

ABSTRAK

FORMULASI *INTEGRATED RESTORATIVE JUSTICE SYSTEM* DALAM PENEGAKAN HUKUM PIDANA DI INDONESIA

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Isu hukum yang melatarbelakangi penelitian ini adalah terkait formulasi penegakan hukum pidana di Indonesia melalui pendekatan *restorative justice* yang masih bersifat parsial/sektoral oleh masing-masing instansi penegak hukum, sangat bersifat subjektif dan tidak terkontrol, sehingga tidak dapat mencapai tujuan dari penyelesaian tindak pidana secara *restorative justice*. Penelitian ini bertujuan untuk menganalisis penerapan *restorative justice system* di Indonesia saat ini termasuk menganalisa pengaturan *restorative justice* dalam KUHP Nasional dan KUHP baru, urgensi adanya formulasi *restorative justice* yang terintegrasi dan menemukan formulasi *integrated restorative justice system*.

Spesifikasi penelitian disertasi ini adalah penelitian hukum normatif/doktrinal dengan pendekatan perundang-undangan (*statute approach*), pendekatan kasus (*case approach*), pendekatan perbandingan (*comparative approach*) dan pendekatan konsep (*conceptual approach*). Bahan hukum/data diolah dan dianalisis secara kualitatif, kemudian dilakukan pembahasan, pemeriksaan dan pengelompokan ke dalam bagian-bagian tertentu untuk diolah menjadi data informasi.

Hasil penelitian menunjukkan bahwa *integrated restorative justice system* dapat memberikan manfaat yang sangat luas bagi penegakan hukum pidana di Indonesia, selain untuk menjamin kepastian hukum, juga dapat meningkatkan keadilan dan kepercayaan masyarakat, mengurangi beban tahanan, memberikan kesempatan yang luas untuk para korban dalam memulihkan kembali keadaannya dan memperoleh ganti kerugian. Selama ini penerapan *restorative justice* dilaksanakan secara parsial oleh masing-masing instansi. Oleh karena itu, sangat dibutuhkan payung hukum dalam bentuk peraturan perundang-undangan dan Peraturan Pemerintah. Hal-hal yang perlu diformulasikan adalah seperti kriteria tindak pidana yang dapat dilakukan *restorative justice*, batasan ganti kerugian bagi korban, masa waktu pelaksanaan *restorative justice*, kualifikasi dan pelatihan mediator dalam melaksanakan *restorative justice*, pengecualian pelaksanaan *restorative justice*, hukum acara pelaksanaan *restorative justice*, dan adanya database yang terintegrasi satu sama lain diantara instansi penegak hukum terkait pelaksanaan *restorative justice* serta pengawasan terhadap pelaksanaan *restorative justice* disetiap tingkat pemeriksaan.

Kata kunci: Formulasi, *integrated restorative justice system*, penegakan hukum pidana.

ABSTRACT**FORMULATION OF INTEGRATED RESTORATIVE
JUSTICE SYSTEM IN ENFORCEMENT
INDONESIAN CRIMINAL LAW****By****Zoya Haspita**

The legal issues underlying this research are related to the formulation of criminal law enforcement in Indonesia through a restorative justice approach which is still partial/sectoral by each law enforcement agency, very subjective and uncontrolled so it cannot achieve the goal of resolving criminal acts through restorative justice. This research aims to analyze the current implementation of the restorative justice system in Indonesia, including analyzing the restorative justice regulations in the National Criminal Code and the new Criminal Procedure Code, the urgency of an integrated restorative justice formulation and finding an integrated restorative justice system formulation.

The specification of this dissertation research is normative/doctrinal legal research with a statute approach, case approach, comparative approach and conceptual approach. Legal materials/data are processed and analyzed qualitatively, then discussed, examined and grouped into certain parts to be processed into information data.

The results of the study indicate that an integrated restorative justice system can provide extensive benefits for criminal law enforcement in Indonesia. In addition to ensuring legal certainty, it can also increase justice and public trust, reduce the burden on prisoners, provide ample opportunities for victims to recover and obtain compensation. So far, the implementation of restorative justice has been carried out partially by each agency. Therefore, a legal umbrella in the form of laws and government regulations is urgently needed. Things that need to be formulated include the criteria for crimes that can be subject to restorative justice, limits on compensation for victims, the time period for implementing restorative justice, qualifications and training of mediators in implementing restorative justice, exceptions to the implementation of restorative justice, procedural law for implementing restorative justice, and the existence of an integrated database between law enforcement agencies related to the implementation of restorative justice as well as supervision of the implementation of restorative justice at every level of examination

Key words: formulation, integrated restorative justice system, criminal law enforcement