

ABSTRAK

Konsep *restorative justice* dikenal sebagai suatu pembaharuan hukum dari penyelesaian hukum pidana. Penyelesaian suatu perkara diluar pengadilan melalui *restorative justice* merupakan hal yang perlu dikaji lebih dalam dari segi aspek teoritis maupun dalam implementasinya. Dalam pelaksanaannya diperlukan kajian yang lebih spesifik mengenai *restorative justice* terhadap tindak pidana penadahan agar tidak adanya pertentangan antara kepastian hukum dan keadilan. Adapun rumusan masalah dalam penelitian ini adalah : 1). Bagaimana peraturan *restorative justice* dalam tindak pidana penadahan di Kejaksaan Republik Indonesia? 2). Bagaimana penerapan *restorative justice* dalam tindak pidana penadahan sebagai pembaharuan hukum pidana di Indonesia? 3). Bagaimana upaya yang dapat dilakukan oleh Kejaksaan dalam melaksanakan *restorative justice* terhadap perkara tindak pidana penadahan di Kejaksaan Negeri Bandung?

Penelitian ini menggunakan metode yuridis normatif dengan spesifikasi deskriptif analitis, yakni menggambarkan dan menganalisis peraturan perundang-undangan yang berlaku terkait permasalahan hukum yang diteliti, termasuk teori hukum dan praktik pelaksanaan hukum positif. Pendekatan yang diterapkan adalah yuridis-normatif dengan fokus kajian mendalam pada Peraturan Kejaksaan Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif serta ketentuan relevan lainnya. Data dikumpulkan melalui studi kepustakaan dan diperkuat dengan observasi lapangan serta wawancara di Kejaksaan Negeri Bandung, kemudian dianalisis secara kualitatif yuridis.

Kesimpulan *Restorative justice* merupakan pendekatan alternatif dalam penyelesaian perkara pidana yang menitikberatkan pada pemulihan hubungan antara pelaku, korban, dan masyarakat melalui dialog dan mediasi. Di Indonesia, penerapan *restorative justice* diatur dalam Pasal 4, Pasal 5 dan Pasal 6 Peraturan Kejaksaan Nomor 15 Tahun 2020 dan Surat Edaran Jaksa Agung No. 01/E/EJP/02/2022. Pendekatan ini bertujuan menciptakan keadilan yang adil dan seimbang serta mengembalikan keadaan sosial seperti semula. Meskipun demikian, pelaksanaan di lapangan masih memerlukan penguatan mekanisme dan sosialisasi agar dapat berjalan optimal dan memberikan manfaat maksimal bagi semua pihak terkait.

Kata Kunci: *Restorative Justice*, Penadahan, Kejaksaan, Pembaharuan Sistem Pidana

ABSTRACT

The concept of restorative justice is known as a legal reform of criminal justice. The settlement of a case outside of court through restorative justice is something that needs to be studied more deeply, both in terms of theory and implementation. In its implementation, a more specific study of restorative justice for the crime of receiving stolen goods is needed so that there is no conflict between legal certainty and justice. The research questions in this study are: 1). How are restorative justice regulations applied in criminal acts of receiving stolen goods in the Attorney General's Office of the Republic of Indonesia? 2). How is restorative justice applied in criminal acts of receiving stolen goods as a reform of criminal law in Indonesia? 3). What efforts can be made by the Attorney General's Office in implementing restorative justice in cases of criminal acts of receiving stolen goods in the Bandung District Attorney's Office?

This study uses a normative juridical method with descriptive analytical specifications, namely describing and analyzing the applicable laws and regulations related to the legal issues being studied, including legal theory and the practice of positive law. The approach applied is normative-juridical with an in-depth focus on Attorney General Regulation No. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice and other relevant provisions. Data was collected through literature study and reinforced by field observations and interviews at the Bandung District Attorney's Office, then analyzed qualitatively and juridically.

Conclusion Restorative justice is an alternative approach to criminal case resolution that emphasizes the restoration of relationships between perpetrators, victims, and the community through dialogue and mediation. In Indonesia, the application of restorative justice is regulated in Articles 4, 5, and 6 of Attorney General Regulation No. 15 of 2020 and Attorney General Circular Letter No. 01/E/EJP/02/2022. This approach aims to create fair and balanced justice and restore the social situation to its original state. However, its implementation in the field still requires strengthening of mechanisms and socialization so that it can run optimally and provide maximum benefits for all parties involved.

Keywords: Restorative Justice, Receiving Stolen Goods, Attorney General, Criminal Law Reform