

Juridical Review of Obstacles in the Implementation of Restorative Justice in the Case of the Crime of Theft

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Abstract

This study aims to determine the role of the public prosecutor in the application of PERJA Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice against criminal cases of theft and to determine the role of the Prosecutor in the future in implementing Restorative Justice against criminal acts of theft whose losses have been recovered exceeding Rp 2,500,000,- (Two Million Five Hundred Thousand). This type of research is empirical juridical legal research, where the data obtained from the field and described in accordance with the actual reality. The results of the study show that (1) For cases that were settled based on PERJA Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice Restorative justice must prioritize a peace agreement between the two parties by taking into account three main elements, namely the suspect is the first time to commit a crime, a crime only threatened with imprisonment of not more than 5 (five) years, and the loss of a crime not more than Rp 2,500,000,- (two million five hundred thousand rupiah). (2) The Public Prosecutor is considered to be too rigid in interpreting the phrase in Article 5 paragraph (1) letter c in which the loss of a criminal act cannot be more than Rp 2,500,000,- (two million five hundred thousand rupiah), even though in fact there has been an agreement peace between the two parties, and the victim's losses have been restored to their original state, with an additional Rp 12,000,000,- (twelve million rupiah). The application of Restorative Justice by the public prosecutor is not always fixed on the nominal limit according to the PERMA of Rp 2,500,000,- (two million five hundred thousand rupiah), in order to realize the original condition, which is intended so that the victim who originally felt aggrieved due to the suspect's actions feels restored to his condition, so that a peace agreement can be created between the victim and the perpetrator.

Keywords: Prosecutor's Office; Restorative Justice; Crime of Theft.

1. Introduction

Always in the enforcement of the application of the law quoted from the German legal philosopher Gustav Radbruch since the beginning of the development of law in Europe has stated that in principle there are 3 values that the law itself wants to aim for, namely justice, expediency, and certainty. Gustav added that, the goals to be achieved by the law will be mutually incompatible and competitive, there must be a priority and set aside therefore the priority (O. Notohamidjojo, 2011) principle needs to be used. Gustav Radbruch asserts that if these three values compete with each other then justice becomes dominant which must be prioritized by law enforcement to achieve over certainty and expediency, this goes from the premise of *recht ist wille zur gerechtigkeit* (law is the will for the sake of justice) (O. Notohamidjojo, 2011).

To achieve certainty, expediency, and justice in a balanced manner by bringing balanced justice closer to society and proper law enforcement must be able to avoid cheating on power or manifestations of authority and despicable acts by abusing power to pursue personal interests. As is known, law is a set of true and false norms whose existence by the government is expressed in writing or unwritten which binds the relationship between humans and each other and is always closely related to certainty and justice that complements each other.

In theft cases where the case is entered and tried in Court and the most highlighted is a theft case whose reasons, values and punishments no longer reflect fair and useful law. In fact, the law should have a fair and beneficial effect on all

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parties. As an example of a case highlighted by the community is the theft of 3 (three) cocoa fruits stolen by an old grandmother in Ajibarang, Central Java. The theft case not only became a highlight but also caused a counter-reaction from the public and suggested that the law was no longer fair and even useless. The grandmother stole the goods which, if exchanged for a nominal price, the price of the cocoa fruit was not worth the loss of the grandmother in attending the trial and even became a patient during the trial process (Wulandari, 2018).

Artidjo Alkostar argues that the existence of criminal cases that hurt the sense of justice and disturb the common sense of society, such as cases of theft of clotheslines by hungry scavengers and the like, demands critical thinking about the work of the criminal justice system in our country today. Including, the mechanism of justice administration that can provide a passage of justice for all groups of people and all walks of life. (www.kompas.com, 2011).

The public considers that the law no longer becomes fair and beneficial when the misdemeanor theft case is resolved through a public institution, namely the court. The court with its judgment judged and dismissed the suspect under the applicable law. The misdemeanor theft case can be tried without having to go to court. The inconsistency of value in the sense of loss achieved when the misdemeanor theft case goes to court is not small. Losses in the material and formal sense. Loss of case costs, labor and time to punishment that does not reflect a fair and beneficial law. According to Jeremy Bentham, laws are made to maximize happiness and reduce suffering thus making laws useful or beneficial. When viewed from this theory, court decisions that adjudicate misdemeanor theft, especially with cases whose background is driven by economic factors, are very far from useful, where the perpetrator will experience imprisonment or fines that make the perpetrator worse either frustrated or just cornered by the community to cause other losses that are basically not borne by the community itself.

In line with these various problems, the concept of restorative justice in Indonesia has now begun to be developed and there have begun efforts to implement it in the criminal law system. This was as stated by the Minister of Law and Human Rights, Patrialis Akbar, in an event in Pontianak, as reported in the Kompas daily (19/3/2011), he explained the priority to realize out-of-court settlements for minor crimes with certain restrictions, for example getting forgiveness from victims and generally concerning criminal acts by children (juvenile), seniors, and the poor.

It should be emphasized the concept of Restorative Justice which is a criminal process that has not provided justice to victims. Restorative Justice places a crime as a symptom that is part of a social action and not just a violation of criminal law or a crime that is seen as destroying social relationships. In contrast to criminal law which views crime as a matter of the State. on how to improve / restore the victim's condition after the occurrence of a criminal act. In this case, the perpetrator of a criminal act may be required to pay damages, perform social work, or other reasonable actions ordered by law enforcement/courts.

In any case the termination of prosecution for the sake of restorative justice can be possible, especially in cases of theft. The closure of the case can be done in the interest of the law, among others, if there has been an out-of-court settlement. This is commonly referred to as the *afdoening buiten* process. This process can be carried out provided that: first, for a certain non-criminal offense, the maximum criminal fine is paid voluntarily in accordance with the provisions of laws and regulations; and second, there has been a reinstatement of the original situation using a restorative justice approach. In the event of a second circumstance, the prosecutor stops the prosecution.

As seen in the spirit of the birth of the Attorney General Regulation of the Republic of Indonesia No. 15 of 2020 concerning the Termination of Prosecutions Based on Restorative Justice, the conditions for cases and perpetrators to be stopped from prosecution based on restorative justice. The requirement regarding the person or perpetrator is that the suspect has committed a criminal act for the first time. Then, the conditions regarding the criminal act are two things. First, criminal acts committed are only threatened with a fine or threatened with imprisonment of not more than five years. Second, criminal acts are carried out with the value of evidence, or the value of losses incurred because of criminal acts of not more than 2.5 million rupiah.

However, in fact, the application of Restorative Justice is not easy, as it was first applied in Kupang City in the case of theft crimes which meet in accordance with Attorney General Regulation Number 15 of 2020, namely never committing a criminal act, criminal threats under 5 years, and recovered losses, but because of a view of the victim loss limit of Rp. 2,500,000,- (Two Million Five Hundred Thousand Rupiah) which is interpreted rigidly, so that success cannot be achieved in the application of the concept of solving cases with Restorative Justice .

What should be the core of Attorney General Regulation Number 15 of 2020 is the existence of a peace agreement between the victim and the defendant, where the prosecutor should be able to implement this restorative justice application with the aim that the handling of cases can prioritize peace, especially for relatively mild and humanitarian cases, as always instructed by the Attorney General of the Republic of Indonesia where the Prosecutor must prioritize "Conscience" in every handling of cases (St. Burhanuddin, 2011).

2. Method

The type of research carried out is Empirical Juridical research, where data obtained from the field and described according to actual reality. The primary data obtained from the research results are compiled in such a way and then analyzed descriptively, logically, systematically, and linked to secondary data using deductive and inductive thinking methods that are guided by criminal law and laws and regulations related to the problem under study in order to answer the problem. Descriptive means that the data obtained from the field is depicted according to actual reality. Logical means that the data analyzed must be rational and scientific in nature. Systematic means that each part analyzed must be interrelated, coherent, influence each other in order to get the desired result.

3. Result and Discussion

The Role of the Public Prosecutor in the Application of PERJA Number 15 of 2020 concerning Termination of Prosecutions Based on Restorative Justice against Criminal Theft Cases Position:

That Suspect Raden Imam Jogiardi Rotisno Alias Eman on Tuesday, December 03, 2019 at around 3:00 pm came to the boarding house of witness Lukas Lenkinyu Aliandu (biological son of the victim witness) located behind Borneo Liliba Kupang City with the intention of collecting money borrowed by witness Lukas Lenkinyu Aliandu but witness Lukas Lenkinyu Aliandu did not have any money then menden gar this, the defendant without the knowledge of witness Lukas Lenkinyu Aliandu immediately took 1 (one) piece of the ignition key of the CRF motorcycle belonging to the victim witness which was located on the next cabinet on Saturday, December 07, 2019 at around 04:00, the defendant went back to the boarding house of witness Lukas Lenkinyu Aliandu and then when he arrived there, the defendant immediately took 1 (one) unit of red and white Honda CRF brand motorcycle with frame number: MH1KD1111JK042378 Engine No.: KD11E-1041656 which was being hitby inserting the ignition key of the motorbike that the defendant had previously taken and then the defendant started the motorcycle then the defendant rode the motorcycle to the defendant's house located in Sejagat Sentosa housing complex behind the Carolus Boromeus hospital in Belo Kec. Maulafa, Kupang City, a few days later the defendant saw a post on facebook account on behalf of witness Yandri Alvarez Giri about " seeking trade-in or straight swap with KLX/CRF motorcycle with SPM Vlxion" then after seeing the post, the defendant contacted witness Yandri Alvarez Giri via messenger inbox and agreed to exchange the victim witness's Honda CRF brand motorcycle with witness Yandri Alvarez Giri's Vixion motorcycle later on December 24, 2019, witness Yandri Alvarez Giri went to the defendant to see the condition of the motorcycle then the defendant together with witness Yandri Alvarez Giri agreed to exchange each other's CRF motorcycle belonging to the victim witness without accompanying letters by convincing witness Yandri Alvarez Giri that the motorcycle belonged to the defendant and the defendant was willing to take care of his papers with the Honda Vixion motorcycle belonging to witness Yandri Alvarez Giri then a letter of exchange agreement was made exchanged a motor vehicle dated December 24, 2019 further after the defendant exchanged the CRF moror bicycle belonging to the victim witness for the Vixion mortor bicycle of witness Yandri Alvarez Giri, the defendant sold the Honda Vixion motorcycle for Rp. 12,000,000,- (twelve million rupiah) then the money the defendant used for daily purposes.

That in the case file resulting from the investigation of the accused Raden Imam Jogiardi Rotisno Alias Eman is alleged to have violated Article 362 of the Penal Code on Ordinary Theft which reads:

Whoever takes something, which is wholly or partly owned by another person with the intention of being unlawfully possessed, is threatened with theft with a maximum imprisonment of 5 (five) years in prison or a maximum fine of Rp. 900,- (nine hundred rupiah),

with the elements of delic, namely: Whoever; Taking an item; Partly or wholly belongs to another person; With a view to having; By going against the right/law.

In the application of Attorney General Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, first the Public Prosecutor must determine 3 (three) main conditions or principles in the application of restorative justice, namely:

1. The suspect committed a felony for the first time;
2. Threat of a fine or imprisonment of not more than 5 (five) years, as well as;
3. The evidence or loss value of the case is not more than Rp 2.500.000,- (Two Million Five Hundred Thousand Rupiah).

In the case of the application of justice restoratif the Public Prosecutor must ensure in advance that the main thing of the termination of the prosecution is that it must be based on a peace agreement that is carried out in a fair, proportional, free, and voluntary manner. In seeking peace against an alleged criminal offence alternatively, subsidiaritas, or alternative combination, the public prosecutor reviews the conditions for termination of prosecution based on the restorative justice of each of the articles charged, the fulfillment of the conditions of one of the alleged articles, not abolishing the peace efforts against the alleged article.

Research, the public prosecutor made a Memorandum of Opinion on the Results of the Case File Research addressed to the Chief District Attorney for follow-up. Then after approval by the Chief District Attorney, a Warrant was issued to facilitate the peace process under Restorative Justice (RJ-1). Based on the RJ-1 Warrant, then a summons was made by the parties, the suspect with the suspect's legal counsel, the victim with the victim's family, and the local village head as a community leader, with the Call of the Parties (RJ-2). Then to the investigator, a notice is made in the form of a Notice of Settlement of Cases outside the Court Based on Restorative Justice to the Investigator (RJ-3).

After the process of implementing the peace agreement carried out at the local District Attorney's Office, which was attended by the parties, the public prosecutor in this case must reiterate that the peace agreement carried out in a fair, proportional, free, and voluntary manner was carried out between the aggrieved party in this case the victim and the suspect. The public prosecutor in the process acted as a mediator and explained back to the parties that the peace was a process by which a decision would then be taken by the highest regional leadership in this case the local Chief Prosecutor.

The public prosecutor in the application of restorative justice is obliged to give priority to the peace agreement that has occurred between the parties, so that the value of justice can be obtained by both parties which is the main objective in this process. Once agreed in the judicial process it is stated in the Minutes of Implementation of the Peace Agreement. Then an expose was immediately carried out at the local High Prosecutor's Office, which was then taken a decision by the Chief Prosecutor. If approved, the Chief District Attorney gives a copy of the Decree of Termination of Prosecution (SKP2) to the original investigator and the Chief Justice of the District Court. But if the termination of the prosecution is not approved, the Chief Prosecutor submits reasons that can be accounted for in writing.

Based on the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 dated July 21, 2020 concerning the Termination of Prosecution Based on Restorative Justice, and based on the Order of the Chief District Attorney of Kupang City Number PRINT- 72 / N.3.10 / Eoh.2 / 08/2020 dated August 28, 2020 the Kupang City District Attorney's Office has made peace efforts based on restorative justice in the case of the defendant on behalf of Raden Imam Jogiardi Rotisno aka EMAN who is suspected of violating Article 363 paragraph (1) 3e of the Criminal Code Subs Article 362 of the Criminal Code is located in the Kupang City District Attorney's Office.

That after conducting research on the case file, the investigating Attorney to apply the Termination of Prosecution Based on Restorative Justice in the Attorney General's Regulation Number 15 of 2020, with the following considerations:

1. That there was a family connection between suspect Raden Imam Jogiardi Rotisno and victim witness Yandi Alvares Giri;
2. That on July 1, 2020 at (during the investigation process) there was a peace agreement between the victim or the complainant and the wife of the suspect, namely the suspect had apologized and had reimbursed the cost of losses of Rp. 12,000,000,- (twelve million rupiah), while the victim was willing to revoke the police report Number: LP/B/1273/XII/2020/SPK Resort Kupang Kota dated December 07, 2019;

3. That on August 26, 2020, the submission of suspects and evidence to the Public Prosecutor (stage 2);
4. That on August 31, 2020, when peace efforts were carried out based on restorative justice at the Kupang City District Attorney's Office, there was a peace agreement between the suspect and the victim, namely by giving money as compensation of Rp. 12,000,000,- (twelve million rupiah) (proof of receipt attached);
5. That there is an affidavit of suspect Raden Imam Jogiardi Rotisno who is willing and responsible for taking care of the name of the 2015 Honda Beat F1 Motorcycle Stnk from the name of the suspect to the name of Yandi Alvares Giri;
6. The requirements to stop a prosecution based on article 5 paragraph (1) of the Attorney General's Regulation of the Republic of Indonesia Number 15 of 2020 are: The suspect committed a criminal offence for the first time; Criminal acts are only threatened with imprisonment of not more than 5 (five) years; The loss of criminal acts is not more than Rp 2.500.000,- (two million five hundred thousand rupiah).

Subsection (2):

For criminal acts related to property, in the event that there are criteria or circumstances of a cassowary nature that according to the consideration of the Public Prosecutor with the approval of the Head of the District Attorney's Branch or the Chief District Attorney may be stopped prosecution under Restorative Justice carried out while taking into account the conditions referred to in paragraph (1) letter a accompanied by one of the letters b or letter c;

- a) That in the case of the accused Raden Imam Jogiardi Rotisno was charged with the primary charge of Article 363 Paragraph (1) 3 of the Penal Code with the threat of 7 (seven) years' imprisonment under Article 362 of the Penal Code with the threat of 5 (five) years' imprisonment;
- b) That the suspect committed a criminal act for the first time and the loss suffered by the victim witness in the form of loss of a red and white CRF motorcycle has been found and confiscated by the Court and the suspect has reimbursed the cost of damage to the motorcycle in the amount of Rp. 12,000,000,- (twelve million rupiah), so that the loss suffered by the victim witness can be declared no more than Rp. 2,500,000,- (two million five hundred thousand rupiah) or at least the loss becomes non-existent or has been recovered;
- c) That the white SPM Honda CRF motorcycle had previously been exchanged straight for a Vixion motorcycle belonging to witness Yandi Alvares Giri, but at the investigation stage the suspect had replaced the Vixion motorcycle with a 2015 Honda Beat F1 motorcycle with police number EB 2604 BH (receipt attached) and at the mediation stage dated August 31, 2020 the suspect made an affidavit to be willing and responsible for taking care of the name of the 2015 Beat F1 motorcycle vehicle registration from the name of the suspect to the name of Yandi Alvares Giri;
- d) There has been a reinstatement of the original circumstances committed by the suspect by reimbursing the costs incurred as a result of the criminal act;
- e) There has been a peace agreement between the victim and the suspect, and the Society has responded positively.

That after the restorative justice peace process was carried out at the Kupang City District Attorney's Office, with the 11 (eleven) considerations above, then there was a peace agreement between the victim and the suspect and his attorney in front of investigators, and the public prosecutor as mediators. So that in the application of Article 5 paragraph (1) letter e PERJA Number 15 of 2020 against the case of Theft of PDM-81 / KPANG / Eoh.2 / 08/2020 an. Raden Imam Jogiardi Rotisno has fulfilled the elements of the article.

In practice, the peace agreement could not be accepted at the time of exposure at the NTT High Prosecutor's Office, because at that time the Prosecutor at the High Prosecutor's Office adhered to Article 5 paragraph (1) letter C that the losses incurred were considered to have exceeded Rp. 2,500,000,- (two million five hundred thousand rupiah). Even though there has been a peace agreement between the suspect and the victim, namely by giving money as compensation for losses of Rp. 12,000,000,- (twelve million rupiah) and a red and white Honda CRF motorcycle with police number

EB 2932 CJ has been successfully returned by investigators. In Article 5 paragraph (2) it is also stipulated that for criminal acts related to property, in the event that there are criteria or circumstances of a casuistic nature that according to the consideration of the Public Prosecutor with the approval of the Head of the District Attorney's Branch or the Chief District Attorney can be stopped prosecution based on Restorative Justice carried out while taking into account the conditions referred to in paragraph (1) letter a accompanied by one of the letters b or letter c. It should also be said that the letter a and letter b have been fulfilled, even though the original state has been restored by the suspect.

Here it can be seen that the Public Prosecutor is too rigid in interpreting the phrase in Article 5 paragraph (1) letter c where the loss of a criminal act cannot be more than Rp. 2,500,000,- (two million five hundred thousand rupiah), even though there has been a peace agreement between the two parties, and the victim's loss has been recovered back to normal, with an additional motorbike repair money of Rp. 12,000,000,- (twelve million rupiah).

The role of the prosecutor in the future in applying restorative justice to criminal cases of theft of property whose losses have been recovered exceeding Rp. 2,500,000,- (two million five hundred thousand).

It must be admitted that so far the Criminal Code, which has been used as a guideline and parameter for determining the criteria for misdemeanor theft, is more than 60 years old. At that time, the criminal limit for misdemeanor theft was 26 guilders. After that in 1960, the Indonesian legal system adapted the limit of misdemeanor theft to Rp. 250,- (two hundred and fifty rupiah), with a comparison at that time the oil price was US\$ 1.8 per barrel and the world gold price was US\$ 35 per ounce. When compared to the current situation, the world oil price is US\$100 per barrel and the gold price breaks through to US\$ 1,700 per ounce. The non-adjustment of the value of the currency in the Criminal Code led to cases such as those of Minah's grandmother, who were treated like ordinary theft (Article 362 of the Criminal Code) which was threatened with the threat of a sentence of 5 years in prison. In addition, only because of the case of theft of 2 pieces of cocoa, theft of flip flops, theft of 6 plates, or a case of theft of 2 watermelons, the value of which is certainly no longer below Rp. 250, - the suspects and/or defendants may be subject to detention by investigators and public prosecutors.

Many small cases reach the court because of the Article in the Criminal Code which mentions misdemeanor theft with a maximum loss of Rp. 250,-. With the current socioeconomic conditions, there is no longer any theft that is categorized as mild. This maximum loss value was changed by the Supreme Court with the issuance of Supreme Court Regulation No. 02 of 2012 concerning Adjustment of Limits on Minor Crimes and the Amount of Fines in the Criminal Code. The birth of this legal product is expected to be able to provide convenience to the suspects or defendants involved in the Tipiring case so that they do not have to wait for a protracted trial to the cassation stage as happened in the case of the theft of six plates by Grandma Rasminah in 2011. This PERMA is also expected to be a bridge for judges so that they can more quickly provide a sense of justice for the community, especially for the settlement of Tipiring in accordance with the weight of the criminal act.

Since the enactment of Perma No. 2 of 2012 concerning Adjustment of Limits on Minor Crimes and the Number of Fines in the Criminal Code issued on February 27, 2012 which regulates the increase in the value of fines or the value of losses to the articles of minor crimes in the Criminal Code. The increase in the value of losses listed in Articles 364, 373, 379, 384, 407, and 482 of the Criminal Code which was previously Rp. 250 to Rp. 2,500,000,- (two million five hundred thousand rupiah). So that the Public Prosecutor should also have the authority to deviate outdated written legal provisions so that they are no longer able to meet the sense of justice of the community, by covering their legal considerations clearly and sharply by considering various aspects of legal life.

As referred to in Article 3 paragraph (3) letter b of PERJA Number 15 of 2020, the phrase recovery in its original state should be interpreted quite broadly, meaning that the public prosecutor is not always fixated on the nominal of Rp. 2,500,000,- (two million five hundred thousand rupiah), the original situation referred to so that the victim who originally felt aggrieved due to the actions of the suspect felt restored to his condition, So that a peace agreement can be created between the victim and the perpetrator.

Only on September 16, 2020, the Young Attorney General for General Crimes at the Attorney General's Office of the Republic of Indonesia issued a Circular regarding Guidelines for the Implementation of the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecutions Based on Restorative Justice, Number: B-4301 / E / EJP / 9/2020, which in essence also regulates which in essence for criminal acts related to property then: For the value of evidence (BB) or the loss can exceed Rp 2.500.000,- (two million five hundred thousand) but the

criminal threat remains a fine or imprisonment of not more than 5 (five) years; or Criminal threats may not be in the form of fines or imprisonment of more than 5 (five) years, as long as the loss must still not exceed Rp. 2,500,000,- (two million five hundred thousand rupiah).

By paying attention to part (a) it is clear that losses due to criminal property acts incurred above the value of Rp. 2,500,000,- (two million five hundred thousand rupiah) can still be applied Restorative PERJA if the criminal threat is not more than 5 (five) years. Thus, the Prosecutor should in this case in handling theft cases whose loss value is above Rp. 2,500,000,- (two million five hundred thousand rupiah) if there has been an agreement between the suspect and the victim, the recovered loss can be applied to a settlement with restorative justice.

4. Conclusion

Based on the description of the discussion mentioned above, the author concludes that: For cases settled under PERJA Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice Restorative justice must prioritize a peace agreement between the two parties by taking into account three main elements, namely the suspect for the first time committing a criminal act, the criminal act is only threatened with imprisonment for no more than 5 (five) years, and the loss of a criminal act is not more than Rp. 2,500,000,- (two million five hundred thousand rupiah). The Public Prosecutor is considered too rigid in interpreting the phrase in Article 5 paragraph (1) letter c where the loss of a criminal act cannot be more than Rp. 2,500,000,- (two million five hundred thousand rupiah), when in fact there has been a peace agreement between the two parties, and the victim's loss has also been recovered as before, with an additional motorbike repair money of Rp. 12,000,000,- (twelve million rupiah). The application of Restorative Justice by the public prosecutor is not always fixed on the nominal limit according to PERMA Rp. 2,500,000,- (two million five hundred thousand rupiah), in order to realize the original situation intended so that the victim who originally felt aggrieved due to the actions of the suspect feels restored to his situation, so as to create a peace agreement between the victim and the perpetrator. Based on that, It is hoped that the Public Prosecutor can implement PERJA No. 15 of 2020 concerning the Termination of Prosecutions Based on Restorative Justice more optimally as the main method in selecting small cases that enter the trial by prioritizing the paradigm of restorative justice. Prosecutors must be more courageous in applying Article 5 of PERJA Number 15 of 2020 in cases of criminal acts of theft with property whose losses have been recovered exceeding Rp. 2,500,000,- (Two Million Five Hundred Thousand Rupiah), prioritizing a peace agreement between the parties

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