



Constitutional law implications of the implementation of attorney general regulation number 15 of 2020 for crime victims

Farida Tuharea^{1*}, Wahyudi BR², Andi Annisa Nurlia Mamonto³, Liani Sari⁴

^{1,2,3,4}Faculty of Law, Yapis Papua University, Indonesia. E-mail: idafaridatuharea@gmail.com

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ABSTRACT

This research aims to examine the effects of Attorney General's Regulation (PERJA) Number 15 of 2020 on Indonesian Constitutional Law, specifically examining victim rights and responsibilities and elements of legal certainty in relation to the Termination of Prosecution Based on Restorative Justice. Human rights, victim protection, and procedural justice are some of the Constitutional Law elements that are examined in this study. This study combines philosophical and analytical approaches to normative law with a critical and logical examination of applicable legal theory and police tactics. The relevant rules and statutes are described using analytical descriptive methodologies. Despite presenting obstacles to legal certainty owing to its flexible approach, the study findings demonstrate that the adoption of restorative justice via the Attorney General's Regulation has significantly increased victims' rights in the recovery and reconciliation process. To promote a shift in Indonesia's criminal justice system towards a greater emphasis on justice, victim healing, and societal interests, the Attorney General's Regulation seeks to strike a balance by outlining a clear framework.

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Corresponding Author:

Farida Tuharea,
Faculty of Law,
Yapis Papua University
Jln.Dr.Sam Ratulangi No.11 Kota Jayapura Indonesia
Email: idafaridatuharea@gmail.com

1. Introduction

In line with the state concepts outlined in the Constitution of 1945, the Republic of Indonesia, a Unitary State, is a legitimate state. To achieve legal certainty, the citizens of a state must adhere to a set of well-defined rules and regulations (Muhtar, Maranjaya, et al., 2023). As a cultural norm, law encourages society to reach certain goals and circumstances without denying the existence of the actual world. (Razak et al., 2023).

There have been a number of high-profile instances of lawbreaking at all societal levels as a result of reform calls (Dungga & Muhtar, 2022). A social order based on legal principles is what a civil law society strives to achieve (Moeljatno, 2002). The law does not exist in and of itself but rather as a mechanism for the accomplishment of other, more amorphous aims that emerge in response to forces external to the legal system. The law is dynamic because of factors that are not inside it. (Mertokusumo, 1999).

A feeling of social justice is sure to follow the establishment of a law capable of regulating social life. The evolution of society's perception of law also dictates a new course of action when discussing the evolution of justice. Obviously, it needs a significant function to attain justice that society actually feels. authorities in charge of law enforcement, namely the Public Prosecutor or Prosecutor. Law 16 of 2004, which establishes the Prosecutor's Office of the Republic of Indonesia, lays out the specific roles and responsibilities of the Public Prosecutor in enforcing Indonesian law and bringing about justice. Within the Prosecutor's Office, it is clearly stated that the Attorney General has the authority to dismiss cases in the benefit of the public. Based on the concept of opportunity, the case may be dismissed if the Attorney General determines that bringing the litigation against society or the state will result in greater damage. After further examination, it becomes clear that the power to oversee criminal cases has been granted to prosecutors in line with the principles of criminal procedural law outlined in Law Number 4 of 2004 concerning Judicial Power. One of these principles states that trials must be conducted in a timely, straightforward, inexpensive, and impartial manner, and that all levels of justice must adhere to these standards. By following these rules in order, the Prosecutor's Office may expedite the legal process and ensure that criminal matters are handled by the proper authorities in a timely manner.

Speedy completion of the court settlement procedure inevitably results in simple trials and minimal expenses. The lack of complexity in the procedure allows for the acquisition of this straightforward property. You will have a hard time achieving the concept of cheap costs due to the high expense of administering these cases, which are often created in multiple copies (MY Harahap, 2002).

Article 35 letter C of the Law clearly regulates the application of the principle of opportunity, which allows the public prosecutor to set aside cases where there is clear evidence for the public interest, allowing individuals to avoid prosecution for violating criminal law regulations. This power is exercised by the Attorney General. The Republic of Indonesia's Prosecutor's Office is governed by Law No. 16 of 2004 (TK Harahap et al., 2023). Article 140 paragraph (2) of the Criminal Procedure Code provides regulations for the termination of prosecution, which vary from those held by the Prosecutor or Public Prosecutor. These regulations confirm that: a) A decision letter must be sent by the Public Prosecutor if inadequate evidence is found, the occurrence does not constitute a criminal conduct, or the case is closed by law, causing the prosecution to cease, b) If the suspect is being held, he must be released promptly after being informed of the contents of the decision letter, 3) State detention centre authorities, investigators, judges, and the subject or his family or legal counsel shall be provided with the decree's derivative, 4) Additional grounds may be discovered at a later time, allowing the public prosecutor to pursue prosecution against the individual.

With the passing of Law No. 11 of 2012 on the Juvenile Criminal Justice System, Restorative Justice has been a part of Indonesia's criminal justice system since 2012 (Bakung et al., 2022). The concept of restorative justice has grown in Indonesian law enforcement, and it is now applied by the Indonesian Police through PERKAP No. 6 of 2019. This law states that cases cannot be continued in the investigation or inquiry process until the Prosecutor or Public Prosecutor receives the SPDP (notification letter for the start of an investigation) (Bakung et al., 2023).

The Attorney General's Regulation No. 15 of 2020, which addresses the Termination of Prosecution Based on Restorative Justice, was released on July 16, 2020, in an effort to use the principle of restorative justice. The Attorney General's Regulation incorporates restorative justice principles into prosecutions arising from police investigations. The Attorney General emphasises in this rulemaking that public prosecutors and prosecutors must act in accordance with their consciences if the community is to experience the full force of justice. A case may be closed in accordance with restorative justice principles according to the rules set forth by the attorney general. For example, Article 5 of Regulation No. 15 of 2020 lays out the requirements for a case to be closed, which are: a) the suspect has committed a crime for the first time,

b)criminal offenses are only punishable by a fine or punishable by imprisonment for not more than 5 (five) years and c) The criminal act is committed with the value of the evidence or the value of the loss incurred as a result of the criminal act not exceeding IDR 2,500,000.OO (two million five hundred thousand rupiah).

Following the requirements listed in point 6, the following must be met: 1) retribute any property that was taken as a consequence of the crime to the victims; 2) recompense the victims for any losses they may have suffered; 3) repay any expenses that were financially affected by the crime; and/or repair any damage that was caused by the crime. Beyond that, for restorative justice to work, the community must be on board and the victim and perpetrator must reach an agreement to end the violence.

While restorative justice has good intentions as a means of reducing the number of cases that end up in court, it runs counter to the idea that victims should have complete legal certainty as key players in the process of resolving criminal cases in Indonesia. It is often disapproved of from a restorative justice standpoint. has to be addressed, and it's not even taking into consideration the fact that many police officers are still focused on the crime control paradigm, which causes agency-level egos to stand in the way of restorative justice initiatives. In addition, the Attorney General's Regulation does not adequately address the issue of favourable public reaction phrases. The contradiction arises because of the deterrent impact given to law enforcement in respect to illegal activities. Aside from the victim and suspect agreeing, a criterion is that the community responds positively, which is why this is vital.

Is a good community reaction necessary for a case to be considered complete, or is it more of a necessary but not sufficient condition? What happens if a restorative justice solution is available, but the community is unsupportive? While the Attorney General's Regulation does not go into further detail regarding community involvement as a case that can be resolved through restorative justice, one important point with the restorative justice case approach is the existence of a conditional approach involving community response.

An innovative reform to Indonesia's criminal justice system, Attorney General Regulation No. 15 of 2020 on Termination of Prosecution Based on Restorative Justice (PERJA) has significant constitutional law consequences. The primary idea of the Attorney General's Regulation is restorative justice, which differs from the conventional view of criminal justice by emphasising the restoration of victims' losses rather than the punishment of offenders.

The presence of the Attorney General's Regulation indicates a step forward in the criminal justice system, as seen through the lens of constitutional law. This points to an endeavour to include broader and more comprehensive concepts of justice, which take into account elements of punishment as well as the restitution of victims' rights and societal repair. All of this is in line with the social justice ideas that are ingrained in Indonesia's constitution.

The Attorney General's Regulation presents a number of opportunities, but it also presents certain obstacles when put into practice. Questions about how to strike a balance between the public interest in law enforcement and the requirements of victims for rehabilitation may arise, for instance, as a result of the application of the restorative justice concept in the Attorney General's Regulation. One key part of the criminal justice system is punishment's deterrent impact; however, some worry that restorative justice's flexibility may diminish this effect.

Additionally, the question of society's involvement in the judicial process is brought up by Attorney General's Regulation. The public may be more actively involved in the justice process when they are asked to help decide what the community views as a "positive response" to a victim-offender agreement. Having said that, it does make one wonder how society as a whole can assess individual instances without prejudice and how societal views impact the judicial system.

The regulation's specifics must be examined first. This includes both the laws and principles for treating crime victims and protecting their rights during judicial processes and the systems for

their help and protection. Second, this rule must comply with the constitution. This involves equal treatment before the law, fair trial rights, and individual liberties. Third, the rights of crime victims and defendants must be balanced. While arguing for victims' rights to justice and protection, the rule must not violate the accused's due process rights. Fourth, this regulation's actual applicability and impacts should be considered. This includes its impact on the judicial system, resource allocation, and unforeseen effects. Fifthly, if legal issues emerge, this rule may be reviewed by the courts. A review may need rule modifications or clarification. Sixth, comparing identical legislation in various jurisdictions might be informative. This may disclose best practises or traps to avoid, deepening your grasp of the rule.

This study might benefit from interdisciplinary approaches. A full review of constitutional law concepts and factual evidence on the regulation's real-world effect would be needed. Case studies, legal text analysis, and effectiveness evaluation may reveal the regulation's constitutionality and effects.

The overall development of Indonesian criminal law is aided by the Attorney General's Regulation. This programme marks a genuine attempt to make the criminal justice system more equitable and effective, despite the many obstacles it poses. In order to accomplish the primary goal of the Attorney General's Regulation – the establishment of a justice system that is more equitable and sensitive to victims' needs – without jeopardising other critical components of constitutional law, it is crucial to conduct continuous evaluation and monitoring of its execution.

The problem research is (1) How will constitutional law, particularly victim rights and responsibilities and elements of legal certainty, be impacted by the execution of Attorney General's Regulation Number 15 of 2020 about Termination of Prosecution Based on Restorative Justice? And (2) How do these rules impact fundamental rights, victim protection, and due process as outlined in the Constitution?

2. Method

The concerns and concepts that informed the selection of this research project place it within the realm of normative legal studies. The research strategy is a combination of philosophical and analytical methods, with an emphasis on logical, critical, and philosophical perspectives; the study culminates in a conclusion that seeks to generate new discoveries to address the identified primary issue (Ishaq, 2017). Descriptive analysis will also be used to examine it, namely by outlining the relevant statutes and rules pertaining to the problem's positive law enforcement tactics and legal philosophy (Muhtar, Kasim, et al., 2023).

A thorough and interdisciplinary investigation is necessary to determine the constitutionality of Attorney General Regulation No. 15 of 2020, particularly as it pertains to victims' rights and responsibilities and the need for legal clarity. If we want to know how these rules affect the current legal systems, we need to use normative legal research methodologies that centre on the concerns and themes mentioned. Examining the Attorney General's Regulation through the lenses of human rights, victim protection, and procedural justice, this study employs a philosophical and analytical methodology to probe reasonable, critical, and philosophical perspectives.

Analytical methods provide a framework for critically assessing the regulation's operation in current legal practice, while philosophical methods aid in investigating the principles and logic behind the implementation of the Attorney General's Regulation. So, this study aims to comprehend the practical effects of the Attorney General's Regulation within the framework of constitutional law as well as its theoretical ramifications.

The implementation and interactions of the Attorney General's Regulation are described in depth using analytical descriptive methodologies. Part of this process involves looking at how the dynamics of criminal law might be affected by the restorative justice concepts advocated by

the Attorney General's Regulation, particularly with regard to the rights of victims and the implementation of procedural justice. Using this approach, scholars are able to provide a thorough overview of the constitutional law implications of Attorney General's Regulation and to clearly define how the regulation functions within the current legal system.

In light of this, the primary goal of this study is to shed light on the impact of the Attorney General's Regulation on victim rights and responsibilities, legal certainty, and other fundamental concepts of constitutional law such as human rights, victim protection, and procedural justice. The goal of this method is to get a thorough and in-depth knowledge of the consequences of applying the Attorney General's Regulation within the framework of Indonesian constitutional law.

3. Analysis and Results

3.1. Implementation of Attorney General's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice Affects Constitutional Law, Specifically the Rights and Obligations of Victims and Aspects of Legal Certainty

In response to the evolution of the criminal justice system, the restorative justice movement has emerged as a theoretical framework that emphasises the significance of community engagement and the plight of victims who see themselves as being neglected by the existing system's operational procedures (Hasibuan dkk., 2023).

However, a different perspective that law enforcement and businesses might adopt in response to illegal actions is restorative justice (Sinaga, 2019). It is widely believed that the criminal justice system's current approach to treating criminal matters has been influenced by the restorative justice concept. Based on its stated values, the United Nations sees the restorative justice method as a viable option for a just criminal justice system. According to GP Hoefnagels, criminal politics—defined as a logical sum of reactions to crime—must be rational. When people are unhappy with the way the criminal justice system is currently functioning, they might go to the restorative justice paradigm for guidance on how to handle their situations (Siregar & Siregar, 2022).

According to Lode Walgrave, restorative justice is different from "an alternative to punishment"; rather, it is a kind of alternative punishment. Restorative justice was proposed by Stephen VP Grevey as a response to crime. Some argue that restorative justice is fundamentally different from existing theories of punishment; however, many also believe that it merely supplements existing theories by drawing on aspects of retributive, rehabilitative, and resocialization paradigms, among others. The following are the thoughts of many authorities on the subject of restorative justice, which should help to provide a fuller picture of the concept (Mahfud, 2009) is Tony F. Marshall, In restorative justice, according to Tony F. Marshall, victims, criminals, and community members collaborate with law enforcement to address and resolve criminal matters. It goes on to say that restorative justice operates on the following assumptions when dealing with criminal issues: a. Social conditions and relations in society are the root cause of crime. b. Society as a whole, including local and central government in terms of social policy, has a responsibility to address these social conditions in order to prevent crime. c. The settlement must take into account the interests of all parties involved. d. It is impossible to resolve criminal cases without allowing for personal involvement. Justice standards should be adaptable so that they may address the specific circumstances, individual requirements, and case resolution in each instance. In order to maximise the efficacy and efficiency of case resolution, cooperation between community members and law enforcement officials is deemed crucial. The application of the concept of party interest balance leads to justice.

Next, Mark Umbreit. Mark Umbreit argues that restorative justice differs significantly from a retributive perspective on crime and victimisation, however he does not define the term. According to retributive theory, the state is the one that takes the most hit whenever criminal activity takes place. Victims and perpetrators are thereby relegated to subordinate places and

functions in the criminalization process. On the other hand, according to restorative justice, crime is essentially simply interpersonal disagreement. Consequently, it is imperative that the community, the victims, and the offenders all get a chance to participate in attempts to end the conflict, since they are the ones most directly affected by it.

Last is Cornier. According to Cornier, restorative justice is a method of maintaining justice that aims to fix or restore harm that has been inflicted by crime. Cornier elaborated by saying that restorative justice works by giving victims, offenders, and the community a chance to talk about what happened, what they want out of the process, and how they can work together to heal, repair, reintegrate, and stop the cycle of violence.

According to the arguments presented above, restorative justice takes into account not just the state but also the community, victims, and offenders when trying to find a solution to a crime. It is highly valued when these parties – offenders, victims, and the society at large – are involved in finding solutions to criminal activities. Besides that, according to the restorative justice theory, the state and the community must work together to make things right so that everyone may put their differences aside, heal from their wounds, and feel safe again. Nevertheless, victims' participation in the criminalization process must be carefully monitored to prevent secondary victimisation, which worsens the victim's suffering after the offender has already suffered from the crime.

According to the perspective of restorative justice, a criminal act is a violation of humans and relations between humans. Restorative justice can be implemented through (Yusuf, 2017): a) Mediation between victims and offenders, b) Family group deliberation, and c) Community services that are restorative for both victims and perpetrators.

Muladi went on to say that there are a number of hallmarks of the restorative justice paradigm, including (Yusuf, 2017): a) Crime is defined as one person's violation of another person and is recognized as a conflict, b) The focus is on solving problems of responsibility and obligation in the future, c) The normative nature is built on the basis of dialogue and negotiation, d) Restitution as a means of improving the parties, reconciliation and restoration as the main goal, e) Justice is formulated as relationships of rights, assessed on the basis of results, f) Target attention to repairing social disadvantage, g) The community is a facilitator in the restorative process, h) The roles of victims and perpetrators of criminal acts are recognized, both in solving problems and resolving victims' rights and needs. Perpetrators of criminal acts are encouraged to take responsibility, i) The responsibility of the perpetrator is formulated as a result of understanding the action and to help decide what is best, j) Criminal acts are understood in a comprehensive, moral, social and economic context, and k) Stigma can be removed through restorative measures.

The parties' active participation is highly valued in restorative justice. In this way, both the victim and the offender may regain some measure of control; by taking responsibility, the offender can heal from the harm they've done and contribute to the establishment of society values. Being an active member of one's community helps to build that community and brings its members closer together in a bond based on love and respect. Prioritising the interests of victims, offenders, and their communities, restorative justice shifts the focus back to the parties with the most influence over the dispute. Instead of merely punishing offenders legally and leaving victims high and dry, restorative justice places an emphasis on human rights and the need of identifying the effects of social injustice and finding easy solutions to rectify them. The goal of restorative justice is to help victims regain control over their own lives, as well as their safety, respect, and dignity. (Tarmizi, 2014).

Article 2 of the Republic of Indonesia Prosecutor's Regulation No. 15 of 2020 specifies that restorative justice proceedings are ended when: 1. justice; 2. public interest; 3. proportionality; 4. punishment as a last option; and 5. quick, easy, and inexpensive.

Termination of prosecution based on Restorative Justice is regulated in Article 4 Rule No. 15 of 2020 of the Attorney General, which is implemented by considering the following: a. The interests of the victim and other legally protected parties; b. The prevention of negative stigma; c. The avoidance of reprisal; d. The reaction and harmony of the community; and e. Propriety, decency, and public order.

Along with that, the following factors are taken into account by the Public Prosecutor when deciding to end the prosecution: a. the nature, purpose, category, and danger of the criminal acts; b. the circumstances surrounding the commission of the criminal act; c. the degree of culpability; d. the losses or consequences that resulted from the criminal acts; e. the costs and benefits of handling the case; and f. the restoration to its original state. Further, g. the accused and the victim have reconciled (Bere dkk., 2023).

Regarding property crimes, if there are casuistic factors that the Public Prosecutor finds acceptable, the prosecution can be dropped on Restorative Justice grounds with the approval of either the Head of the District Prosecutor's Office or the Head of the District Prosecutor's Office, as long as the conditions outlined in Article 5 paragraph (1) letter an of Attorney General's Regulation Number 15 of 2020, with one of letters b or c, are met. Criminal actions perpetrated against individuals, bodies, lives, or freedoms may, nevertheless, be exempted from the requirements outlined in paragraph (1) letter c. Furthermore, the clauses in paragraph (1) letters b and c might be disregarded if a criminal conduct is undertaken as a result of carelessness. According to Article 5 of Attorney General's Regulation No. 15 years, a suspect has the right to have the prosecution of their case dropped if they meet the following conditions: a) Criminal offences are punishable by fines or imprisonment for not more than 5 years, b) This is the first offence committed by the suspect; and c) The value of the evidence or loss incurred as a result of the criminal act cannot exceed IDR 2,500,000.00 (two million five hundred thousand rupiah). Regarding this matter, the Attorney General is entrusted with the responsibility and power to enhance the efficiency of the law enforcement system by prioritising the principles of swift, straightforward, and cost-effective justice. Additionally, they are to establish and formulate policies for handling cases in a way that ensures successful prosecutions that are conducted independently for the purpose of justice, guided by conscience and the law. This includes prosecutions that employ restorative justice strategies, as long as they comply with the relevant statutes.

One way to close a matter for legal reasons is to settle it outside of court, as stated in Article 3 of Attorney General's Regulation Number 15 of 2020. One way to resolve cases outside of court is through a Restorative Justice settlement, which involves restoring the original situation or requiring the maximum fine for specific crimes to be paid voluntarily in line with statutory regulations. Article 3, paragraph 3, letter b, prohibits prosecution in instances settled out of court utilising a restorative justice method. With respect to restorative justice-based prosecution termination, the Public Prosecutor carries it out responsibly and submits it in phases to the Head of the High Prosecutor's Office (Azizah dkk., 2023).

Two distinct approaches exist for ending the prosecution of cases: peace procedures and peace activities. As a first point, the public prosecutor made peace offers to the victim and the suspect. The public prosecutor will first notify the victim of the cause for the summons and then call them to appear before them as part of the peace efforts. The next step is to include relevant parties, such as the victim's or suspect's family and community leaders. At this point, the matter will either be dropped or sent to court depending on whether the offer is accepted or refused. And secondly, the quest for peace. Within fourteen days following the suspect's acceptance of responsibility, he or she must complete the tasks assigned to them at the prosecutor's office, during which the public prosecutor works impartially as a mediator between the victim and the accused. There was no further legal action taken as a result of these efforts to settle the matter amicably.

There will be far-reaching effects for Indonesian constitutional law, particularly with regard to victim rights and responsibilities and elements of legal certainty, as a result of the execution of Attorney General's Regulation Number 15 of 2020 about Termination of Prosecution Based on Restorative Justice. With a focus on victims, offenders, and the community as whole, restorative justice sees criminal behaviour as a breach of human relations as much as of state law. More comprehensive approaches to conflict resolution are made possible by restorative justice's emphasis on victim-offender reconciliation and the healing of victims' losses. Victims might regain a feeling of agency and self-respect by taking an active part in finding a solution (Savitri dkk., 2023).

To minimise secondary victimisation, it is important to properly handle the participation of these victims as well. There are certain difficulties with the Attorney General's Regulation with regard to the clarity of the law. When contrasted with the more rigid concept of legal certainty—which stresses the uniform and predictable implementation of the law—the restorative justice system's more malleable approach stands out. To counteract this, the Attorney General's Regulation considers issues of fairness, public interest, proportionality, and loss recovery. Several aspects should be taken into account when deciding to end a prosecution on the basis of restorative justice. These include the victim's interests, the need to minimise negative stigma, and the community's reaction. This method brings up concerns regarding the fair and consistent administration of justice, even if it may provide victims with a more favourable way forward in terms of healing and reconciliation. Within the framework of constitutional law, this demonstrates an effort to harmonise the principles of restorative justice with those of law enforcement, all the while preserving a system of law that guarantees fairness and predictability to all parties.

3.2. The Impact of Implementing Rules on Human Rights, Victim Protection, and Procedural Justice in Constitutional Law

Disputes may arise when benefits and justice are at odds with one another, or when benefits and legal certainty are at odds with one another. Two of Gustav Radbruch's teachings—standard priority and casuistry—offer a solution to this problem that may be anticipated. Justice, followed by advantages, and finally legal certainty, are the usual criteria that the law uses as a yardstick when making a decision. When contrasted with extreme ideologies like legal positivism, which emphasises certainty in the law above all else, the ethical legal school, which prioritises justice above all else, and the utilitarian school, which prioritises the law's practical application, are comparatively wiser and wiser. Standard priority teachings are said to no longer satisfy the required standards in prioritycasuistry, the field responsible for the ever-increasing complexity of interests in daily life. As a result, any of the three aforementioned fundamental legal principles has the potential to alternately become the preeminent factor in every given instance, according to casuistic priority teachings. (Muslih, 2017).

The Criminal Law itself regulates (Ali, 2022): a) Establishing a list of things that people should not do—things that are forbidden—and then threatening or sanctioning them with specific consequences if they do not comply, b) deciding when and how to penalise those who have broken limits for threats, and c) Deciding how a crime may be enforced in the event that someone is believed to have violated the ban.

According to this school of thought, the purpose of criminal law is to establish criminal liability and to govern unlawful acts that are accompanied by criminal threats. Criminal law, in its formal form, governs the processes by which law enforcement agencies carry out their responsibilities to execute substantive criminal law. Justice is served with dignity when those entrusted with upholding the law, from the police to the courts, do their jobs in accordance with society's moral principles. As the field of criminal law has progressed, however, the goal of establishing a crime has shifted from imposing a crime on society to mediating a settlement between offenders and their victims. People should be safeguarded against arbitrary acts by having a clear understanding of what is and isn't legal so that they may behave in accordance

with their own interests. These people are known as justice seekers, and they do want certainty; nevertheless, genuine certainty is not directed towards empty formalities, but rather towards the desire to provide justice. As previously stated by Sudikno (Priyanto, 2011): "We can say that the previous false certainty, based on a text that was always in short supply, has been replaced by certainty at a higher level, certainty brought about by striving for propriety, because legal certainty is not provided by the application of the law as it is, but by the will to give justice seekers what they demand based on propriety"

Therefore, there have to be evident signs of legal certainty in the act for the sake of verifying legal provisions. Unless it is explicitly stated in a statute, nothing may be considered legal. To help with the development of arguments and criteria for restorative justice procedures at the prosecutor's level, regulation no. 15 of 2020 primarily provides legal clarity. Mediation and open dialogue have provided the Indonesian people with the legal certainty of restorative justice throughout its history (Taqiuddin & Risdiana, 2022). Many national legal systems are disjointed and inconsistent, and their codification practices may not be up to snuff when it comes to formal legality. Even if this was officially confirmed in prosecutor's notice number 15 in 2020. Attorney General Regulation No. 15 of 2020 controls the Termination of Prosecution Based on Restorative Justice and significantly influences constitutional law principles pertaining to victim protection, procedural justice, human rights, and the rule of law. Gustav Radbruch's lectures on casuistry and standard priority may help us understand the rules' influences better. It was Radbruch's contention that legal clarity, benefits, and justice must coexist. (Irabiah dkk., 2022)

Regarding this matter, the Attorney General's Regulation aims to find a middle ground by prioritising victims' rights and the pursuit of justice, while also considering the benefits of healing and reconciliation for all parties involved. In accordance with the principles of fairness and the protection of human rights, the use of restorative justice practices guarantees the restoration of victims' losses and the reconciliation of offenders and victims. By allowing case resolution via discourse and mediation, the Attorney General's Regulation recognises the significance of victim empowerment and the need to protect victims throughout the settlement process. This method strengthens the judicial system's dedication to empathy and compassion by making healing a priority for all parties involved. The Attorney General's Regulation, on the other hand, might raise questions about the concept of legal absolute certainty.

One popular way to determine legal certainty in traditional legal systems is by looking at how consistently and predictably principles are put into practice. Since the Attorney General's Regulation adopts a restorative justice stance, allowing more flexibility in case management, the results of criminal cases may vary. As a result, individuals may start to doubt the consistency and reliability of the law's application. But, the Attorney General's Regulation specifies when and how to dismiss cases based on restorative justice, therefore there is a way around this. Upholding the objective of procedural justice and giving victims a wider role in criminal proceedings, the Attorney General's Regulation facilitates victim-offender mediation and discussion. By recognising the need to include all parties affected by criminal actions in the healing process, this approach conforms to the values of inclusive and fair procedural justice. The Attorney General's Regulation shows an effort to integrate restorative justice concepts into the criminal justice system within the bounds of constitutional law, with due regard for the need to preserve procedural equity and statutory clarity. Despite its many flaws, this criminal law is a significant advance over earlier efforts to find a middle ground between victim compensation and societal welfare (Hasibuan dkk., 2023).

4. Conclusion

The Termination of Prosecution Based on Restorative Justice in Indonesian Constitutional Law, specifically Attorney General Regulation Number 15 of 2020, has substantially changed victim rights and duties while also modifying key aspects of legal certainty. The case resolution process strengthens safeguards for victims' human rights, offers victims a stronger voice, and

prioritises their right to healing and reconciliation by using restorative justice principles. Offenders are given an opportunity to take responsibility for their actions, and victims are given a larger voice in how the matter is addressed and how they recover. Legal certainty is at odds with restorative justice's potential to reduce legal consistency due to its more contextual approach. To find a middle ground, the Attorney General's Regulation lays forth the particular steps to take when a case reaches its conclusion. By attempting to incorporate restorative justice principles into Indonesia's criminal justice system, the Attorney General's Regulation sheds light on the evolution of criminal law in the country, which has sought to maintain procedural justice, legal certainty, victim healing, and societal interests at large.

Research contributes (1) Detailed Analysis: Dig into Regulation Number 15 of 2020. Understanding its provisions, purpose, and context is vital. And (2) Focus on Crime Victims: Focus on the regulation's effects on crime victims, such as their rights, assistance, and legal treatment.

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