

Legal Analysis of the Implementation of *Restorative Justice System in Troso Village*

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Abstract

The community of Troso Village, Pecangaan District, Jepara Regency, is one of the Restorative Justice Villages in Jepara Province. The purpose of this community service activity is to provide assistance to the restorative justice system to the people of Troso Village. The problem that occurs is the lack of knowledge and understanding of the people of Troso Village regarding restorative justice. The mentoring method is in the form of delivering material face-to-face accompanied by discussions and questions and answers. The result after participating in the mentoring is an increase in the knowledge and understanding of the village community regarding restorative justice. The assistance of the Troso Village community by the service team is the provision of direct consultation and assistance if the Troso Village residents are needed in resolving criminal cases in the village environment through restorative justice.

Keyword: Legal Analysis, Restorative justice, Troso Village.

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INTRODUCTION

Crime act is an inseparable part of human life in the world. All human activities, such as social, political, and economic activities can be the basis of crime (criminal acts). In all lines of life, criminal acts often occur, be it in the family, relatives, groups, the general public, government officials, nations, countries, and even international dimensions (transnational crime). The existence of criminal cases was born because there were criminal acts that were handled by law enforcement (Waluyo, 2017).

In criminal cases there are two concepts of crime, the first being that crime is understood as an offense against the state or public interest that is then presented by the democratic instruments of the state. Second, a crime is understood as a violation of the interests of a natural person and the interests of society, and the state, and in essence, also violating the interests of the perpetrator himself. The first concept is based on thinking which is based on the justice concept of retributive justice, and the second concept is the concept of restorative justice. In retributive justice the prosecution of criminal cases is carried out by the state, that is, through the person who has the position of prosecutor. The course of retributive justice refers to law

enforcement by criminal law laws drawn up by the state. The state punishes those who do wrong and releases those who are right. The goal of retributive justice is the rehabilitation of perpetrators of crimes for offenses against the state. The victims of crimes are positioned as witnesses who are one of the instruments of evidence of crimes in criminal justice trials. This has the potential to lead justice to corrupt and manipulative justice. Law It turns out that the law can then be used as a tool to punish or release people without the principle of conscience, but only based on the law.

In contrast to retributive justice, restorative justice rests on the human relationship between the victim and the perpetrator, as well as focusing on the impact that crime has on all parties. Not only on the victim but also on society and the offender (offender) himself. Therefore, in a conviction that rests on the justice perspective of restorative justice, four elements play a role, namely victims of crime, society, the state, and offenders (Sunarso, 2022).

This is in line with the statement of the Coordinating Minister for Political, Legal, and Security Affairs (Coordinating Minister for Political, Legal and Security Affairs), Mahfud MD, that the law must have a conscience because the law is not a tool to win the

competition (kompas.com, 2020). Law is a tool for achieving peace. The law should resolve every matter humanely, logically, and civilly. Not all cases need to be brought to court or the perpetrator must be sentenced to severe penalties. Crimes must be dealt with firmly, but minor offenses should be resolved properly without rigidity in the name of the law. The position of the victim must also be protected and obtain fair rights as appropriate.

The rules regarding restorative justice in Indonesia are contained in the regulation Prosecutor of the Attorney General of the Republic of Indonesia number 15 of 2020 concerning the termination of prosecution based on restorative justice. Since the enactment of the regulation until early 2022, the Indonesian Prosecutor's Office has resolved 821 cases throughout Indonesia through restorative justice. To campaign for restorative justice, the Attorney General's office then launched Kampung Restorative Justice simultaneously in nine regions of the high prosecutor's office and 30 regions of the state prosecutor's office throughout Indonesia. The presence of Kampung Restorative Justice is a breakthrough from the Adhiyaksa Corps as a place to solve criminal problems with minor losses that occur in the community. Settlement of criminal cases in Kampung Restorative Justice will be able to explore local wisdom to implement the values that live in the community such as prioritizing deliberation and consensus and prioritizing family values. This, of course, opens the hope of creating harmony and peace in society (Liputan 6, 2022).

The establishment of Kampung Restorative Justice for the first time in Central Java province is located in Jepara Regency, precisely in Troso Village. This village is one of the villages located in the Pecangaan District as well as the capital of the district. The total area of the village is 127.24 km² and is bisected by the Batang Tembesi River which originates from Mount Masurai. The total population in 2022 is ±1,084 people. Mata The livelihood of the people of Troso Village is mostly from rubber and oil palm plantations. Troso Village officially bears the status of a Restorative Justice village on February 23, 2022. The inauguration was determined by the head of the High Prosecutor's Office (Kejati) of Jepara, Sapta Subrata, at the Troso Village Traditional Hall. Troso village was chosen by the Jepara Prosecutor's Office because of its harmonious community life. Always be consistent in upholding customs so that problems that arise in the village environment can be resolved by citizens well.

As a pilot village of Kampung Restorative Justice in Jepara Regency, Troso village became a reference for other villages in the application of restorative justice. Based on this, the people of Troso village should know the meaning of restorative justice, understand it, and even be able to apply it. This is crucial considering the status of Troso village has become a

village of Restorative Justice. However, when the Community Service Team Community Service Team (PKM) made initial observations in the form of short interviews with several residents of Troso village, it turned out that the majority of residents did not understand what was meant by restorative justice, and how to apply it. Therefore, this mentoring activity is very important because it aims to provide knowledge, understanding, and ability to the people of Troso village in terms of applying for restorative justice when needed when solving a criminal case in the village environment.

Main Problem

The Author Conducted research in the form of community service regarding the implementation of Restorative Justice in Troso Village, located in Jepara Regency, Central Java, Indonesia. This village is one of the villages located in the Pecangaan District as well as the capital of the district. The total area of the village is 127.24 km², and is bisected by the Batang Tembesi River which originates from Mount Masurai. The total population in 2022 is ±1,084 people. Mata The livelihood of the people of Troso Village is mostly from rubber and oil palm plantations. Troso Village officially bears the status of a Restorative Justice village on February 23, 2022. The inauguration was determined by the head of the High Prosecutor's Office (Kejati) of Jepara, Sapta Subrata, at the Troso Village Traditional Hall. Troso village was chosen by the Jepara Prosecutor's Office because of its harmonious community life. Always Always be consistent in upholding customs so that problems that arise in the village environment can be resolved by citizens well.

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RESEARCH METHODS

This community service program (PKM) activity was carried out in the community Desa of Troso Village, Pecangaan District, Jepara Regency. The Distance from the Team's University that is PGRI University of Semarang to Troso is 82.8 km with a travel time of approximately 1.5 hours by land which would

make it sufficient for thorough monitoring of the implementation of the Restorative justice system that was carried out for forty-five days, from July 11 to

August 25, 2022, in Troso Village, Pecangaan District, Jepara Regency. Participants in this activity amounted to 59 people with the status as shown in Table 1.

Chart 1: PKM participant Status

No	Status	Number
1.	Village Head	1 Person
2.	Village secretary	1 Person
3.	The Church of 14.	1 Person
4.	Head of customs	1 Person
5.	Members of indigenous institutions	2 Person
6.	PPMD (empowerment and community business development to build villages)	1 Person
7.	BPD members	3 Person
8.	Family	7 Person
9.	Farmers	5 Person
10.	Self-employed	16 Person
11.	Karang taruna desa (Village's Youth Association)	21 Person
Total participants		59 Person

The implementation of PKM activities is divided into three stages, namely the audience stage, the implementation stage, and the final stage as explained below:

- 1) In the audience stage, the PKM team visited Troso village for initial observation and licensing. The team then met with the head of the village and the head of the Troso village customary institution to apply for an Activity Permit. Furthermore, the team also conducted initial observations by interviewing several target audiences to find out the extent of their understanding of restorative justice.
- 2) In the implementation phase, the team prepared the restorative justice material to be delivered by the speaker. Then, the place and time of the activity are determined by agreement with the villagers. After that, proceed with the dissemination of activity invitations. The invitation was addressed to village government officials and sub-district government officials, traditional leaders, the general public, and village youth organizations without any specific criteria based on gender. The method of implementation of mentoring activities will be carried out classically, namely lectures by displaying power points using slide projector slides. The team then prepares presentation equipment that supports the activity, such as LCD, laptop, pointer, and mic. Apart from In addition, the team also prepared accommodation and consumption to facilitate PKM activities. At the beginning of the material, questions and answers about the material were investigated to determine the extent of the participants' understanding of restorative justice. During the team of speakers giving lectures, there is always feedback in the form of questions and answers from the participants so that the activity takes place dynamically and is easily understood. This

implementation activity was held at the Troso Village Traditional Hall. Restorative justice material presented contains the basic concepts, principles, objectives, legal basis, and scope of the implementation of restorative justice in the Supreme Court, as well as the terms of application of restorative justice. Then, also shown are examples of criminal cases that can be resolved or that have been resolved by way of restorative justice in Indonesia along with the settlement flow in the restorative justice system.

- 3) At the final stage of the activity, namely the evaluation stage, repeated points of restorative justice material through questions and answers to participants to find out how to improve participants' abilities related to restorative justice after participating in the socialization. Then, the PKM team also delivered a consultation and assistance program, further assistance program, if there was a case that was to be resolved through restorative justice in the Troso village environment. The PKM team is ready to assist the villagers if needed to help implement restorative justice.

RESEARCH RESULTS AND DISCUSSION

PKM activities System to assist the Restorative Justice system in the community Desa of Troso village carried out by the PKM lecturer team of the Faculty of Law of Upgris went smoothly. The people of Troso village as the target audience were welcomed with open arms and great enthusiasm by the PKM team. The people of Troso village generally know that Troso village has become a fostered village to go to restorative justice village which later when successful will get recognition from the local attorney general's office.

A. Submission of Materials

The PKM team found problems in the community of Troso village, namely the low knowledge

and understanding of restorative justice. When the team made initial observations by asking some questions to some random residents, the results showed that the majority of residents were still serving restorative justice. Actually, this is understandable because the background of citizens is not an expert in the field of law. In addition, the status of Kampung Restorative Justice has not been officially carried out by Troso village so there has not been a single criminal case that needs to be resolved by restorative justice. However, there needs to be a quick step that must be addressed by those who care to prepare the people of Troso village so that the people become more aware and understand or can even apply restorative justice when necessary when criminal cases occur in the environment village environment.

Therefore, the PKM team then carried out community assistance activities by means of face-to-face lectures accompanied by discussions and questions and answers involving participants related to restorative justice. The lecture method is delivered with a PowerPoint that is displayed through a slide projector so that it can better reach the audio-visual participants. The speaker team delivered the basic material about the terms and understanding of restorative justice. The speaker gave a restorative solution parable like repairing a leaky house by patching the leak without having to destroy the house. This means that if there is a case of crime, then the way to solve the case is to try to restore the original state as before the crime. Thus, participants more easily understand that restorative justice is a way to resolve crimes that is a more fair and balanced way to solve crimes in a balanced way and is able to restore good relationship patterns. Participants were also given an understanding of the principles of restorative justice, namely Justice, Public Interest, proportionality, criminal as a last resort, the principle of fast, simple, and low cost. Restorative justice also turned out to accommodate the customary law that applies to the local community because the settlement process of restorative justice prioritizes deliberation, consensus, and family deliberations involving important elements in the community, such as religious leaders, and Indigenous leaders. The next material is related to the legal basis for the implementation of restorative justice in Indonesia. There are several legal bases that guide the application of restorative justice. One of them, the prosecutor's Regulation Number 15 of 2020 concerns the termination of prosecution based on Restorative Justice. In the regulation, there are criteria for restorative justice, among others:

1. The first time the perpetrator has committed a crime.
2. Losses below IDR 2.5 million.
3. There is an agreement between the perpetrator and the victim.
4. Criminal acts are only punishable by a fine or are threatened with imprisonment of not more than 5 (five) years.

5. The suspect returned the goods obtained from committing the crime to the victim.
6. The suspect indemnifies the victim.
7. The suspect reimburses the costs incurred as a result of committing the criminal act and/or repairs the damage caused as a result of committing the criminal act.

Cases that can be resolved through restorative justice include child crime, drug addiction, accidents, bullying, brawls between citizens, theft, slander, fraud, and the seizure of property. Meanwhile, cases that cannot be resolved through restorative justice, include containing elements of SARA, hatred against groups or religions, racial or ethnic discrimination, the spread of false news, and criminal acts against state security, the dignity of the president and vice president, friendly countries, heads of friendly countries, and their representatives. The team of presenters conveyed that in essence, restorative justice is in line with the values of Pancasila. These values are mainly found in the second and fourth precepts of Pancasila. In the second precept, which is a just and civilized humanity, restorative justice means upholding human values, humanity, and human equality before the law. Meanwhile, the fourth precept reflects restorative justice, prioritizing deliberation and consensus, and prioritizing family values in solving problems.

Tim The speaker team then gave examples of cases that had occurred in Indonesia and were resolved through restorative justice. The case relates to theft and domestic violence. At the end of the material, participants were given examples of the flow of resolving cases through restorative justice. There are requirements that must be met, namely from victims, perpetrators, and criminal acts that are still in the investigation process. If these conditions are complete, then the category of cases can be submitted as a peace application to the Superior police investigator. The complainant and the reported Party are required to provide in writing an application for peace signed with a stamp, and then the administration of the settlement based justice on restorative justice is carried out according to the format established by the National Police Criminal Investigation.

B. Success of Activities

Broadly speaking, there are three components used to measure whether a Community Service Program is a success or not, namely:

- 1) The success of the number of participants activities.
- 2) The target Achievement of material targets that have been planned
- 3) The ability of participants in the mastery of the material.

In the target component, the number of participants was initially estimated at 30 villagers. However, at the time of the implementation of the

activity, it turned out that the number of participants who came was 59 people. Thus, the target audience exceeds 100%. This figure shows the success of the implementation of PKM activities when viewed from the number of participants present. The achievement component of the planned material targets is quite good because it is in accordance with the arrangement made by the PKM team. The material presented is: the assistance provided is:

- 1) Understanding of restorative justice, its principles and purposes.
- 2) Legal basis of restorative justice in Indonesia, criteria, and cases that can and cannot be resolved through restorative justice.
- 3) Examples of cases of restorative justice resolution.
- 4) Steps for solving cases through restorative justice.

Then, the component of the ability of the participants can be seen from the mastery of the material by the participants, and the results were still unsatisfactory. This is due to the limited time of Service and the lack of direct practice carried out in real terms by the people of Troso village in resolving cases through restorative justice. However, from the results of follow-up observations through discussions and questions and answers to the participants after the material delivery activity, there was a fairly good increase in understanding restorative justice when compared to before participating in the activity. Overall, the System Assistance activities, and Restorative Justice System assistance activities in the community of Troso Village, Pecangaan District, Jepara Jepara Regency can be said to be successful. This success in addition to the three components above, can also be seen from the satisfaction of participants after participating in mentoring activities. The benefits obtained by the participants are able to know and understand restorative justice quite well enough.

It is expected that the participants as the community of Troso Village will be able to contribute to the implementation of restorative justice whenever necessary when a case occurs in the village environment. Apart from that, the PKM team also provides consultation programs and further assistance programs if there are cases to be resolved in restorative justice in the Troso village environment. The PKM team is ready to assist the villagers if needed to help implement restorative justice.

CONCLUSIONS AND ADVICE

Community service in the form of the Implementation of Restorative Justice system assistance to the people of Troso Village, Pecangaan District, Jepara Jepara Regency is running successfully. This can be seen from the enthusiasm of the villagers in

participating in mentoring activities that exceed the target number of participants. During the activity, the participants actively participated in each session guided by the PKM team. Then, there was an increase in knowledge and understanding of the participants after following the delivery of material through the lecture method on restorative justice. It is hoped that this mentoring activity can continue in real form when a case occurs in the village environment that can be resolved through restorative justice. There is a need to be regular coaching from the prosecutor's office to the community of the Village regarding the implementation of Restorative Justice throughout Indonesia.

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