



Fakultas Hukum Universitas Riau, Jalan Pattimura Nomor 9 Gobah, Kel. Cinta Raja, Kec. Sail, Pekanbaru, Riau,
Kode Pos 28127. Telp: (+62761)-22539, Fax : (+62761)-21695
E-mail: melayunesialaw@lecturer.unri.ac.id
Website: <https://myl.ejournal.unri.ac.id>

Restorative Justice as a Basis for Stopping Prosecution by Prosecutors in a Human Rights Perspective

Iqbal Risha Ahmadi ^a, Suteki ^b

^a Fakultas Hukum, Universitas Diponegoro, Indonesia, Email: iqbalrishaahmadi@gmail.com

^b Fakultas Hukum, Universitas Diponegoro, Indonesia, Email: arjuna_teki@yahoo.com

Article Info

Article History:

Received : 01-04-2021
Revised : 20-05-2021
Accepted : 10-06-2021
Published : 28-06-2021

Keywords:

Restorative Justice;
Termination of Prosecution;
Human rights

Abstract

The shift in the concept of retributive justice to restorative justice has also been realized and felt by the Prosecutor's Office of the Republic of Indonesia as the institution authorized to prosecute in criminal cases. So far, the concept of retributive justice in criminal law enforcement has not been proven optimally and effectively in tackling and controlling crime. In fact, in practice it often causes injustice that violates human rights. This article is a descriptive study with a normative juridical approach that examines the literature on secondary data sources. The results obtained are, as a manifestation of the active role of the Prosecutor's Office of the Republic of Indonesia in carrying out its duties and authorities, namely law enforcement and respect for human rights, the Attorney General has issued Attorney General Regulation No. 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. The implementation of the termination of prosecution is based on the principles that provide protection of human rights, namely the principle of justice, the principle of public interest, the principle of proportionality, the principle of ultimum remedium and the principle of quick, simple and low-cost justice. Of course, this also needs to be supported by a prosecutor with integrity, professional, progressive and not limited by written rules with the ability to explore the laws that live in society by adhering to values that uphold human rights contained in Pancasila and the 1945 Constitution.

INTRODUCTION

Human rights are one of the important elements that should be respected and protected in the life of the nation and state. As one of the considerations mentioned in the preamble to the Universal Declaration of Human Rights, it is stated that the recognition of the natural dignity and the equal and inalienable rights of all members of the human family is the basis for freedom, justice and peace in the world.¹

Human rights become something that is so important because in essence it is an effort to maintain the safety of human existence as a whole through the action of balancing individual interests with the public interest.² As Pangaribuan said, the recognition of human rights is not just a means, but one of the most fundamental goals of organizing the life of the entire community.³ So that the fulfillment of human rights is achieved with adequate means and efforts with the view that human rights are an important goal in human life.

Pancasila as the ideology of the Indonesian nation in the second principle of "just and civilized humanity" contains human values that provide protection for human rights and recognition of human dignity inherent from birth to death. In addition, the fifth precept "social justice for all Indonesian people" which contains the value of justice which is based on the treatment of human rights as it should be in social life regardless of ethnicity, race and religion.⁴ In addition, the 1945 Constitution of the Republic of Indonesia as the basis of the Indonesian constitution in Article 28 I paragraph (4) mandates that the state and in particular the government are responsible for making efforts in the context of providing protection, promotion, enforcement and fulfillment of human rights.

In accordance with the principles of a democratic rule of law in order to uphold and protect human rights in Indonesia, it is regulated in laws and regulations, namely Law Number 39 of 1999 concerning Human Rights which in its basic principles states that the Republic of Indonesia recognizes and upholds Human rights and basic human freedoms are rights that are naturally inherent in and inseparable from humans, which must be protected, respected and upheld for the sake of increasing human dignity, welfare, happiness and intelligence as well as

¹ Majelis Umum PBB, "Deklarasi Universal Hak-Hak Asasi Manusia", *Indonesian Journal of International Law*, (2006).

² Susani Triwahyuningsih, "Perlindungan Dan Penegakan Hak Asasi Manusia (Ham) Di Indonesia", *Legal Standing : Jurnal Ilmu Hukum*, (2018), <https://doi.org/10.24269/lh.v2i2.1242>.

³ Luhut M.P. Pangaribuan, "Hak Asasi Manusia", *Jurnal Hukum & Pembangunan*, (2017), <https://doi.org/10.21143/jhp.vol19.no6.1180>.

⁴ Ferry Irawan Febriansyah, "Keadilan Berdasarkan Pancasila Sebagai Dasar Filosofis Dan Ideologis Bangsa", *DiH: Jurnal Ilmu Hukum*, (2017), <https://doi.org/10.30996/dih.v13i25.1545>.

justice. This is in accordance with the preamble to the Universal Declaration of Human Rights which states that human rights need to be protected by the rule of law, so that people will not be forced to choose the way of rebellion as a last resort to oppose injustice and colonialism.⁵

One of the human rights that must be protected, respected and enforced is the right of the victim and his family as a result of a crime committed by the perpetrator of a crime in addition to the rights of the perpetrator himself as a human being. In carrying out these efforts, it can be done through the criminal justice system, which is an effort to overcome criminal crimes that are penal in nature by using criminal law as the main means, both material and formal criminal law, including the implementation of the crime.⁶ The operation of the criminal justice system involves subsystems that work in a structured and integrated manner with each other. Among other things, the police subsystem which includes an investigation and investigation process which is followed by a prosecution process by the prosecutor's subsystem which will then be examined and decided by the court subsystem, including the work of the correctional institution subsystem as a correctional institution for perpetrators.

However, in practice, the running of the criminal justice system is still not able to cope with criminal acts optimally. As stated by Muladi that the running of the criminal justice system must be seen as an institution in a social context, which if its implementation is too formal based on the interest of legal certainty alone, it will cause injustice.⁷ One of them is the use of the concept of retributive justice in the criminal justice system which sees crime as an act that violates or opposes the state and the public interest so that the perpetrators must be punished in accordance with applicable law. In other words, a crime should be needed to repair the moral balance that has been damaged by the crime, then the perpetrator must be punished in return (the theory of retaliation).⁸

The shift in the concept of retributive justice to the concept of restorative justice in crime prevention and control efforts has been initiated and realized by the existence of diversion efforts for juvenile crimes whose implementation is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. In the practice of diversion for the settlement of child cases, it is sought so that the perpetrator, victim and their family can sit

⁵ PBB, *Op Cit.*

⁶ Tolib Effendi, *Sistem Peradilan Pidana: Perbandingan Komponen Dan Proses Sistem Peradilan Pidana Di Beberapa Negara* (Yogyakarta: Penerbit Medpress Digital, 2018).

⁷ Achmad Budi Waskito, "Implementasi Sistem Peradilan Pidana Dalam Perspektif Integrasi", *Jurnal Daulat Hukum 1*, no.1 (2018): 287–304.

⁸ Muhaimin Muhaimin, "Restoratif Justice Dalam Penyelesaian Tindak Pidana Ringan", *Jurnal Penelitian Hukum De Jure*, (2019), <https://doi.org/10.30641/dejure.2019.v19.185-206>.

together to discuss problem solving, including recovery to the victim. Restorative justice through diversion essentially gives punishment to the perpetrator but the punishment is educational so that there are benefits for the perpetrator and the victim (through the victim and perpetrator mediation approach and the compensation and recovery approach).⁹ Although to carry out diversion efforts there are several conditions that must be met as stipulated in the a quo regulations, but this becomes a trigger for law enforcement officials in creating criminal law enforcement with the concept of restorative justice. One of them is the Police subsystem in the criminal justice system, namely through the Circular Letter of the Head of the State Police of the Republic of Indonesia Number 8 of 2018 concerning the Application of Restorative Justice in the Settlement of Criminal Cases.

The diversion efforts in the juvenile justice system and the implementation of the Circular of the Chief of Police (8/2018) mentioned above are considered less than optimal because basically the criminal justice system demands the work of the subsystems in it as well. So that similar efforts, namely the concept of restorative justice, also need to be pursued by other subsystems in the criminal justice system, in this case, one of which is the Prosecutor's Office as one of the subsystems authorized to prosecute perpetrators of criminal acts in the context of enforcing criminal law aimed at tackling and controlling crime.

In carrying out its duties and authorities, the Prosecutor's Office is fully aware of the need for restorative justice in the settlement of criminal cases within the framework of tackling and controlling crime. So that the Attorney General issued the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice.

The purpose of this article is to examine the termination of prosecution based on restorative justice by the prosecutor's office in the perspective of human rights, by exploring and analyzing the values of protection, promotion, enforcement and fulfillment of human rights in the rules for implementing the termination of prosecution based on restorative justice by the Attorney General's Office.

⁹ Hariman Satria, "Restorative Justice: Paradigma Baru Peradilan Pidana", *Jurnal Media Hukum*, (2018), <https://doi.org/10.18196/jmh.2018.0107.111-123>.

RESTORATIVE JUSTICE AS A FORM OF RESPECT FOR HUMAN RIGHTS IN THE CRIMINAL JUSTICE SYSTEM

According to Daly, restorative justice is a contemporary justice mechanism for dealing with crime, conflict and limited community conflict. The mechanism is by holding a meeting or several meetings between the parties affected by the event which is facilitated by one or more impartial people. The meeting process can take place at all stages of the criminal process from pre-arrest, transfer from court, pre-sentence and post-sentence as well as for violations or disputes that are not reported to the police.¹⁰ Meanwhile, according to Sukardi, the principle of restorative justice is an approach that focuses more on creating conditions of harmonization and balanced justice for victims and perpetrators of criminal acts. The mechanism of criminal procedural law and justice shifts towards a process of dialogue and mediation with an orientation on restoring justice for victims and reaching an agreement to settle criminal cases that is more just and balanced for the victims and perpetrators concerned.¹¹ Restorative Justice is considered more flexible because it offers facilitators and stakeholders great freedom which allows them to adapt it to the needs of a particular situation.¹²

According to Mudzakir, the concept of restorative justice in the settlement of criminal cases is driven by the fact that there is a criminal system that has not been able to guarantee integrated justice, namely justice for all relevant parties, namely perpetrators, victims and the community.¹³ The existence of restorative justice in the settlement of criminal cases shows that criminal acts actually create an obligation for perpetrators, victims and the community to make things better by finding solutions to repair, reconciliation and reassurance so that justice achieved is not only effective for the perpetrators but also to victims and society.¹⁴

So based on the above opinion, it can be concluded briefly that restorative justice is an approach concept used in the context of tackling crime by bringing together the relevant parties, namely the perpetrators of the crime, victims, families of perpetrators and families of

¹⁰ Kathleen Daly, "What Is Restorative Justice? Fresh Answers to a Vexed Question", *Victims and Offenders*, 2016, <https://doi.org/10.1080/15564886.2015.1107797>.

¹¹ - Sukardi, "Penanganan Konflik Sosial Dengan Pendekatan Keadilan Restoratif", *Jurnal Hukum & Pembangunan*, (2016), <https://doi.org/10.21143/jhp.vol46.no1.49>.

¹² A. U. Lokugamage and S. D.C. Pathberiya, "Human Rights in Childbirth, Narratives and Restorative Justice: A Review", *Reproductive Health*, (2017), <https://doi.org/10.1186/s12978-016-0264-3>.

¹³ m. Alvi Syahrin, "Penerapan Prinsip Keadilan Restoratif Dalam Sistem Peradilan Pidana Terpadu", *Majalah Hukum Nasional*, (2018), <https://doi.org/10.33331/mhn.v48i1.114>.

¹⁴ Eva Achjani Zulfa, "Pergeseran Paradigma Pemidanaan DI Indonesia", *Jurnal Hukum & Pembangunan*, (2017), <https://doi.org/10.21143/jhp.vol36.no3.1256>.

victims who also involve other parties who have the capability to conduct the meeting so that can produce a more just solution with the highest respect for the rights of the parties.

As explained in the introduction, the concept of restorative justice begins with the practice of diversion in the juvenile criminal justice system. The definition of restorative justice can be seen in the Juvenile Criminal Justice System Law which means the settlement of criminal cases by involving the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a fair solution by emphasizing restoration back to its original state and not retaliation. Whereas in the criminal justice system, especially the process of investigating and investigating criminal cases by the police, the practice of restorative justice can be based on the provisions in Article 16 paragraph (1) letter L of Law Number 2 of 2002 concerning the Indonesian National Police that the police, especially in this case investigators and investigators are authorized to take other actions according to responsible law. In addition, it can also be based on the provisions of Article 5 paragraph (1) number 4 and Article 7 paragraph (1) letter J of the Criminal Procedure Code. Of course, the implementation of these other actions must meet the requirements as stated in Article 16 paragraph (2), namely that they do not conflict with a rule of law; in accordance with the legal obligation that requires the action to be carried out; must be appropriate, reasonable, and included in the environment of his office; proper consideration based on compelling circumstances; and respect human rights.

Respect for human rights through the settlement of criminal cases based on restorative justice by law enforcement officers in the criminal justice system can create justice which is a human right which is the purpose of the law itself. Law enforcement officials in the criminal justice system function as a forum for holding discussion forums and dialogues in resolving criminal cases by involving parties, namely perpetrators, victims, families of perpetrators/victims and relying on restoring the original situation in line with the value of deliberation and consensus which is a living value and sustainable in Indonesia. So that it can guarantee the fulfillment of the right to justice by the parties and the right of legal certainty for justice seekers.

TERMINATION OF PROSECUTION BASED ON RESTORATIVE JUSTICE IN THE FRAMEWORK OF RESPECT FOR HUMAN RIGHTS

Based on Law Number 16 of 2004 concerning the Prosecutor's Office, it is stated that the Prosecutor's Office as one of the law enforcement agencies is required to play a greater role

in upholding the rule of law, protecting the public interest, upholding human rights, and eradicating corruption, collusion and nepotism. Furthermore, the Prosecutor's Office is a body authorized to exercise state power, especially in the field of prosecution. According to Mukianto, prosecution is a process of examining a crime, namely continuing and completing the stage of investigation to the level of the examination process at a court hearing by a judge, in order to make a decision on the case of the crime in question. However, it has not yet entered the stage of delegation and examination in court.¹⁵ Whereas in the Criminal Procedure Code (KUHAP) prosecution is the action of the public prosecutor to delegate a criminal case to the competent district court in matters and according to the method regulated in this Law with a request that it be examined and decided by a judge in a court session.

The prosecution process is a process after the investigation and investigation by the police and before the examination process in court so that it shows that the position of the Prosecutor's Office is a central position in the criminal justice system. In other words, the prosecutor's office as *dominus litis* or the controller of the case process which in the process causes two consequences in the criminal case being handled, namely to continue the case to be examined in court or stop the case. A practice similar to the termination of a case for prosecution within the scope of the prosecutor's office is to put the case aside. However, this authority is only given to the Attorney General as stated in Article 35 of Law Number 16 of 2004 concerning the Attorney General's Office that the Attorney General has duties and authorities, one of which is to set aside cases in the public interest. Then in the explanation of Law 16/2004, the duties and powers of waiver of the case are the implementation of the principle of opportunity which can only be carried out by the Attorney General after taking into account the suggestions and opinions of state power agencies that are related to the matter. However, in fact the application of the principle of opportunity in minor criminal cases is very rarely applied by the Attorney General, especially criminal acts that are communal, as summarized by Iqbal in his journal, namely;¹⁶ The case of the theft of Cocoa fruit belonging to PT Rumpun Sari Antan by Grandma Minah which resulted in her being sentenced to 1 month and 15 days in prison with a probationary period of 3 months; The case of theft of kapok fruit by Ms. Manisih and her two children and nephew; and The case of alleged theft of seven teak logs by

¹⁵ Jandi Mukianto, *Prinsip Dan Praktik Bantuan Hukum Di Indonesia* (Depok: Kencana, 2017).

¹⁶ Muhamad Iqbal, "Implementasi Efektifitas Asas Oportunitas Di Indonesia Dengan Landasan Kepentingan Umum", *Jurnal Surya Kencana Satu: Dinamika Masalah Hukum Dan Keadilan*, (2018), <https://doi.org/10.32493/jdmhkdmhk.v9i1.1178>.

Grandma Asyani which is threatened with 5 years imprisonment based on Article 12 in conjunction with Article 83 of the Illegal Logging Law.

This shows that the application of the principle of opportunity is less than optimal so that it is not in accordance with the purpose of the meaning of "in the public interest", one of which is a sense of justice in society. While the prosecutor in this case the public prosecutor is not authorized to rule out cases in the public interest for cases being handled and this can cause new problems related to crimes that are classified as minor. So that if a prosecution and examination is carried out and in the end it is decided by the court, it will cause injustice as in the examples of these cases. In fact, the prosecutor may put aside the case for reasons of public interest, but again, in its implementation it is necessary to have permission from the Attorney General so that there are limitations for the prosecutor in carrying out his role as *dominus litis* in law enforcement as well as human rights enforcement.

As a way to accommodate this as well as in order to maximize the implementation of its duties and authorities, the Attorney General's Office of the Republic of Indonesia led by the Attorney General in July 2020 has issued the Republic of Indonesia Prosecutor's Regulation (Perja) Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. This is in line with the United Nations Guidelines on the Role of the Prosecutors 1990 section of the discretionary function which states that, "In countries where prosecutors are vested with discretionary functions, the law or published rules or regulations shall provide guidelines to enhance fairness and consistency of approach in taking decisions in the prosecution process, including institution or waiver of prosecution"¹⁷.

Then in the preamble of Perja 15/2020 it states that the Prosecutor's Office as an institution that exercises state power in the field of prosecution must be able to realize including legal certainty, legal order, justice, truth based on law, must explore human values, legal values and living justice. in society. Furthermore, the implementation of the settlement of criminal cases by prioritizing restorative justice means prioritizing the restoration to its original state involving the perpetrator, victim, family of the perpetrator and the victim and other related parties to jointly seek a fair solution with a balance of protection, the interests of the victim and the perpetrator. not retaliation oriented. So it is clear that this is nothing but a concrete manifestation of the Prosecutor's Office of the Republic of Indonesia in respecting human

¹⁷ "14. Guidelines on the Role of Prosecutors", in *Essential Texts on Human Rights for the Police*, 2010, <https://doi.org/10.1163/ej.9789004164819.i-520.185>.

rights, which basically everyone has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law (Article 28 D of the 1945 Constitution).

The implementation of the termination of prosecution based on restorative justice by the Prosecutor's Office in Article 2 of Perja Number 15 of 2020 is carried out based on several principles, namely the principle of justice; the principle of public interest; the principle of proportionality; the principle of *ultimum remedium*; and the principle of fast, simple and low-cost justice. The principle of justice, which means that the practice of stopping prosecution must be able to provide a sense of justice for the parties by making justice the main goal of law enforcement by taking into account the principles of expediency and legal certainty. The principle of public interest, which emphasizes the public interest, one of which is the general welfare above individual interests. The principle of proportionality, which demands the conformity of the proportion or part of the rights and obligations of each party. The principle of *ultimum remedium*, that the use of criminal law can only be carried out if other legal instruments are ineffective¹⁸, In other words, it requires the use of criminal law as a last resort in resolving cases. The principle of justice is fast, simple and low-cost, which means that it does not take time and can be completed effectively and efficiently.

The prosecutor in this case the public prosecutor has the authority to close the case for the sake of law in the event that the defendant has died; the expiration of the criminal prosecution; *nebis in idem*; withdrawal or revocation of the complaint for the type of crime/complaint offense; there has been a settlement of cases out of court. The settlement of cases outside the court can be carried out with the provisions for certain crimes, the maximum penalty is paid voluntarily in accordance with the applicable rules; and there has been a form of recovery back to its original state with a restorative justice approach. The recovery makes the prosecution stop and the public prosecutor who stops the prosecution is responsible and submitted in stages to the Head of the High Prosecutor's Office.

Termination of prosecution based on restorative justice also requires several things. The implementation takes into account several factors, namely the interests of the victims and other protected legal interests, including the interests of the families of the victims/perpetrators as well as the perpetrators themselves; avoidance of negative stigma from society towards perpetrators and victims; the avoidance of retaliation which is proven to be unable to provide

¹⁸ Beby Suryani Fithri, "Asas *Ultimum Remedium* Terhadap Anak Yang Berkonflik Dengan Hukum Dalam Rangka Perlindungan Anak", *Jurnal Mercatoria*, (2017), <https://doi.org/10.31289/mercatoria.v10i1.733>.

a deterrent effect for the perpetrator and restore the original situation for the victim; community response and harmony as a public interest that needs to be maintained; decency, decency and public order.

In addition, the implementation also needs to consider several things, namely the subject, object, category and threat of the crime committed; the reasons behind the occurrence or commission of a criminal act; the degree of disgrace of the act; an assessment or view of losses or matters arising as a result of a criminal act; analysis related to costs and benefits of handling cases; restoration to its original state which is the right of the victim and the perpetrator; and the existence of peace between the perpetrator and the victim.

From the point of view of the perpetrator of a crime, the case can be closed for the sake of law or the prosecution is terminated if the following conditions are met, namely that the suspect has committed a crime for the first time; the crime committed is punishable by a fine or imprisonment of not more than five years; and criminal acts committed with the value of the evidence or the value of the losses incurred is not more than Rp. 2,500,000,000.00.

Then for criminal acts related to property, there are criteria or circumstances that are casuistic in nature which according to the consideration of the Public Prosecutor with the approval of the Head/Branch Head of the District Attorney's Office, the prosecution can be terminated based on restorative justice carried out by taking into account the conditions in letter a accompanied by one of letter b or c. For criminal acts committed against persons, bodies, lives and independence of persons, the condition of letter c may be excluded. As for criminal acts committed due to negligence, the provisions of letters b and c can be excluded. However, in the event that there are criteria or circumstances that are casuistic in nature based on the considerations of the Public Prosecutor with the approval of the Head of Branch/Head of the District Attorney's Office, prosecution cannot be stopped based on the criminal acts committed against that person and criminal acts due to the element of negligence do not apply.

Then in addition to fulfilling the terms and conditions described in the previous paragraph, the termination of prosecution based on restorative justice is carried out by fulfilling the following conditions, namely, there has been a restoration to its original state carried out by the perpetrator by returning the goods obtained from his actions to the victim, compensating for losses. suffered by the victim, reimburse the costs incurred as a result of his actions and/or repair the damage caused as a result of his actions; there has been a peace agreement between the victim and the perpetrator; and the community responded positively to these efforts.

However, the provisions of letter a regarding the conditions for recovery back to its original state can be excluded if it has been agreed between the victim and the perpetrator.

As for the Perja a quo, several cases that cannot be terminated on the basis of restorative justice include, among others, crimes against state security, the dignity of the President and Vice President, friendly countries and their heads of state and representatives, public order and morality; a criminal act that is punishable by a minimum criminal threat; narcotic crime; environmental crime; and criminal acts committed by corporations.

CONCLUSION

The implementation of the termination of prosecution by the Prosecutor's Office based on restorative justice has been accommodated by the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. Where the implementation must be based on the principle of justice; the principle of public interest; the principle of proportionality; the principle of ultimum remedium; and the principle of fast, simple and low-cost justice. In addition, the termination of the prosecution is carried out by taking into account the interests of the victims and other protected legal interests, including the interests of the families of the victims/perpetrators as well as the perpetrators themselves; avoidance of negative stigma towards perpetrators and victims; proven unable to provide a deterrent effect for the perpetrator and restore the original situation for the victim; community response and harmony; and propriety, decency and public order. Then the termination of the prosecution also considers the subject, object, category and threat of a criminal act; the background of the occurrence/commitment of the crime; the degree of disgrace; losses or consequences arising from criminal acts; costs and benefits of handling cases; restoration back to its original state; and the existence of peace between the Victim and the Suspect. So the principles, things that need to be considered and considered in stopping prosecution by the Prosecutor's Office, basically aim to carry out more just law enforcement as a form of protection, promotion, enforcement and fulfillment of human rights.

REFERENCES

- "14. Guidelines On The Role Of Prosecutors", in *Essential Texts On Human Rights For The Police*, 2010, <https://doi.org/10.1163/Ej.9789004164819.I-520.185>.
- Daly, Kathleen, "What Is Restorative Justice? Fresh Answers To A Vexed Question", *Victims And Offenders*, 2016, <https://doi.org/10.1080/15564886.2015.1107797>.
- Effendi, Tolib, *Sistem Peradilan Pidana: Perbandingan Komponen Dan Proses Sistem Peradilan Pidana Di Beberapa Negara*, Yogyakarta: Penerbit Medpress Digital, 2018.
- Febriansyah, Ferry Irawan, "Keadilan Berdasarkan Pancasila Sebagai Dasar Filosofis Dan Ideologis Bangsa", *Dih: Jurnal Ilmu Hukum*, (2017). <https://doi.org/10.30996/Dih.V13i25.1545>.
- Fithri, Beby Suryani, "Asas Ultimum Remedium Terhadap Anak Yang Berkonflik Dengan Hukum Dalam Rangka Perlindungan Anak", *Jurnal Mercatoria*, (2017). <https://doi.org/10.31289/Mercatoria.V10i1.733>.
- Iqbal, Muhamad, "Implementasi Efektifitas Asas Oportunitas Di Indonesia Dengan Landasan Kepentingan Umum", *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum Dan Keadilan*, (2018). <https://doi.org/10.32493/Jdmhkdmmhk.V9i1.1178>.
- Jandi Mukianto, *Prinsip Dan Praktik Bantuan Hukum Di Indonesia*, Depok: Kencana, 2017.
- Lokugamage, A. U., And S. D.C. Pathberiya, "Human Rights In Childbirth, Narratives And Restorative Justice: A Review", *Reproductive Health*, (2017). <https://doi.org/10.1186/S12978-016-0264-3>.
- Muhaimin, Muhaimin, "Restoratif Justice Dalam Penyelesaian Tindak Pidana Ringan", *Jurnal Penelitian Hukum De Jure*, (2019). <https://doi.org/10.30641/Dejure.2019.V19.185-206>.
- Pangaribuan, Luhut M.P., "Hak Asasi Manusia", *Jurnal Hukum & Pembangunan*, (2017). <https://doi.org/10.21143/Jhp.Vol19.No6.1180>.
- PBB, Majelis Umum, "Deklarasi Universal Hak-Hak Asasi Manusia", *Indonesian Journal Of International Law*, (2006).
- Satria, Hariman, "Restorative Justice: Paradigma Baru Peradilan Pidana", *Jurnal Media*

- Hukum*, (2018). <https://doi.org/10.18196/jmh.2018.0107.111-123>.
- Sukardi, "Penanganan Konflik Sosial Dengan Pendekatan Keadilan Restoratif", *Jurnal Hukum & Pembangunan*, (2016). <https://doi.org/10.21143/jhp.vol46.no1.49>.
- Suteki, Galang Taufani, *Metodologi Penelitian Hukum (Filsafat, Teori, Dan Praktik)*, Depok: Rajawali Pers, 2017.
- Syahrin, M. Alvi, "Penerapan Prinsip Keadilan Restoratif Dalam Sistem Peradilan Pidana Terpadu", *Majalah Hukum Nasional*, (2018). <https://doi.org/10.33331/mhn.v48i1.114>.
- Triwahyuningsih, Susani, "Perlindungan Dan Penegakan Hak Asasi Manusia (Ham) Di Indonesia", *Legal Standing: Jurnal Ilmu Hukum*, (2018). <https://doi.org/10.24269/ls.v2i2.1242>.
- Waskito, Achmad Budi, "Implementasi Sistem Peradilan Pidana Dalam Perspektif Integrasi", *Jurnal Daulat Hukum 1*, no.1 (2018): 287–304.
- Zulfa, Eva Achjani, "Pergeseran Paradigma Pidana Di Indonesia", *Jurnal Hukum & Pembangunan*, (2017). <https://doi.org/10.21143/jhp.vol36.no3.1256>.

