



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 Approach to Certain Criminal Actions with the Threat of Under Five Years Prison in Functioning Criminal Law as *Ultimum Remedium*

Windy Rizky Putri^a, Erdianto Effendi^b, Zulfikar Jayakusuma^c

^a Fakultas Hukum, Universitas Riau, Indonesia, Email: windy.rizky7021@grand.unri.ac.id

^b Fakultas Hukum, Universitas Riau, Indonesia, Email: erdianto.efdendi@lecturer.unri.ac.id

^c Fakultas Hukum, Universitas Riau, Indonesia, Email: zulfikar.jayakusuma@lecturer.unri.ac.id

Article Info

Article History:

Received : 16-03-2023

Revised : 23-11-2023

Accepted : 10-12-2023

Published : 31-12-2023

Keywords:

Restorative justice

Criminal Crimes

Imprisonment for under years

Last Resort

Abstract

The purpose of this research is to find out the concept of criminal law renewal to place restorative justice as *ultimum remedium* in certain crimes with a prison sentence of under five years. This type of normative legal research with the type of legal synchronization. Collecting data on normative legal research uses data collection techniques from a literature study. In drawing conclusions the author uses the deductive thinking method, namely a way of thinking that draws conclusions from a general statement or argument into a specific statement. the results of research and discussion can be concluded. First; The restorative justice approach to criminal acts with the threat of imprisonment for under five years finds its footing in the basic philosophy of Pancasila, namely in accordance with the 4th precept of Pancasila "Deliberation to reach consensus". Currently, restorative justice has been regulated in various regulations/policies. The contents of this internal policy show that there is no uniformity in understanding and boundaries of criminal acts that can be resolved through restorative justice and does not create an Integrated Criminal Justice System. and the imposition of criminal sanctions on perpetrators.

INTRODUCTION

One way to resolve criminal cases is with a restorative justice approach, restorative justice is a paradigm that can be used as a frame for a strategy for handling criminal cases that aims to answer dissatisfaction with the functioning of the existing criminal justice system.¹ The restorative justice approach in criminal law enforcement is a very significant method to be applied at this time. Restorative justice simplifies and streamlines the law enforcement process, which focuses on the need to involve victims and communities who feel excluded from the mechanisms that work in the current criminal justice system.²

¹ Henny Saida Flora, "Pendekatan Restorative Justice Dalam Penyelesaian Perkara Pidana Dalam Sistem Peradilan Pidana Di Indonesia", *Jurnal Law Pro Justitia* 2, no. 2 (Juni 2017): 41.

² Eva Achjani Zulfa, *Pergeseran Paradigma Pemidanaan*, (Bandung: Lubuk Agung, 2011), 65.

Based on this philosophical framework, the presence of a restorative justice approach actually returns the function of criminal law to its original path, namely the function of *ultimum remedium*, a last weapon when other legal remedies can no longer be used in dealing with a crime in society. Crime prevention efforts can be broadly divided into two, namely through penal (criminal law) and non-penal (not/outside criminal law).³

Criminal law facilities are used to overcome criminal acts that occur in society. Criminal law has harsh and strict sanctions so that it is said to have a subsidiary function, meaning that criminal law is only used when other efforts are thought to be less satisfactory or less appropriate. It is also often said that criminal law is *ultimum remedium*.⁴

Ideally, the functionalization of criminal law should be placed as a last resort in enforcing the law. This can be interpreted that before the sentence is imposed, then naturally there are other efforts that must be made, and one of these other efforts can be interpreted as through penal mediation as an alternative to settling cases outside the court. The relationship between restorative justice and *ultimum remedium* is how the restoration of justice does not focus on punishment and retribution, which requires other efforts before imposing criminal sanctions, this can be interpreted as an alternative solution through restorative justice and imposition of imprisonment as the last weapon.⁵

The application of a restorative justice approach to certain crimes with imprisonment for under five years is against general crimes regulated in the Criminal Code and these crimes do not cause unrest and/or rejection in society, do not impact social conflict, the perpetrators do not repeat crimes or are recidivists, and so forth. Based on the Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative justice in Article 4 paragraph 2 Termination of prosecution based on Restorative justice as referred to in paragraph (1) is carried out by considering: a. subject, object, category, and threat of crime; b. background of the occurrence/commitment of the crime; c. level of disgrace; d. losses or consequences arising from criminal acts; e. costs and benefits of case handling; f. restoration back to its original state; and g. reconciliation between the victim and the suspect.

³ Erdianto Effendi, "Relasi Tindak Pidana Korupsi dengan Negara Kesejahteraan", *Melayunesia Law* 3, no. 2 (Desember 2019): 178.

⁴ Nur Ainiyah Rahmawati, "Hukum Pidana Indonesia: *Ultimum Remedium* Atau *Primum Remedium*", *Jurnal Recidive* 2, no. 1 (2013): 40.

⁵ Ahmad Syaufi, *Konstruksi Model Penyelesaian Perkara Pidana yang Berorientasi pada Keadilan Restoratif*, (Yogyakarta: Samudra Biru, 2020), 49.

The idea of applying a restorative justice approach to certain crimes with imprisonment for under five years is in line with the Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative justice In Article 5 paragraph 1 letter b As an example of several cases as follows, the case of Minah's grandmother stealing three cocoa pods was sentenced to 1 month and 15 days,⁶ Grandma Rasminah stole six plates from her employer,⁷ was sentenced to 5 months in prison, then the USU professor Prof. Yusuf Leonard Henuk was sentenced to 2 months in prison.⁸

Problems in applying the restorative justice approach are due to the absence of clear and detailed regulations governing restorative justice, arrangements regarding restorative justice have not been regulated by law-level regulations, so far only regulated in sectoral internal policies that have different understandings and provisions -different about what crimes can be carried out restorative justice. Referring to Supreme Court Regulation Number 2 of 2012 concerning Adjustment of the Limits for Misdemeanor Crimes and the Amount of Fines in the Criminal Code, what restorative justice can do is a misdemeanor, namely a crime with a threat of not more than three months and a loss value of not more than 2.5 million rupiah.

Criminal law reform is needed, in this case updating the Criminal Code and the Criminal Procedure Code so that there is an understanding and common perception as well as clear guidelines regarding restorative justice at every level of the law enforcement process, so that restorative justice can run harmoniously and integrated. between criminal justice subsystems to create an Integrated Criminal Justice System or an Integrated Criminal Justice System. This type of normative legal research with the type of legal synchronization. Collecting data on normative legal research uses data collection techniques from a literature study. In drawing conclusions the author uses the deductive thinking method, namely a way of thinking that draws conclusions from a general statement or argument into a specific statement. Based on the background of the problem above, the author is interested in the title **“Restorative justice Approach to Certain Crimes with the Threat of Imprisonment Under Five Years in Using Criminal Law as Ultimum Remedium”**

⁶ <https://news.detik.com/berita/d-1244955/mencuri-3-buah-kakao-nenek-minah-dihukum-1-bulan-15-hari>, diakses, tanggal, 24 Juli 2022 Pukul 12.55 WIB.

⁷ <https://News.Detik.Com/Berita/D-1501774/Dituduh-Mencuri-Piring-Nenek-Rasminah-Dituntut-5-Bulan-Penjara>, diakses, tanggal, 24 Juli 2022 Pukul 12.57 WIB.

⁸ <https://news.detik.com/berita/d-5953062/guru-besar-usu-prof-henuk-divonis-3-bulan-bui-kasus-penghinaan>, diakses, tanggal, 28 Agustus 2022 Pukul 17.00 WIB.

A RESTORATIVE JUSTICE APPROACH TO CRIMINAL ACTIONS UNDER FIVE YEARS OF PRISON

The restorative justice approach to crimes punishable by imprisonment for under five years is an idea based on the implementation of alternative settlement of criminal cases outside the court which has been successfully applied to minor crimes and crimes committed by children. The restorative justice approach assumed to be the most recent shift of the various models and mechanisms operating in the current criminal justice system. UN through through *basic principles consider that a restorative justice approach is an approach that can be used in a rational criminal justice system.*⁹

Restorative justice is a philosophy, processes, ideas, theories and interventions, which emphasize repairing harm caused or expressed by criminal behavior. This process stands in stark contrast to the standard way of dealing with crimes which are seen as violations committed against the State. Restorative justice finds its footing in the basic philosophy of Pancasila. Pancasila is the spirit of ethical norms and legal norms, Pancasila is the deepest, fundamental basis, the basis of all regulations and actions to live in society and as a state, so that all regulations from the highest to the lowest must be based on Pancasila.¹⁰

In national policy, Pancasila is the core philosophy of the nation. As the core philosophy of Pancasila, it is thus a source of value for the existence of a legal system in Indonesia. Restorative justice is in accordance with the 4th principle of Pancasila, namely “Populist Led by Wisdom in Deliberation /Representation.”¹¹ Furthermore, the goal of recovery for victims, perpetrators and society through the concept of restorative justice is a value oriented to the 2nd Precept, namely: “Just and civilized humanity.” While the legal goal to be achieved is social justice which is contained in the 5th Precept which reads “Social justice for all Indonesian people.”¹²

affected parties and the community has actually been widely carried out in the Archipelago and Indonesia. Even the settlement of disputes outside the formal judicial process has been carried out long before the Indonesian state was formed. This is because the majority

⁹ Jonlar Purba, *Penegakan Hukum Tindak Pidana Ringan dengan Restorative Justice*, (Jakarta: Jala Permata Aksara, 2017), 56.

¹⁰ Hengki Firmanda, “Nilai-Nilai Pancasila Sebagai Pedoman Kebijakan dan Tindakan Bagi Penyelenggara Negara Dalam Wujud Kontrak Sosial Bernegara”, *Jurnal Ilmu Hukum Fakultas Hukum Universitas Riau* 9, no. 1 (February 2020): 6-7.

¹¹ Strong Puji Priyatno, “Pancasila Sebagai Bintang Pemandu (Leitstern) dalam Pembinaan Lembaga dan Pranata Hukum di Indonesia”, *jurnal Media Hukum* 14, no. 3 (2005): 152.

¹² Ahmad Syaafi, *Op. cit.*, 179.

of Indonesia's population does not originate and are from urban areas and also act secularly, so social values that are prioritized tend to focus on personal relationships with characteristics of tolerance, communal solidarity, and avoidance of disputes.¹³ Dispute resolution by involving affected parties is familiarly known as deliberation.

The concept of restorative justice can be seen in the Adat Peace Trials in Aceh. In customary justice in Aceh, one of the principles used in its implementation is the principle of peaceful settlement or harmony, or in the Acehnese language it is known as *uleu bek mate ranteng broken oak*.¹⁴ “*uleu bek mate ranteng broken oak*” is in line with the concept of restorative justice which focuses on holding perpetrators accountable in a more meaningful way, repairing damage caused by crimes, reintegrating perpetrators into the community, and “healing” the relationship between victims and society.¹⁵

other customary courts in Indonesia. The principle that is prioritized in the implementation of customary justice in Papua is the principle of kinship and deliberation and consensus. In the Enggros customary law community Tobati in Jayapura, According to Eva Achjani Zulfa, restorative justice is a thought that responds to the development of the criminal justice system by focusing on the need to involve victims and communities who feel excluded from the current working mechanism.¹⁶ Restorative justice, According to Kevin I. Minor and JT Morrison in the book “*A Theoretical Study and Critique of Restorative justice, in Burt Galaway and Joe Hudson, eds., Restorative justice: International Perspectives*” (1996), restorative justice is a response to perpetrators crime to recover losses and facilitate peace between the parties. The principle of restorative justice is *an* alternative settlement of criminal cases, which in the mechanism (criminal justice procedures) the focus of the crime is changed to a process of dialogue and mediation.¹⁷

Restorative justice has the goal of providing justice for victims and improving the relationship between victims, perpetrators and society, so that in the process the role of the victim becomes the central goal of legal settlement in order to create an agreement on the settlement of criminal cases. In addition, another goal of restorative justice is to obtain a fair

¹³ Daniel S. Lev, *Hukum dan Politik di Indonesia (Kesinambungan dan Perubahan)*, (Jakarta: LP3ES, 2014), 153.

¹⁴ UNDP Indonesia, “Pedoman Peradilan Adat di Aceh dalam Memberikan Keadilan bagi Perempuan dan Kaum Marjinal”, *Annual International Conference on Islamic Studies (AICIS X II)* Surabaya 5-8 November 2012, 2454.

¹⁵ Ministry of Justice Jamaica, undated, *Understanding Restorative Justice*.

¹⁶ Eva Achjani Zulfa, *Loc. cit.*

¹⁷ <https://nasional.kompas.com/read/2022/02/15/12443411/restorative-justice-pengertian-dan-penerapannya-dalam-hukum-di-indonesia/> accessed, date, 18 December 2022 at 16.00 WIB.

and balanced legal decision for both victims and perpetrators. The main principle in restorative justice is law enforcement which always prioritizes restoration to its original state, and restores patterns of good relations in society.¹⁸

Justice for victims is currently oriented towards punishing perpetrators. The punishment most often used is imprisonment in the form of imprisonment (penal), which in turn creates a situation of high dependence on the use of imprisonment without considering the interests of the victim. Ironically, almost all crimes handled by the Indonesian Criminal Justice System always end up in prison. Even though prison is not the best solution in solving crime problems, especially crimes where the "damage" caused to victims and society can still be restored.¹⁹

This ultimately causes the problem of *overcrowding* or overcrowding at State Detention Centers and Correctional Institutions. The trend of imprisonment shows that the number tends to increase every year and the existing forms of punishment are not in line with the importance of providing recovery for victims.²⁰ The problem of overloading in Correctional Institutions (Lapas) is a problem that has been happening for a long time.

Another factor that causes overcapacity of correctional institutions/ detentions in criminal implementation policies is the availability of detention room facilities. The facts show that the development of prison capacity has not kept pace with the growth in the number of prisoners and prisoners. As depicted in the following table:

Table 1.1
Comparison of Growth in the Number of Prisoners and Prisoners
with Development of Prison Capacity in 2020-2022

No	Year	Amount Capacity	Number of Prisoners and Prisoner	Excess Capacity
1	2020	131,931	271,661 soul	139,730 souls
2	2021	134,835	271,007 souls	136,173 souls
3	2022	132,107	276,172 souls	144,065 souls

Source: Directorate General of Corrections, Ministry of Law and Human Rights processed by the author in 2023

¹⁸ *Ibid.*

¹⁹ Kuart Puji Prayitno, "Restorative Justice untuk Keadilan di Indonesia (Perspektif Yuridis Filosofis dalam Penegakan Hukum)", *Jurnal Dinamika Hukum* 12, no. 3 (September 2012): 407.

²⁰ Institute for Criminal Justice Reform, *Peluang dan Tantangan Penerapan restorative justice dalam Sistem Peradilan Pidana di Indonesia*, (Jakarta: ICJR, 2022), 36.

According to data from the Directorate General of Corrections of the Ministry of Law and Human Rights of the Republic of Indonesia (Kemenkumham) as of 12 September 2021, the capacity of prisons in 33 Regional Offices (LKkanwil) is for 134,835 thousand people, but the number of residents reaches 271,007 people. This means that there is an overcapacity of 136,173 prison inmates or double the total (101%). Prisons in Riau recorded the largest overcapacity, reaching 230.42%, the capacity of prisons is only 4,067 people but as many as 13,438 people are inhabited.²¹

Then based on data from the Directorate General of Corrections (Ditjenpas) of the Ministry of Law and Human Rights, there were 276,172 residents of correctional institutions (Lapas) and detention centers (Rutan) on September 19, 2022. Thus, there was an overpopulation of 144,065 people (109%) of the total capacity of 132,107 people. According to their status, there are 227,431 people who are prisoners and there are 48,741 people who are prisoners.²²

The Minister of Law and Human Rights, Yasonna H Laoly, acknowledged that the condition of correctional institutions in Indonesia is indeed very apprehensive. According to Yasonna H Laoly, the main problem comes from excess capacity and limited human resources.²³ Overcapacity is of course a very basic problem which is the main reason for various problems in detention centers and prisons how disproportionate is the existing penal system to its supporting infrastructure, so that what is happening is no longer rehabilitation but instead raises problems and a new problem which of course this has led to forms of human rights violations and given a bad image of Indonesia which is considered to be very excessive in the application of criminal justice and has led to dehumanization in the excessive application of criminal law (*Overspanning Van Het Strafrecht*). Therefore, in the future the criminal justice system must be changed in a more humanistic way. One of them is by taking a restorative justice approach as an *ultimum remedies*.

²¹ Data dari Direktorat Jenderal Pemasyarakatan, Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, <https://databoks.katadata.co.id/datapublish/2021/09/13/virtual-all-lapas-di-indonesia-kelebihan-kapasitas> , diakses pada 2 Februari 2023 At 12.00 WIB.

²² Data dari Direktorat Jenderal Pemasyarakatan, Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, <https://databoks.katadata.co.id/datapublish/2022/09/23/penghuni-lapas-dan-rutan-kelebihan-kapasitas-109-pada-september-2022> , diakses pada 2 Februari 2023 at 12.15 WIB.

²³ <http://nasional.sindonews.com/read/944402/13/menkumham-curhat-LOT-lapas-ove-r-kakapasi-1420005464> , Diakses pada 23 Februari 2023 at 11.00 WIB.

Currently, Indonesia has a new legal basis regarding the application of restorative justice in the world of justice, including in the form of Circular Letter Number: SE/8/VII/2018 concerning the Application of Restorative justice in the Settlement of Criminal Cases and Perpol Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative justice, Republic of Indonesia Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative justice and Decree of the Director General of the General Courts Agency Number: 1691/DJU/SK/PS.00/12/2020. With this legal basis, it is hoped that the community will get justice, namely recovering the victims' losses.

Table 1.2
Restorative justice Arrangements

Regulation	Limitation of Criminal Acts
1) Law Number 11 of 2012 concerning the Juvenile Criminal Justice System	a. Punished with imprisonment under 7 (seven) years (Article 7 paragraph (1)) b. not a repetition of a crime (Article 7 paragraph (2))
2) Decree of the Director General of the General Judiciary Agency concerning Guidelines for the Implementation of Restorative justice in the Environment General Court	Minor crimes contained in Articles 364, 373, 379, 384, 407 and Article 482 of the Criminal Code are punishable by imprisonment for a maximum of three months or a fine of Rp. 2,500,000 (two million five hundred thousand rupiah), women's cases dealing with the law, children's cases and narcotics cases. (Scope of Implementation Guidelines restorative justice in the General Court Environment)
3) Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative justice	a. The suspect was 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 loss incurred as a result of the crime not exceeding Rp. 2,500,000.00 (two million five hundred thousand rupiah). There are exceptions for cases:

	<p>a. Criminal acts against state security, the dignity of the President and Vice President, friendly countries, heads of friendly countries and their representatives public order and decency;</p> <p>b. Criminal offenses that are punishable by minimum criminal penalties.</p> <p>c. Environmental crime</p> <p>d. Criminal acts committed by corporations (Article 5 paragraph 8)</p>
<p>4) Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling of Crimes Based on Restorative justice</p>	<p>There is no limit to criminal acts that can be resolved through restorative justice, provided that material and formal conditions are met.</p> <p>There are exceptions to criminal acts of terrorism, criminal acts against state security, criminal acts of corruption and criminal acts against people's lives. (Article 5 letter f)</p> <p>There are special requirements for information crimes and electronic transactions, drug crimes, and traffic. (Article 7)</p>

Source: Author Processed Data for 2023

The following is the application of the restorative justice approach in various stages and subsystems of criminal justice.

1. At the Stage of Investigation and Investigation in the Police

At the Police level (investigation and investigation stages), a restorative justice *approach* can be used based on Republic of Indonesia Police Regulation Number 8 of 2021 concerning Handling of Crimes Based on Restorative justice, Chief of Police Regulation Number 6 of 2019 concerning Investigation of Criminal Acts, and Circular Letter of the Indonesian National Police Chief SE /8/VII/2018 concerning the Application of Restorative justice in the *Settlement* of Criminal Cases. Summarized from the Chief of Police's Circular Letter, settlement of criminal cases with the principle of restorative justice *can* be carried out if it meets the material and formal requirements

2. Prosecution Stage

The Attorney General's Office of the Republic of Indonesia as a government agency that exercises state power in the field of prosecution must be able to realize legal certainty, legal

order, justice and truth based on law and respect religious norms, decency and decency and must explore human values, law and justice that live within public. ²⁴Republic of Indonesia Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative justice is a strategic policy in the law enforcement process within the framework of the integrated criminal justice system as *master of process/ dominus lytic* which one of its functions is to screen a criminal case and determine whether or not a criminal case is necessary to be forwarded to trial by considering justice, certainty and the benefits of law.

3. At the Trial Stage

The application of restorative justice is intended *to reform the criminal justice system* which still prioritizes imprisonment. The development of the penal system is no longer based on the perpetrators but has led to the alignment of the interests of the victim's recovery and the accountability of the perpetrators of criminal acts. This guideline is used in the settlement of cases through restorative justice in minor crimes, namely cases of minor crimes with criminal penalties as referred to in articles 364, 373, 379, 384, 407 and Article 482 of the Criminal Code with a loss of not more than IDR 2. 500.00,00 (two million five hundred thousand rupiah), women's cases dealing with the law, children's cases and narcotics cases.

From the various regulations above, arrangements regarding the application of a restorative justice *approach* are only regulated in the form of internal policies or regulations, there is no legal umbrella that provides a basis for the various existing justice subsystems. Each of these internal policies has different definitions, understandings and requirements for implementing restorative justice. Significant differences can be seen in the limits of what kind of criminal acts that can be carried out by restorative justice. Referring to the Prosecutor's Regulation Number 15 of 2020, restorative justice can only be carried out against crimes that are only punishable by fines and imprisonment for not more than five years and crimes with a value of evidence or a loss of not more than IDR 2,500,000.00 (two million five hundred thousand rupiahs).

The internal policies of each of these criminal justice subsystems show that there is no uniformity in understanding and boundaries of what kind of crimes are resolved through restorative justice, which of course causes a lack of legal certainty and can have an impact on

²⁴ *Ibid.* 85.

law enforcement. In the absence of common references, the integrated *criminal* justice system is not realized. Integrated criminal justice system (*integrated criminal justice system*) is a criminal justice system with the existence of a common perception of justice and the pattern of administering criminal justice as a whole and unit (*administration of criminal justice system*) which consists of several components, namely investigation, prosecution, court and correctional institution.

The integrated criminal justice system seeks to integrate all components so that justice can run according to the law what is desired.²⁵ The conception of an integrated criminal justice system requires integrated cooperation in the components involved in the criminal justice system, bearing in mind that in integration the failure of one of the components in the system will affect the methods and results of the work of other components.²⁶

By not integrating between criminal justice subsystems, which can increase sectoral ego between institutions. Then, in the absence of clear boundaries and guidelines regarding restorative justice, this is very prone to being misused and becoming a "transaction tool/legal exchange". The absence of clear guidelines has implications for emergence *trend* restorative justice wants to be applied to many criminal acts that have broad impacts such as corruption and narcotics. So that clear boundaries and conditions are needed for the application of a restorative justice *approach*, namely for certain crimes with a prison sentence of under five years.

The idea of applying a restorative justice *approach* to certain crimes with imprisonment for under five years is in line with the Prosecutor's Office Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative justice which is regulated in Article 5 paragraph 1 letter b "crimes are only punishable by a fine or punishable by a fine. imprisonment of not more than 5 (five) years. Furthermore, based on the Criminal Code which was passed in 2023 in Article 70 paragraph (1), namely by continuing to take into account the provisions referred to in Articles 51 to Article 54, as far as possible imprisonment is not imposed if circumstances are found c. the defendant is the first time committing a crime, d. the loss and suffering of the victim are not too big, e. has paid compensation to the victim, and so forth.

²⁵ Sukarton Marmusudjono, *Penegakan Hukum di Negara Pancasila*, (Jakarta: Pustaka Kartini, 1989), 30.

²⁶ Mardjono Reksodiputro, *Hak Asasi Manusia dalam Sistem Peradilan Pidana*, (Jakarta: Pusat Layanan Keadilan dan Layanan Hukum UI, 1994), 89.

Approach restorative justice for certain criminal acts with the threat of imprisonment under five years must be encouraged by the legal system. According to Friedman, the legal system must be studied as a unit or integrated which includes re-evaluation, repositioning and renewal (reform).²⁷ Friedman's legal system theory or legal system theory states that law must be seen as a system. Lawrence M. Friedman in his book entitled *The Legal System: A Social Science Perspective*, states that every legal system always contains three components, namely components of the legal structure, legal substance, and legal culture.²⁸

The legal structure is law enforcement officials as a structural (institutional) component along with procedural or administrative mechanisms, legal forms, legal institutions, legal instruments.²⁹ In this case law enforcement officials must have the same and adequate understanding of the values and concepts of this restorative justice *approach* and the paradigm of law enforcement officials shifting from retributive justice to restorative justice, which must be supported by comprehensive education and training.

CRIMINAL LAW REFORM CONCEPTS TO PLACE RESTORATIVE JUSTICE AS *ULTIMUM REMEDIUM* IN CRIMINAL ACTIONS THREATENING UNDER FIVE YEARS OF PRISON

In principle, a country's criminal law reform policy cannot be separated from law reform policies in general and is an integral part of law policy or law enforcement policies *in general*.³⁰ The meaning and essence of criminal law reform is actually closely related to the background and urgency or importance of criminal law reform. Barda Nawawi Arief, construes that criminal law is closely related to various aspects which include socio-political, socio-philosophical, socio-cultural, or from various aspects of policy, especially social policy (*social policy*), criminal policy (*criminal policy*) and aspects of law enforcement policy. crime (*criminal law enforcement policy*).³¹

retributive justice approach is felt to be of less benefit to society, especially to victims of crime and perpetrators, so that the modern criminal justice system is currently being

²⁷ Suhartyo, *Argumentasi Pembalikan Beban Pembuktian sebagai Metode Prioritas dalam Pemberantasan Tindak Pidana Korupsi dan Tindak Pidana Pencucian Uang*, (Depok: Rajawali Press, 2019), 46.

²⁸ Lawrence M. Friedman, *Op.Cit.*, 16

²⁹ Lutfil Ansori, *Op.Cit.*, 153.

³⁰ Natangsa Subakti, *Peradilan Restoratif dalam Bingkai Empiris, Teori, dan Kebijakan*, (Yogyakarta: Genta Publishing, 2014), 23.

³¹ Barda Nawawi Arief, "Isu-isu Reformasi Hukum Pidana dan Kebijakan Delik Aduan", *Makalah Lokakarya Hukum Pidana DPR-RI* 29 June 1993, 1.

encouraged to use a restorative justice *approach*. In 1974, the restorative justice *movement emerged* in Ontario, Canada, which was marked by the presence of the *Victim-Offender Reconciliation Program* (VORP). This program was initially implemented as an alternative measure in punishing perpetrators of child crimes, namely by providing compensation to victims. In its implementation, the program obtained a high level of satisfaction from victims and perpetrators compared to the formal settlement of criminal cases.³²

The 10th UN Congress in 2000 produced " *United Nations Basic Principles on the Use of Restorative justice Programs in Criminal Matters* " (Basic Principles on the Use of Restorative justice Programs in Criminal Matters), which contains a number of basic principles of the use of restorative justice in handling criminal cases in the Vienna Declaration on Crime and Justice. Among other things, it was stated that in order to provide protection to victims of crime, mediation and restorative justice mechanisms should be introduced. The United Nations has recognized that restorative justice is an approach that can be used in the national criminal justice system.

restorative justice theory offers answers to important issues in the settlement of criminal cases, namely: *first*, criticism of the criminal justice system which does not provide opportunities especially for victims (*criminal justice system that disempowers individuals*); second, eliminating conflicts, especially between perpetrators and victims and society (*taking away the conflict from them*); third, the fact that the feeling of powerlessness experienced as a result of a criminal act must be overcome to achieve improvement (*in order to achieve the program*).³³

In responding to these issues, restorative justice in its process is carried out through dialogue and mediation between perpetrators, victims and their families. Efforts to bring together the interests of the parties in a restorative justice *approach* are carried out through a deliberation forum filled with a kinship atmosphere. Without a deliberation forum with a spirit of kinship, it is impossible to reach an agreement. This shows that the mechanism for settling criminal cases is in harmony with the values of Pancasila, especially the fourth precept which states: "populist led by wisdom in representative ³⁴deliberations " .

³² Surya Jaya, "Keadilan Restoratif, Tuntutan dan Kebutuhan dalam Sistem Peradilan Pidana di Indonesia", *Makalah disampaikan pada Seminar Nasional "Peran Hakim dalam Meningkatkan Profesionalisme Menuju Paradigma Hebat"* 25 April 2012, 3.

³³ Ivo Aertsen, et.all, "Restorative Justice and the Active Victim: Exploring the Concept of Empowerment", *Journal TEMIDA* 18, no. 2 (2011): 8-9.

³⁴ Pandji Setijo, *Pendidikan Pancasila: Perspektif Sejarah Perjuangan Bangsa*, (Jakarta: Grasindo, 2010), 20-21.

Restorative justice which has gained a foothold from Pancasila as the nation's *core philosophy* for the legal system in Indonesia, furthermore, criminal law renewal through a restorative justice *approach* can re-function criminal law as *the ultimum remedies*. The restorative justice approach actually returns criminal law to its original path, namely to its *ultimum function remedium*, an ultimate/last weapon when other legal remedies can no longer be used in dealing with a crime in society.³⁵

Ultimum remedium as a moral principle, especially in making criminal legislation so that it prioritizes other means of criminal law in efforts to overcome, resolve, prevent problems/conflicts in society, both non-legal means, as well as law (which is not criminal law). Resolving problems with criminal law must be the last alternative or ultimate weapon after other means have proven incapable or ineffective in dealing with them.³⁶ As a legal principle, for example the obligation to perform *ultimum The remedy* is regulated in a law and there are implications and legal consequences. So that in optimizing the application of criminal law as *an ultimum remedy* should have started to be implemented since the legislation process, so that problems in criminal law and the criminal justice system can be overcome.

restorative justice approach to certain crimes with imprisonment for under five years is an idea or idea of expansion in the application of restorative justice, in which restorative justice has been successfully applied to juvenile crimes and minor crimes in Indonesia. The author gives the idea of applying restorative justice to certain crimes with threats of under five years. These crimes are general crimes that are included in the Criminal Code, such as: Theft, Misdemeanor Theft, Humiliation, Mild Contempt, Embezzlement, Misdemeanor, Fraud, Minor Fraud and Defamation.

If the victim wants to get his property, the victim must take civil law by filing a lawsuit against the perpetrator. Even that doesn't necessarily work. Criminalization or law enforcement against perpetrators of criminal acts of fraud and embezzlement do not achieve what is the objective of punishment and do not even succeed in achieving the objectives of the criminal law itself.³⁷ What victims want to achieve in modern society is not much different. In the case of property crimes where the loss suffered is material, then the compensation in question is the

³⁵ Gandjar L. Bondan, *Reparasi dan Kompensasi Korban dalam Keadilan Restoratif*, (Jakarta: Kerjasama antara Lembaga Perlindungan Saksi dan Korban dengan Departemen kriminologi FISIP UI, 2011), 77.

³⁶ Topo Santoso, *Hukum Pidana Suatu Pengantar*, (Depok: Rajawali Press, 2020), 126.

³⁷ Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan dan Pedoman Pemidanaan dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana", *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 220.

return of the victim's lost belongings. For the victim, it is not important whether the perpetrator is imprisoned or not.³⁸

The reason the writer chooses certain crimes with imprisonment for under five years is because these crimes are relatively not serious and are not *serious crimes/extraordinary crimes*. Restorative justice for crimes with imprisonment under five years can suppress and reduce *overcapacity* and *overcrowding* in Correctional Institutions. The legal basis for the idea of applying restorative justice to certain crimes with a penalty of imprisonment for under five years is the Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative justice in Article 5 paragraph (1) letter b Criminal cases can be closed for the sake of law and terminated the prosecution is based on restorative justice in the event that the following conditions are met: b. criminal acts are only punishable by fines or threatened with imprisonment of not more than 5 (five) years. Furthermore, based on the Criminal Code which was just ratified in 2023 in Article 70 paragraph (2) it implies that if a crime is punishable by imprisonment for under five years, then as far as possible imprisonment is not imposed.

restorative justice approach to crimes with threats under five years has been implemented in several countries which can be used as a reference, as follows:

1. Restorative justice in Austria

Article 90g of the Austrian Criminal Procedure Code states that: “the Public Prosecutor can divert a penal case from the courts if the suspect is willing to acknowledge the deed and prepared to deal with its causes, if the suspect is prepared to undertake restitution for the possible consequences of the deed in a suitable manner, in particular by providing compensation for damage caused or otherwise contributing to reparation for the consequences of the deed, and if the suspect consents to undertake any necessary obligations which indicate a willingness to refrain in future from the type of behavior which had led to the deed.”

Based on the provisions of this article, the public prosecutor can divert a criminal case from the court if:

- 1) The defendant wants to admit his actions;
 - 2) The defendant is ready to make compensation, especially compensation for losses incurred;
- or

³⁸ Erdianto Effendi, *Op.Cit.*, 625.

- 3) The accused is ready to make other contributions to remedy the consequences of his actions;
And
- 4) The defendant agreed to carry out all the necessary obligations to show his willingness not to repeat his crime.

Initially, penal mediation was shown for juvenile criminal cases only, but in its development, penal mediation is also possible for adults. This law determines the qualifications of criminal offenses that can be used as a mediation penal in their settlement, namely imprisonment for not more than 5 years for adults and 10 years for children.³⁹

2. Restorative justice in Belgium

In 1994 in Belgium enacted “the Act on Penal Mediation” which is also accompanied by guidelines, namely: the *Guideline on Penal Mediation*. Then the penal mediation has been included in the Belgian Criminal Procedure Code, namely Penal 216 ter *Code of Criminal Procedure* (10.02.1994). Furthermore, in *the Act on Penal Mediation*, the public prosecutor is given wider freedom to prioritize the interests of the victim. If the perpetrator of a crime has promised to provide compensation or has provided compensation to the victim, then the case may not be forwarded to the prosecution or the public prosecutor may not forward the case to court. The authority of the public prosecutor not to continue the prosecution because of the payment of compensation is only for offenses which carry a maximum of 5 years in prison.⁴⁰

3. Restorative justice in Poland

Penal mediation was introduced in Poland in 1995, in the form of an experimental mediation program between perpetrators and victims of criminal acts among adolescents. In 2003, the criminal law regulations in Poland were amended to support a penal mediation process or mechanism. Specific provisions regarding penal mediation are contained in the general section of the Polish *Code of Criminal Procedure*, namely *Article 23a CCP*, and the *Regulation of the Minister of Justice of 13 June 2003 concerning " Mediation proceedings in criminal matters."*

Furthermore, based on the Polish *Code of Criminal Procedure* in article 320, the mediator makes contact with the parties, arranges a meeting of the parties, helps formulate the agreement material and oversees the fulfillment of obligations arising from the agreement. The

³⁹ Lilik Mulyadi, *Mediasi Penal Dalam Sistem Peradilan Pidana Indonesia*, (Bandung: PT Alumni, 2015), 70-71.

⁴⁰ Barda Nawawi Arief, “Mediasi Penal: Penyelesaian Perkara Pidana di Luar Pengadilan” *dalam makalah*: <http://bardanawawi.wordpress.com/2009/12/27/mediation-penal-settlement-perkara-pidana-di-out-court>, diakses pada 30 November 13.00 WIB, 23.

mediator then reports all of this to the court/prosecutor. The positive outcome of the mediation is a reason not to proceed with the criminal proceedings. Mediation can be applied to all crimes with a maximum sentence of less than 5 years in prison. Even violent crimes *can* also be mediated.⁴¹

The concept of renewing criminal law is by applying restorative justice to certain crimes with a prison sentence of under five years. The application of restorative justice to crimes with imprisonment for under five years is based on the need for clear boundaries and conditions as well as the understanding of law enforcement officials in what crimes can be carried out restorative justice. So as to create legal certainty in the application of a restorative justice *approach*. By updating the Criminal Code and the Criminal Procedure Code

At present the new Criminal Code which has been ratified in 2023 contains the spirit and values of restorative justice both in the form of changes in the paradigm of punishment, objectives and guidelines for sentencing and considerations required in sentencing. Meanwhile, the substance in the newly passed Criminal Code contains a slice of the concept of restorative justice which is based on the following criteria:⁴²

1. Beginning with the arrangement of local wisdom or the application of living law in society (*living law*).
2. Paradigmatic changes regarding the concept of punishment which began to shift from the concept of retributive (absolute) retribution which tries as much as possible to provide a deterrent effect with harsh punishments to change into the concept of *verbeterings/rehabilitation* with a focus on improving the perpetrators to be able to integrate with society.
3. Social work punishment can be applied to a defendant who commits a crime which is punishable by imprisonment of less than 5 (five) years and the judge imposes a maximum imprisonment of 6 (six) months or a certain amount of fine. Social work punishment is imposed for a minimum of 8 (eight) hours and a maximum of 240 (two hundred and forty) hours.
4. Strengthening the *judicial pardon mechanism* which is conceptually directed at granting authority to judges to grant pardons or pardons to people who commit crimes.

⁴¹ *Ibid*, 29.

⁴² <https://nasional.kompas.com/read/2021/11/01/06000061/restorative-justice-dan-reformasi-kuhp> , diakses pada 1 Januari 2023, 09.00 WIB.

However, the existence of restorative justice has not been explained explicitly, so there is a need for renewal in the Criminal Code with conditions for crimes with a prison sentence of under five years to be resolved through restorative justice, with the consideration that the perpetrator is not a recidivist, there is no rejection and causes unrest in society and other conditions as much as possible resolved through restorative justice. In updating the Criminal Code, it should also include the settlement through restorative justice as the reason for abolishing crimes, this is to avoid someone being prosecuted and tried twice before the law. Furthermore, in the Criminal Procedure Code is how the mechanism of restorative justice in the criminal justice system, where restorative justice complements or complements the existing criminal justice system, starting from pre- adjudication, adjudication to post- adjudication. Restorative justice starts from the investigation and investigation stages at the Police, the prosecution stage at the Attorney General's Office and the trial stage, up to the Penitentiary. implementation restorative justice by bringing together perpetrators, victims, families of perpetrators/victims, communities and related parties to find the best settlement and agreement.

With clear boundaries, terms and categories related to what crimes can be resolved through restorative justice. The implementation of restorative justice can be initiated both from Law Enforcement Officials and from perpetrators/victims without any coercion or pressure. It is carried out in stages starting from the Police as the *entry point* for criminal justice, the Prosecutor's Office, the Courts to the Penitentiary. So that restorative justice can be carried out properly and integrated so as to create an integrated criminal justice system. This of course needs to be supported by the existence of advanced regulations up to technical guidelines, the need for education and training of law enforcement officials so that law enforcement officials can act as facilitators and mediators, there are parties who oversee the implementation of restorative justice.

Supervision in the implementation of restorative justice is needed so that restorative justice is in line with its basic values, namely the restoration of victims, as well as restoring public confidence in law enforcement so that the law is not sharp downwards and blunt upwards and does not create a "legal industry/law exchange" which can tarnish the concept and the value of restorative justice. Then apply the restorative justice approach which is based on the quality of the application and is not oriented towards the quantity of cases that can be resolved. Restorative justice must be viewed more broadly, not just ending cases, but restoring balance and repairing the relationship between perpetrators, victims and society.

CONCLUSION

restorative justice approach to certain criminal acts with the threat of imprisonment for under five years finds a foothold in the basic philosophy of Pancasila, which is in accordance with the value of the 4th precept of Pancasila "Deliberation to Reach Consensus". The application of the restorative justice approach in Indonesia can be implemented at every stage in the criminal justice system. Currently, restorative justice has been regulated in various internal regulations/policies in both the Police, the Attorney General's Office and the Courts. However, restorative justice arrangements are only regulated in regulations at the internal level of institutions that are specific and partial.

The concept of renewing criminal law to place restorative justice as *the ultimum remedium* in certain crimes with the threat of imprisonment under five years, namely by restoring justice which does not promote retaliation and imposing prison sentences on the perpetrators. However, it encourages direct participation between perpetrators, victims and the community to reach a fair and balanced agreement. The concept of restorative justice can be applied to crimes punishable by imprisonment under five years, such as theft, petty theft, humiliation, mild insult, embezzlement, light embezzlement, and defamation. The idea of applying a restorative justice *approach* is that there is one overall rule that can become a reference and basis for various subsystems of criminal justice so that there are the same terms, limitations and categories between law enforcement officials.

BIBLIOGRAPHY

- Aertsen, Ivo, et.all, "Restorative Justice and the Active Victim: Exploring the Concept of Empowerment". *Journal TEMIDA* 18, no. 2 (2011).
- Arief, Barda Nawawi. "Isu-isu Reformasi Hukum Pidana dan Kebijakan Delik Aduan". *Makalah Lokakarya Hukum Pidana DPR-RI* 29 June 1993.
- Arief, Barda Nawawi. "Mediasi Penal: Penyelesaian Perkara Pidana di Luar Pengadilan". *Dalam makalah:* <http://bardanawawi.wordpress.com/2009/12/27/mediation-penal-settlement-perkara-pidana-di-out-court>, diakses pada 30 November 13.00 WIB, 23.

- Bondan, Gandjar L. *Reparasi dan Kompensasi Korban dalam Keadilan Restoratif*. Jakarta: Kerjasama antara Lembaga Perlindungan Saksi dan Korban dengan Departemen kriminologi FISIP UI, 2011.
- Direktorat Jenderal Pemasyarakatan, Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, <https://databoks.katadata.co.id/datapublish/2021/09/13/virtual-all-lapas-di-indonesia-kelebihan-kapasitas> , diakses pada 2 Februari 2023 At 12.00 WIB.
- Direktorat Jenderal Pemasyarakatan, Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, <https://databoks.katadata.co.id/datapublish/2022/09/23/penghuni-lapas-dan-rutan-kelebihan-kapasitas-109-pada-september-2022> , diakses pada 2 Februari 2023 at 12.15 WIB.
- Effendi, Erdianto. “Relasi Tindak Pidana Korupsi dengan Negara Kesejahteraan”. *Melayunesia Law* 3, no. 2 (Desember 2019).
- Firmanda, Hengki. “Nilai-Nilai Pancasila Sebagai Pedoman Kebijakan dan Tindakan Bagi Penyelenggara Negara Dalam Wujud Kontrak Sosial Bernegara”. *Jurnal Ilmu Hukum Fakultas Hukum Universitas Riau* 9, no. 1 (February 2020).
- Flora, Henny Saida. “Pendekatan Restorative Justice Dalam Penyelesaian Perkara Pidana Dalam Sistem Peradilan Pidana Di Indonesia”. *Jurnal Law Pro Justitia* 2, no. 2 (Juni 2017).
- <http://nasional.sindonews.com/read/944402/13/menkumham-curhat-LOT-lapas-ove-r-kakapasi-1420005464> , Diakses pada 23 Februari 2023 at 11.00 WIB.
- <https://nasional.kompas.com/read/2021/11/01/06000061/restorative-justice-dan-reformasi-kuhp> , diakses pada 1 Januari 2023, 09.00 WIB.
- [https://nasional.kompas.com/read/2022/02/15/12443411/restorative-justice-pengertian-dan-penerapannya-dalam- Hukum-di-indonesia](https://nasional.kompas.com/read/2022/02/15/12443411/restorative-justice-pengertian-dan-penerapannya-dalam-Hukum-di-indonesia) / accessed, date, 18 December 2022 at 16.00 WIB.
- <https://news.detik.com/berita/d-1244955/mencuri-3-buah-kakao-nenek-minah-dihukum-1-bulan-15-hari>, diakess, tanggal, 24 Juli 2022 Pukul 12.55 WIB.
- <https://News.Detik.Com/Berita/D-1501774/Dituduh-Mencuri-Piring-Nenek-Rasminah-Dituntut-5-Bulan-Penjara>, diakess, tanggal, 24 Juli 2022 Pukul 12.57 WIB.
- <https://news.detik.com/berita/d-5953062/guru-besar-usu-prof-henuk-divonis-3-bulan-bui-kasus-penghinaan>, diakses, tanggal, 28 Agustus 2022 Pukul 17.00 WIB.

Institute for Criminal Justice Reform. *Peluang dan Tantangan Penerapan restorative justice dalam Sistem Peradilan Pidana di Indonesia*. Jakarta: ICJR, 2022.

Irmawanti, Noveria Devy and Barda Nawawi Arief. “Urgensi Tujuan dan Pedoman Pemidanaan dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana”. *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021).

Jaya, Surya. “Keadilan Restoratif, Tuntutan dan Kebutuhan dalam Sistem Peradilan Pidana di Indonesia”. *Makalah disampaikan pada Seminar Nasional “Peran Hakim dalam Meningkatkan Profesionalisme Menuju Paradigma Hebat”* 25 April 2012.

Lev, Daniel S. *Hukum dan Politik di Indonesia (Kesinambungan dan Perubahan)*. Jakarta: LP3ES, 2014.

Marmusudjono, Sukarton. *Penegakan Hukum di Negara Pancasila*. Jakarta: Pustaka Kartini, 1989.

Mulyadi, Lilik. *Mediasi Penal Dalam Sistem Peradilan Pidana Indonesia*. Bandung: PT Alumni, 2015.

Pandji Setijo. *Pendidikan Pancasila: Perspektif Sejarah Perjuangan Bangsa*. Jakarta: Grasindo, 2010.

Prayitno, Kuart Puji. “Restorative Justice untuk Keadilan di Indonesia (Perspektif Yuridis Filosofis dalam Penegakan Hukum)”. *Jurnal Dinamika Hukum* 12, no. 3 (September 2012).

Priyatno, Strong Puji. “Pancasila Sebagai Bintang Pemandu (Leitstern) dalam Pembinaan Lembaga dan Pranata Hukum di Indonesia”. *jurnal Media Hukum* 14, no. 3 (2005).

Purba, Jonlar *Penegakan Hukum Tindak Pidana Ringan dengan Restorative Justice*. Jakarta: Jala Permata Aksara, 2017.

Rahmawati, Nur Ainiyah. “Hukum Pidana Indonesia: Ultimum Remedium Atau Primum Remedium”. *Jurnal Recidive* 2, no. 1 (2013).

Reksodiputro, Mardjono. *Hak Asasi Manusia dalam Sistem Peradilan Pidana*. Jakarta: Pusat Layanan Keadilan dan Layanan Hukum UI, 1994.

Santoso, Topo. *Hukum Pidana Suatu Pengantar*. Depok: Rajawali Press, 2020.

Subakti, Natangsa. *Peradilan Restoratif dalam Bingkai Empiris, Teori, dan Kebijakan*. Yogyakarta: Genta Publishing, 2014.

- Suhartyo. *Argumentasi Pembalikan Beban Pembuktian sebagai Metode Prioritas dalam Pemberantasan Tindak Pidana Korupsi dan Tindak Pidana Pencucian Uang*. Depok: Rajawali Press, 2019.
- Syaufi, Ahmad. *Konstruksi Model Penyelesaian Perkara Pidana yang Berorientasi pada Keadilan Restoratif*. Yogyakarta: Samudra Biru, 2020.
- UNDP Indonesia. “Pedoman Peradilan Adat di Aceh dalam Memberikan Keadilan bagi Perempuan dan Kaum Marjinal”. *Annual International Conference on Islamic Studies (AICIS X II)* Surabaya 5-8 November 2012.
- Zulfa, Eva Achjani. *Pergeseran Paradigma Pidanaaan*. Bandung: Lubuk Agung, 2011.