectiveness of its application in providing justice for perpetrators and victims, and identify obstacles and efforts made in its implementation. This research is motivated by a paradigm shift in the criminal justice system from a retributive approach to a restorative approach that emphasizes the restoration of circumstances, responsibility of the perpetrator, and the restoration of social relations, the research method used is qualitative research with an empirical juridical approach that is descriptive and analytical. The research data was obtained through literature studies and interviews with law enforcement officials at the Labuhanbatu District Attorney's Office. The data obtained is then analyzed qualitatively through the process of data reduction, data presentation, and conclusion drawn.

The results of the study show that the mechanism for providing *restorative justice* is carried out through several stages, namely the assessment of the feasibility of the case, the implementation of penal mediation between the perpetrator and the victim, the exposure of the case in stages within the prosecutor's office, and the issuance of a Decree of Termination of Prosecution (SKP2). The application of *restorative justice* is considered effective, especially in criminal cases with a low level of seriousness, because it is able to speed up the resolution of cases, provide opportunities for perpetrators to take responsibility for their actions, and restore social relations between perpetrators and victims.

However, its implementation still faces obstacles, including low public understanding of the concept of *restorative justice* and the limited scope of cases that can be resolved through this mechanism. Therefore, it is necessary to increase legal socialization, involve community leaders in the mediation process, and strengthen the capacity of prosecutors as peace facilitators so that the implementation of *restorative justice* can run more optimally.

Keywords: Restorative Justice, Prosecution Termination, Labuhanbatu District Attorney's Office, Penal Mediation.

A. Introduction

The criminal justice system is basically a mechanism formed by the state to enforce the law and maintain social order. In practice, the conventional criminal justice system is more oriented towards a retributive approach that focuses on criminalizing perpetrators as a form of retribution for the criminal acts committed.¹

This approach often causes various problems, such as the accumulation of cases in court, the overcapacity of correctional institutions, and the unmet recovery needs for victims. This condition shows that the formal criminal justice system is not always able to provide substantive justice for the parties involved in a criminal act.²

In the development of modern criminal law, the concept *of restorative justice has emerged* as an alternative to criminal case resolution that emphasizes more on restoring the situation, the responsibility of the perpetrator, and the restoration of social relations between the perpetrator and the victim. This approach views criminal acts not only as a violation against the state, but also as a social conflict that needs to be resolved dialogically by involving the relevant parties.³

In Indonesia, the application *of restorative justice* at the prosecution stage obtained a legal basis through the Prosecutor's Office of the Republic of Indonesia Regulation Number 15 of 2020 concerning the Termination of Prosecutions Based on Restorative Justice. This regulation gives the prosecutor the authority to stop the prosecution of certain cases if they meet the predetermined conditions.⁴

The Labuhanbatu District Attorney's Office is one of the law enforcement institutions that has implemented *a restorative justice mechanism* in resolving criminal cases. The implementation of this mechanism is expected to be able to provide faster, more efficient, and fair case resolution for the parties.

¹ Tinuk Dwi Cahyani, *Indonesian Criminal Procedure Law*, Malang: UMM Press, 2023, pp. 6–8.

² Anwar Sulaiman and Asmak ul Hosnah, "Analysis of the Application of *Restorative Justice* in Petty Crime Cases as an Effort to Reduce Over Capacity in Correctional Institutions," *IJOSPL*, Vol. 3 No. 2, 2022, p. 59.

³ *United Nations Office on Drugs and Crime (UNODC), Handbook of the Restorative Justice Programme*, Second Edition, Vienna: United Nations, 2020, pp. 3–4.

⁴ Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecutions Based on Restorative Justice.

Based on this background, this study aims to examine the mechanism of providing *restorative justice* in criminal cases at the Labuhanbatu District Attorney's Office and assess the effectiveness of its application in providing justice for perpetrators and victims.

B. Research Methods

A study cannot be called research if it does not have a research method.⁵ Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.⁶

C. Discussion

1. Restorative Justice Legal Arrangement

Legal arrangements regarding the application of *restorative justice* in Indonesia are normatively regulated in the Prosecutor's Office of the Republic of Indonesia Regulation Number 15 of 2020 concerning the Termination of Prosecutions Based on Restorative Justice.⁷

The regulation gives the prosecutor the authority to stop the prosecution if certain conditions are met, such as the perpetrator committing a criminal act for the first time, a criminal threat of no more than five years, and the existence of a peace agreement between the perpetrator and the victim.

2. Effectiveness of Restorative Justice Implementation

Based on the results of the research, the implementation *of restorative justice* at the Labuhanbatu District Attorney's Office is considered quite effective because it is able to speed

⁵ Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, 14(1).

⁶ Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3554-3462.

⁷ Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecutions Based on Restorative Justice.

up the settlement of cases and provide opportunities for perpetrators to take responsibility for their actions.⁸

3. Obstacles and Efforts Restorative Justice Implementation

The application of *restorative justice* in the practice of prosecution at the Labuhanbatu District Attorney's Office is inseparable from various sociological, normative, and practical obstacles. One of the main obstacles faced is the low level of public understanding of the concept of *restorative justice*, where some people still interpret it as a form of formal peace without understanding the essence of restoring social relations and the responsibility of perpetrators. In addition, there are also limitations on the types of cases that can be resolved through this mechanism, considering that legal provisions limit its application only to cases with certain criteria. Another obstacle also arises from the readiness of the parties, both perpetrators and victims, who are not always willing to undergo a voluntary dialogue process, thus hindering the achievement of a peace agreement.⁹

In response to these various obstacles, various strategic efforts have been made to optimize the implementation of *restorative justice*, including through increasing legal socialization to the community to provide a comprehensive understanding of the goals and mechanisms of restorative justice. In addition, the involvement of community leaders in the mediation process is also important to strengthen the social legitimacy of the agreement reached. In addition, strengthening the role of prosecutors as peace facilitators is a key factor in ensuring that the case settlement process runs fairly, voluntarily, and in accordance with the principles of restorative justice.¹⁰

D. Conclusion

The application of restorative justice at the Labuhanbatu District Attorney's Office has a clear legal basis through Prosecutor's Regulation Number 15 of 2020. The implementation mechanism is carried out through the stages of case feasibility assessment, penal mediation, case exposure, and the issuance of SKP2. The application of this mechanism is considered

⁸ Risnaeni, Askari Razak, and Nasrullah Arsyad, "The Effectiveness of the Implementation of *Restorative Justice* in the Selayar Islands District Attorney's Office on the Crime of Theft," *Journal of Lex Philosophy*, Vol. 5, No. 2, 2024, pp. 1352–1354.

⁹ Wanda Fauzia Faris, "The Suitability of Case Settlement by Means of Restorative Justice According to Prosecutor's Regulation Number 15 of 2020," *Verstek: Journal of Procedural Law*, Vol. 7 No. 2, 2021, pp. 399–407.

¹⁰ Dhaniel Dimas Fajarian Sitorus, "Juridical Analysis of the Role of Prosecutors in Solving Crimes through a *Restorative Justice Approach*," *Journal of Academic Media*, Vol. 4 No. 1, 2026.

effective in providing a faster and fairer settlement of cases. However, there are still several obstacles that need to be overcome through increasing legal socialization and strengthening the capacity of law enforcement officials. The implementation of restorative justice still faces various obstacles, including low public understanding, limitations on the types of cases that can be resolved, and the readiness of the parties in the peace process. Therefore, optimization efforts are needed through increasing legal socialization, involvement of community leaders, and strengthening the role and capacity of prosecutors as facilitators in the restorative justice process.

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