

Discontinuation of Prosecution Theft Crime Through Humanist Restorative Justice House in Islamic Criminal Law in Lampung

Rini Fathonah¹, *Daffa Ladro Kusworo²

¹Universitas Lampung, Indonesia

²Universitas Indonesia, Indonesia

*daffalkusworo@gmail.com

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Abstract

The existence of restorative justice certainly brings a new paradigm in the settlement of criminal cases, by seeking to settle cases solely outside the court. The implementation of restorative justice-based termination of prosecution can be applied to the crime of theft as the highest number of cases in Indonesia. Meanwhile, there has recently been the establishment of restorative justice houses in each jurisdiction of the prosecutor's office to optimize the resolution of all legal problems by filtering cases that go to court, dissemination of law to residents, and being able to develop local wisdom by involving local traditional leaders to emphasize consensus deliberation. In essence, Islamic law is a modern law because it has recognized the form of restorative justice settlement in *jarimah qisas* and *diyat*. The concept of restorative justice in Islamic criminal law is carried out through peace and forgiveness by realizing the creation of justice and balance for the perpetrators of criminal acts and the victims themselves. The research approach is to use a normative juridical method with reference to laws and regulations sourced from primary data and literature studies originating from criminal law literature in Indonesia, which is then processed into a specific conclusion. The results of the study show that humanist restorative justice houses are an alternative to solving cases of theft. the embodiment of restorative justice in a hybrid way within the prosecutor's office will be achieved as a humane law enforcement agency in Lampung province. Forgiveness given by the victim, or his family can cancel the *kisas* punishment. Through the concept of *diyat*, compensation for compensation for the consequences of the crime can be felt directly by the victim or his family.

Keywords: Demands, Restorative Justice, Theft



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INTRODUCTION

The existence of Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice is explicitly a new breakthrough for prosecutors who have the authority to terminate prosecution, so that it can directly avoid convoluted processes at the trial stage. On the one hand, it can create *a win-win solution* for victims and perpetrators of crimes, while at the same time emphasizing compensation for victims and crimes committed that can be forgiven by victims and society (Zurnetti and Muliati 2022). The *restorative justice* house is solely an embodiment of the Attorney General's Regulation Number 15 of 2020 by optimizing the termination of claims that prioritize restorative justice if the case meets the requirements that can be resolved out of court, later the prosecutor based on his authority will stop the claim before being agreed by both parties. Moreover, against criminal acts of theft it is

immediately easier to determine the nominal compensation than other cases so that a restoration of the original situation is realized (Tomalili 2019).

The restorative justice approach seeks to position the sentencing process as an *Ultimum Remedy* for perpetrators of criminal acts, that the settlement of cases is solely carried out outside the court with a certain mechanism. Moreover, in principle in positive law, that the criminal justice system should emphasize human rights (HAM) to be the basis for law enforcement to protect the rights and obligations of each individual without looking at other issues (Hamzah 2017).

The shift in the orientation of criminal law which previously focused on punishment as an effort to retaliate, now seeks to restore the original situation to uphold justice and humanity in society. It cannot be denied that restorative justice is a necessity in the implementation of law enforcement in Indonesia (Hasibuan 2022). According to Jimly Asshidqie that law enforcement is an effort to concretize legal norms as a guideline for behavior in legal relations to provide order in people's lives. Regarding the implementation of restorative justice-based termination of charges, there is a limitation on criminal acts, namely minor crimes, one of which is the crime of theft. Basically, the crime is part of a deviant behavior that takes other people's property, creates unrest in the community so that it needs to be resolved without eliminating the rights of the perpetrators. This is because the current act of theft is motivated by an increase in the number of unemployed accompanied by unstable national economic conditions after the Covid-19 pandemic. (Budiman 2022)

If examined in more depth, the termination of restorative justice-based charges by the prosecutor's office can be carried out in cases of theft crime because the conditions are in accordance with the contents of Article 5 Perja No.15 of 2020. The case closure through restorative justice will be carried out by the Public Prosecutor with first offer it to victims and suspects without any coercion and pressure. Then the prosecutor will position himself as a facilitator when the mediation takes place until an agreement is reached between the two parties (Leonard 2022). However, during law enforcement by the prosecutor's office, in essence, it requires a settlement container that facilitates coordination and operational termination of charges based on restorative justice outside the trial in the local prosecutor's area. However, in the future regarding the implementation of restorative justice, it is necessary to do an abtasn so that later it will not be likened to a peace agreement, because in the process of law enforcement being handled it will only fall into the mere function of carrying out procedural functions that contain material truth and justice which in fact cannot be achieved.

In this case the economic aspect is a determinant of people's welfare, that the decreasing economic stability will result in a moral crisis with a drastic increase in theft crimes in Indonesia. Brig. _ In that number of cases, there were five types of crime cases that received the highest number, one of which was theft of two-wheeled motorized vehicles with 223 cases and theft with violence as many as 119 cases. The current high rate of theft crimes will lead to excess capacity in prisons, moreover theft is not always a serious type of crime such as the crime of ordinary theft under Article 362 of the Criminal Procedure Code (KUHP) which carries a penalty of five years imprisonment and a fine of up to nine hundred rupiahs. The community mostly agrees with the existence of a restorative justice approach, but it needs to be realized that the restorative justice approach will provide arbitrary actions during the bargaining stage

to reach an agreement, namely by placing the victim as a party that has no power because many parties claim that the restorative justice approach is the best way, even though in essence it is only an alternative effort, not as the main option so that the victim has the opportunity to accept or not the perpetrator's request for peace. (Kitab Undang-Undang Hukum Pidana)

Basically, the concept of hybrid restorative justice still maintains imprisonment but imprisonment in a special place and is more oriented towards education and rehabilitation, and according to the authors of the restorative justice house is the right means of carrying out the program. At present the establishment of a restorative justice house is a new breakthrough in law enforcement that is sharp up and humane down. Humanist law enforcement is the hope for society. (Yananda 2021)

The presence of a restorative justice house is solely a manifestation of Perja No. 15 of 2020 by optimizing the termination of demands that prioritize restorative justice if the case meets the requirements that can be resolved out of court, later the prosecutor based on his authority will stop demands that have not been approved by both parties. The establishment of restorative justice houses in each jurisdiction of the prosecutor's office can optimize the resolution of all legal problems by filtering cases that go to court, dissemination of law to local residents, and can develop local wisdom by involving local traditional leaders to emphasize consensus deliberation. (Kristyanto 2018)

Of course, the restorative justice house guarantees legal certainty and is an adequate facility for its implementation, moreover the attorney general also forms a quick reaction task force in maximizing the role of the restorative justice house by providing input on cases that deserve to be resolved through restorative justice, one of which is the crime of theft which is happening. Thus, the realization of restorative justice within the prosecutor's office will be achieved as a humane law enforcement agency (Nasution, Hamdani, and Fauzia 2022).

Victims or their families are given care and protection under the restorative justice model. Future connections can be repaired if the criminal accepts responsibility for his acts, makes reparations for the harm done, and asks for forgiveness from the victim or his family. This is comparable to the qishas-diyat clause in Islamic criminal law. The victim or his heirs acquire the right to the punishment of qishas (equal) and diyat (compensation), enabling them to grant the offender amnesty (forgiveness). If one is pardoned, the qishas penalty is lifted, replaced with diyat (compensation), or perhaps eliminated. The delivery of qishas-diyat is focused on the care and protection of the victim, as well as its resolution through peace (sulh).

The increase in the number of post-pandemic theft crimes accompanied by the presence of restorative justice houses will provide an amicable settlement for both parties, on the one hand the parties can avoid complicated stages in the trial process and reduce prison occupancy rates. Theft crimes accompanied by the presence of *restorative justice houses* will provide an amicable settlement for both parties, on the one hand the parties can avoid complicated stages in the trial process and reduce prison occupancy rates (Tomalili 2019). In essence, the house of *restorative justice* is an important means of achieving justice in society by looking at ordinary theft cases that are resolved through the house of *restorative justice* (RRJ). Of course, RRJ is an embodiment of Perja No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice by prioritizing law enforcement in the humane district of the prosecutor's office (Irsyad Dahri 2020).

This research will present several cases regarding the termination of prosecution based on restorative justice based on the conditions that are classified as minor crimes, namely with losses below 2,500,000 rupiah and a maximum imprisonment of 5 years, so that several concrete cases reach the values of justice from the interests of the perpetrators and victims through a consultation mechanism, namely mediation. Of course, the urgency of this research is to find that the crime of theft is an example of an act that can be stopped prosecution through the applicable regulatory requirements, so that the provisions and implementation of law enforcement become ideal.

The novelty of this research is to provide an overview of effective implementation, especially the termination of prosecution for theft criminal cases based on Islamic criminal law, in this case referring to previous research entitled "Review of Attorney General Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice" made by Andi Kristanto from the Islamic University of Indonesia. The similarity of the research is that it projects criminal acts that can be discontinued prosecution, with nuances of restorative justice so that the case does not have to be processed to court, the striking difference is in the idea that is renewed by specifically describing the classification of theft crimes through the elements of the article in the kuhp, then correlated with perja 15/2020. based on the background above, the author will further elaborate on the concept of discontinuation of prosecution through restorative justice in terms of Islamic criminal law and optimizing the implementation of discontinuation of prosecution through a humanist restorative justice house in Lampung.

RESEARCH METHODS

The statutory regulation approach originates from primary data, namely the Criminal Code and Prosecutor's Regulations and literature studies in the form of books, journals, and other literature. In analyzing the problem, the writer uses a descriptive analysis approach by applying the deductive method, namely concluding a general discussion into a special statement. The data source used is secondary data that comes from various research literature, books, journals, and other legal materials to support this research.

Primary data collection is obtained from the results of field research in the form of information and legal facts relating to legal issues to be discussed with the object of research located in the Bandar Lampung District Attorney's Office and other areas. Secondary data collection is obtained through literature studies to obtain a research picture and direction of thought by searching, reading, researching, studying and examining various literature, both from applicable laws and regulations, law books, articles, journals, jurisprudence and court decisions with permanent legal force and other reading materials that have a relationship with the legal issues to be discussed The data collected and processed above can be analyzed by means of descriptive analysis, which is intended to describe and analyze the data obtained from the results of research on criminal cases with charges under 5 years at the Bandar Lampung Restorative Justice House.

Primary and secondary materials are obtained through laws and regulations and literature studies to obtain a research picture and direction of thought by searching, reading, researching, studying, and examining various literature, both from applicable laws and regulations, law books, articles, journals, jurisprudence and court decisions with permanent legal force and other

reading materials that have a relationship with the legal issues to be discussed. The data collected and processed above can be analyzed in a descriptive analytical way, which is intended to describe and analyze the data obtained from the results of the Lampung District Attorney's research as outlined in this study.

RESULT AND DISCUSSION

The Concept of Termination of Prosecution Through Restorative Justice in View of Islamic Criminal Law

The use of *kisas* and *diyat* punishments is an example of restorative justice in Islamic criminal law. The victim's or his family's forgiveness can make the *kisas* penalty unnecessary. The victim or his family can immediately experience compensation for the effects of the crime thanks to the notion of *diyat*. By uniting the interests of the culprit, victim, and community, the case settlement-based peace process has contributed fairly. It is crucial to consider Islamic criminal law as a component of Islamic law when developing national criminal laws. Since Islam was introduced to the island, Islamic law has taken on a life of its own in Indonesian society. Although not all of them, Islamic criminal law can be included as a material source in the creation of national criminal law. The offense and penalties can be absorbed for the provisions of murder, injury, or persecution.

The sanction of reparation (*diyat*) in a peace process is more in accordance with Indonesian society's awareness of the law. Furthermore, Indonesian culture is renowned for being forgiving and emphasizing kinship and musyarawah in the resolution of conflicts. To give victims or their families attention and protection under the restorative justice model, many legal matters, particularly those covered by the Criminal Code, are referred to as negligent. It is possible for future relationships to be repaired if the criminal offender accepts responsibility for his acts, makes up for the victim's loss, and begs forgiveness from the victim or his family (Zahro et al. 2022). This is comparable to the *qishas-diyat* clause in Islamic criminal law. To grant the offender amnesty (pardon), the victim or his heirs have the right to a penalty consisting of *qishas* (equal) and *diyat* (compensation). Should the offense be pardoned, the *qishas* penalty is eliminated, replaced by *diyat* (compensation), or maybe not replaced at all (Sukardi and Purnama 2022). The guidelines of *qishas-diyat* are focused on giving victims attention and protection as well as resolving disputes via peace (*sulh*). In Islamic criminal law, forgiveness (*al-afwa*) and peace are what reduce penalty (*shulh*) (Pratama 2022).

In the embodiment of restorative justice for law enforcement in Indonesia, on October 17, 2012 law enforcement agencies, specifically within the territory of the Attorney General's Office of the Republic of Indonesia, contained the Attorney General's Regulation of the Republic of Indonesia No. 15 of 2020 concerning termination of prosecution based on restorative justice with the definition as in Article 1 Paragraph 1 namely a form of involvement of perpetrators, victims, families and other parties in resolving a case, solely emphasizing the restoration of all conditions and avoiding all forms of retaliation. The consequences of a pandemic such as the imposition of Large-Scale Social Restrictions (PSBB) and the economic needs that are urgently needed by the community have resulted in someone's intention to commit a crime by getting money easily, namely through the crime of theft. In the period from 2020 to 2022, several cases of theft were specifically found which are a form of effort to realize restorative justice in ending lawsuits which include:

Table. 1 Number of Pre-Post Covid-19 Theft Crime Cases

No	Type of Crime of Theft	Number of Cases
1	Common theft	1.508
2	Motor vehicle theft	303
3	Theft with violence	119
4	Theft with weight	827
Total		2757

Based on the number of cases above, there are several cases that were resolved through restorative justice, concluding that there is optimal fulfillment of the rights and obligations of the parties. Because basically the crime of theft is sometimes motivated by a state of urgency, moreover often the victim forgives the perpetrator and promises not to repeat his actions again (Kuntadi 2022). Then in the types of crimes above the most prominent in cases of theft are ordinary theft, theft with violence which is a crime that occurred in Indonesia. If we look closely, cases of theft which are classified as minor crimes based on Perja No. 15 of 2020 are ordinary theft because the threat of criminal sanctions has been fulfilled. Based on the provisions of Article 362 of the Criminal Code (KUHP), that:

"Anyone who takes goods, which wholly or partly belong to another person, with the intention of unlawfully possessing them, is threatened with theft, with a maximum imprisonment of five years or a maximum fine of nine hundred rupiahs."

As stated more clearly in Article 5 paragraph (1) of the Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, reads:

"Criminal cases can be closed by law and the prosecution can be terminated based on Restorative Justice if the following conditions are met:

- a. The suspect is a first-time offender.*
- b. Criminal acts are only punishable by fines or threatened with imprisonment of not more than 5 (five) years; And*
- c. the crime is committed with the value of the evidence or the value of the losses incurred as a result of the crime not exceeding IDR 2,500,000.00 (two million five hundred thousand rupiah)."(Peraturan Kejaksaan Nomor 15 Tahun 2020 Tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif.)*

In this case the public prosecutor will become a facilitator in handling a case based on Article 9 Perja No.15 of 2020 with his task of first making an offer to both parties, then during mediation the public prosecutor becomes a guide in efforts to reconcile the two parties, when a peace agreement is reached, a termination process will be offered and a form of monitoring of the results of the agreement will be offered. Finally, the case can be stopped or continued to court according to the results of the mediation (Supriyanto, Santiago, and Barthos 2023).

Regarding the implementation of restorative justice-based termination of charges, there is a limitation on criminal acts, namely minor crimes, one of which is the crime of theft. Basically, the crime is part of a deviant behavior that takes other people's property, creates unrest in the community so that it needs to be resolved without eliminating the rights of the

perpetrators. This is because the current act of theft is motivated by an increase in the number of unemployed accompanied by unstable national economic conditions after the Covid-19 pandemic.(Simbolon, Daniel Oktavianus Sinaga, and Sahari 2022) The increase in the number of post-covid-19 theft crimes accompanied by the presence of restorative justice houses will provide an amicable settlement for both parties, on the one hand the parties can avoid complicated stages in the trial process. Moreover, against criminal acts of theft it is immediately easier to determine the nominal compensation than other cases so that a restoration of the original situation is realized. It is hoped that the settlement of criminal cases of theft that is currently happening can be resolved without going through the courts so that it can reduce the number of prison occupants, and prioritize the rights of perpetrators and victims more effectively.(Muhaimin 2019)

Optimizing the Implementation of Termination of Charges through a Humanist Restorative Justice House in Lampung

Conciliation of *restorative justice* presents a meeting point between the perpetrators of crime and victims of crime which is referred to as *the power to participate in the case and to make decisions*, where efforts to resolve crimes are not only carried out by the government but prioritize human rights and the interests of the victims of the crimes of the perpetrators. Efforts to resolve crimes through peaceful channels between perpetrators of crime and victims of crime, as well as the families of both parties and society is a paradigm shift, which was previously seen as only in the form of "*the paradigm of blame and punishment*" to become a new paradigm. An effective new paradigm in inclusive and progressive law enforcement, in its implementation, requires a form of embodiment of optimization by optimizing *restorative justice* houses as a forum for resolving criminal cases. In this writing, the author will discuss more specifically related to minor crimes, especially theft in several areas.(Santoso 2021) Based on the applicable laws and regulations regarding minor crimes, especially theft by prioritizing *restorative justice*, particularly in the Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution (*Peraturan Kejaksaan Nomor 15 Tahun 2020 Tentang Penghentian Tuntutan Berdasarkan Keadilan Restoratif*)

Based on Restorative Justice as well as from various supporting literature, the authors think that it is easier to resolve the case of a theft case by implementing *restorative justice*, because when you want to reach a consensus on the case of an existing case, it prioritizes a sense of kinship, namely by carrying out mediation between perpetrators of crimes and victims of crimes, as well as the families of both parties, so that a common thread can be found in the form of compensation or return of goods/assets stolen by the perpetrators.(Saputra 2019)

The perpetrator of the crime is obliged to provide compensation for the victim's property in the form of compensation or return of stolen goods/assets that have been inflicted on the victim and the victim's family. Damage or loss that arises, initially carried out by restoration through a meeting of perpetrators of crime and victims of crime (*a meeting place for people*) peacefully, to find a solution to rebuild relations between the two parties concerned. After the enactment of Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, the Attorney General's Office has stopped the prosecution of 1,070 general crime cases through a *restorative justice approach* per May 2022,

in this writing the author will discuss more specifically related to minor crimes, especially theft in several regions. (Mangkepriyanto 2019)

The presence of *restorative justice* in stopping demands is not oriented towards retaliatory action. The measure of justice is not based on retributive justice in the form of revenge or imprisonment but based on conviction and forgiveness. Settlement of criminal cases through a *restorative justice mechanism*, emphasizing restoration to its original condition and balancing the protection and interests of the relationship between the two parties by taking into account the principles of justice, the principle of proportionality and the principle of subsidiarity with the hope that the community can try to resolve if a problem occurs amicably which of course is carried out outside the justice system, with the emphasis that in order to get *restorative justice* there are still terms and conditions that must be met, except for drug cases or those that cause fatalities which cannot be done (Bappeda DIY 2021). *Restorative justice* is now in the cessation of prosecutions as a background for optimizing inclusive and progressive law enforcement so that it focuses on victim recovery, reducing prison *overcapacity which is a scourge for prisons in Indonesia and theft cases are more easily resolved because it is easier to calculate the nominal loss of a crime* more than IDR 2,500,000.00 (two million five hundred thousand rupiah). (Iskandar 2021)

Dr. st. Burhanuddin, SH, MM, as the Attorney General of the Republic of Indonesia at this time, created a *restorative justice house program* at several District Attorneys' Offices as a solution to legal problems that often arise and occur among the community and facilitate coordination in settling cases outside the court, in the sense of reconciling something light (Hamrin 2021). *Restorative justice* house is very strategic to provide peace from a case that is a Misdemeanor. This means that the case does not need to be brought to court with the provision that the case can still be resolved out of court, so the local prosecutor is pushing for restorative justice to be applied (Simbolon, Daniel Oktavianus Sinaga, and Sahari 2022).

Reporting from the statement of the Head of the South Kalimantan High Prosecutor's Office, Mukri said that the *restorative justice house* facilitates coordination in resolving the Minor Crimes case outside of justice as well as the realization of optimizing the expansion of the construction of *restorative justice houses* which are not only at the District Attorney's Office, but also expanded to cover each district/city. Nanang Sigit Yuliyanto as the Head of the Lampung High Prosecutor's Office together with Dewi Handajani as the Regent of Tanggamus, also believes that *restorative justice houses* exist as a form of facility for resolving all legal issues that can be resolved by deliberation in accordance with the legal corridors that apply in society (Widnyana 2010).

Restorative justice house by the Attorney General of the Republic of Indonesia as a forum for resolving criminal cases of termination of prosecution is the background for optimizing inclusive and progressive law enforcement so that it focuses on recovering victims, reducing over *capacity* of prison housing which is a scourge for prisons in Indonesia as well as the problem of theft. (Sofyan and SH 2020) easy to resolve because it is easier to calculate the nominal loss (crime not more than IDR 2,500,000.00 (two million five hundred thousand rupiah) Based on the provisions of the Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. It was found that the application of *restorative justice* in several regions by prioritizing the settlement of criminal

cases outside the court by considering the principles of justice, the principle of proportionality and the principle of subsidiarity in several regions, namely:

1. South Lampung District Attorney

In the case of theft of a cell phone, the perpetrator's motive (Eed and ST) took action because they planned to buy catfish feed at the pet shop and it turned out that there was a cell phone belonging to the victim, which at that time the victim was turning his back on the perpetrator, so that intention and opportunity arose as well as a crime. by the perpetrators. The results of the mediation that was carried out resulted in peace , so that the South Jakarta District Attorney decided not to continue the prosecution through a Letter of Termination. Prosecution (SKP2) which is based on the embodiment of *restorative justice* dated 18 May 2022.

2. Bandar Lampung District Attorney

In the case of weighted theft, the victim reported the perpetrator that he suffered a loss of three avocados worth Rp. 20,000.00 (twenty thousand rupiahs), then after mediation/settlement with the family and a Peace Report was also made on October 5 2020 , so the prosecutor's office decided to agree to the Termination of Prosecution of the Head of the Lampung High Prosecutor's Office. In this case, the perpetrator is suspected of Article 363 paragraph (1) number 4 of the Criminal Code.

3. South Lampung District Attorney

In the case of theft of 30 kilograms of rubber, (Mahendra 2020)the victim (PTPN VII Bergen) suffered a loss of Rp. 525,000.00 (five hundred twenty five thousand rupiah) , where the defendant works as a driver, then the Prosecutor believes that the small amount of the loss and the reason for the perpetrators to do so is because of demands to make ends meet (has a wife and three children who still young) (“Terapkan Restorative Justice, Kejari Jaksel Setop Dua Kasus Pencurian” n.d.). The results of the mediation that was carried out resulted in peace , so that the Lampung District Attorney Selatan decided not to continue with the prosecution through the Letter of Termination Prosecution (SKP2) based on *restorative justice* . In this case, the perpetrator is suspected of Article 374 Criminal Code About Embezzlement with a penalty of 5 (five) years in prison.

After the inauguration of the *restorative justice house*, it is hoped that its presence will be able to provide a form of effort to optimize the concept of *restorative justice* without needing to be resolved in court, but enough with mediation/ settlement based on the principles of justice, the principle of proportionality and the principle of subsidiarity through the realization of a *restorative justice house* for the realization of optimizing inclusive law enforcement and progressively to focus on victim recovery, reduce *the over capacity* of prison housing which is a scourge for prisons in Indonesia and theft cases are easier to resolve because it is easier to calculate the nominal loss (crime not more than IDR 2,500,000.00 (two million five hundred thousand rupiahs).(Laksana 2017)

Realization of optimizing the expansion of *restorative justice houses* in addition to alternative forms of solving legal problems among the community, as well as being an inclusive and progressive legal breakthrough by prioritizing peace (deliberation for consensus) which upholds the values of justice. So that the realization of *restorative justice* in the prosecutor's

environment will be more optimal and, in the future, when faced with an increase in theft cases, it can be resolved through *restorative justice houses*. Basically, the prosecutor is one of the law enforcement officers who has the authority to enforce the law, namely the prosecution of criminal cases as their main task. In its implementation, the prosecutor can determine whether the case being handled can be brought to court based on the article and the indictment, or instead be asked to terminate the charge as an embodiment of restorative justice.

Basically, *restorative justice* is a form of implementation based on the principle of justice. The closure of a case is a form of legal interest objective by focusing on returning a situation to its original state, so that based on its authority it terminates the prosecution (Kusworo and Fathonah 2022). In essence, the house of *restorative justice* is an important means of achieving justice in society by looking at ordinary theft cases that are resolved through the house of restorative justice (RRJ). Of course, RRJ is an embodiment of Perja No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice by prioritizing law enforcement in the humane district of the prosecutor's office.

Regarding the implementation of restorative justice-based termination of charges, there is a limitation on criminal acts, namely minor crimes, one of which is the crime of theft. Basically, the crime is part of a deviant behavior that takes other people's property, creates unrest in the community so that it needs to be resolved without eliminating the rights of the perpetrators. This is because the current act of theft is motivated by an increase in the number of unemployed accompanied by unstable national economic conditions after the *Covid-19 pandemic*. (Kusworo and Fauzi 2022) The result of the implementation of mediation that brings together the two parties will determine whether to stop or continue the case to court according to the results of the agreement. Therefore, the need for a hybrid restorative justice concept which is interpreted as not always cases that are resolved end in peace agreements, because achieving justice itself is not always peace-oriented but still subject to imprisonment.

CONCLUSION

Realization of optimizing the expansion of restorative justice houses in the Prosecutor's Office in Lampung province in addition to alternative forms of solving legal problems among the community, as well as being an inclusive and progressive legal breakthrough by prioritizing peace (mufakat deliberation) that adheres to the values of justice. So that the realization of restorative justice in the prosecutor's environment will be more optimal and, in the future, when faced with an increase in theft cases, it can be resolved through restorative justice houses. It is easier to determine the amount of compensation for theft crimes than other cases so that a restoration of the original situation is realized. It is hoped that the settlement of theft cases that are currently rampant can be resolved without going through court channels to reduce the number of prisons occupancy and prioritize the rights of perpetrators and victims more effectively.

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