

Penerapan Restorative Justice Berdasarkan Peraturan Jaksa Agung Nomor 15 Tahun 2020 Tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif (Studi Di Kejaksaan Negeri Medan) =
Implementing Restorative Justice Based on the Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice (Study at the Medan District Attorney)

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Abstrak

Penerapan restorative justice di lingkup penuntutan melalui Perja 15/2020 merupakan aturan hukum baru dibandingkan di tingkat penyelidikan, penyidikan dan pengadilan. Statusnya yang masih baru menjadikan peraturan ini sebagai sebuah tantangan tersendiri bagi jaksa untuk menerapkannya dalam rangka restorative justice, termasuk bagi para jaksa di Kejari Medan yang sejak dikeluarkannya Perja tersebut baru menerapkan restorative justice pada 15 April 2021. Penelitian ini bermaksud menelaah tiga hal; pertama, penerapan restorative justice di Kejari Medan berdasarkan Perja 15/2020; kedua, kendala-kendala yang dihadapi Kejari Medan dalam menerapkan restorative justice; dan ketiga, pelaksanaan ideal restorative justice di masa yang akan datang. Jenis penelitian ini ialah penelitian yuridis normatif dengan pendekatan konseptual dan perundang-undangan. Jenis data yang digunakan merupakan data sekunder yang didukung dengan data primer berupa wawancara dan pengisian kuesioner yang diolah serta dianalisis secara deskriptif-kualitatif. Hasil penelitian menunjukkan bahwa; pertama, penerapan restorative justice di Kejari Medan berdasarkan Perja 15/2020 belum dapat berjalan maksimal, terbukti sampai saat ini baru satu kasus yang dapat diselesaikan menggunakan mekanisme tersebut, yaitu kasus tindak pidana penganiayaan dengan tersangka Hengky dan korban Nilawati pada bulan April di tahun 2021; kedua, adapun kendala-kendala yang dihadapi Kejari Medan dalam menerapkan restorative justice dilandasi atas permasalahan pengaturan yang masih dianggap sangat umum dan tidak mengatur teknis pelaksanaan sehingga menimbulkan kebingungan bagi jaksa pelaksana, struktur pelaksana yang masih belum sepenuhnya siap melaksanakan restorative justice, fasilitas dan sarana penunjang pelaksanaan yang masih minim, serta partisipasi dan budaya hukum masyarakat sekaligus juga dari internal jaksa sendiri yang masih belum sepenuhnya menerima penyelesaian restorative justice; dan ketiga, konsep ideal penerapan restorative justice di masa yang akan datang didasarkan pada semangat penguatan sinkronisasi sub-sistem dalam paradigma SPPT yang diejawantahkan melalui pengaturan ketentuan restorative justice yang seragam.

.....The application of restorative justice in the scope of prosecution through the Attorney General's Regulation 15/2020 is a new legal rule compared to the level of investigation, investigation, and court. However, due to its new status, it is actually a challenge and obstacle for prosecutors in implementing these regulations in the context of restorative justice, including for the Medan District Attorney, which since the issuance of the Regulation has only implemented restorative justice on April 15, 2021. This study intends to answer three questions, that is; first, the application of restorative justice at the Medan District Attorney based on the Attorney General's Regulation 15/2020; second, the obstacles faced by the Medan District Attorney in implementing restorative justice; and third, the implementation of the ideal restorative justice in the future. This type of research is normative juridical research with a conceptual approach and legislation.

The type of data used is secondary data which is supported by primary data in the form of interviews and filling out questionnaires which are processed and analyzed descriptively-qualitatively. The results showed that; first, the application of restorative justice at the Medan District Attorney based on the Attorney General's Regulation 15/2020 has not been able to run optimally, it is proven that so far only one case can be resolved using this mechanism, namely the case of a criminal act of persecution with the suspect Hengky and the victim Nilawati in April in 2021; second, the obstacles faced by the Medan District Attorney in implementing restorative justice are based on regulatory issues which are still considered very general and do not regulate the technical implementation, causing confusion for the implementing prosecutor, the implementing structure which is still not fully ready to carry out restorative justice, facilities and supporting facilities. implementation is still minimal, as well as participation and legal culture of the community as well as from the internal prosecutors themselves who still have not fully accepted the restorative justice settlement; and third, the ideal concept of implementing restorative justice in the future is based on the spirit of strengthening sub-system synchronization in the Integrated Criminal Justice System paradigm which is embodied through the regulation of uniform restorative justice provisions.