

CHAPTER V

CONCLUSION

A. Conclusion

Based on the explanation above, the conclusions that can be drawn regarding the discussion of this thesis are as follows:

1. The implementation of restorative justice in the criminal justice system in Indonesia has begun to be intensively carried out in resolving criminal cases in the last two years. In general, it is still limited to juvenile criminal cases and criminal cases classified as minor crimes. The form or model of restorative justice that is implemented in the Indonesian criminal justice system is diversion and termination of prosecution by public prosecutors. Meanwhile, in the United States, the implementation of restorative justice has been carried out for more than three decades. Unlike Indonesia, where the provisions regarding restorative justice apply to all regions in Indonesia, the application of restorative justice in each state of the United States is different, depending on which jurisdiction regulates restorative justice in its statutes or laws. Meanwhile, the restorative justice model implemented in the United States includes juvenile victim-offender dialogue, victim youth conferencing, victim-offender mediation, youth or community dialogue, panels, circles, and others.
2. The similarities and differences in the restorative justice implementation in Indonesia and the United States are as follows:

- a. The similarities in the restorative justice implementation in Indonesia and the United States lies in:
- 1) Restorative Justice is implemented in both the juvenile criminal justice system and the adult criminal justice system.
 - 2) The two countries have limitations in resolving criminal cases using a restorative justice approach, where it can only be carried out against certain criminal cases.
- b. The differences between the restorative justice implementation in Indonesia and the United States lies in:
- 1) The scope of enforcement of laws and regulations regarding implementing restorative justice in Indonesia applies to the entire territory of the Unitary State of the Republic of Indonesia. In contrast, in the United States, the provisions regarding implementing restorative justice only apply to jurisdictions where these provisions are regulated.
 - 2) The form or model of restorative justice implemented in Indonesia's criminal justice system is still limited to diversion efforts carried out through deliberation between the parties and the termination of prosecution by the public prosecutor. In contrast, in the United States, the form or model of restorative justice that can be implemented to settle criminal cases tends to be more diverse.

B. Recommendations

1. There is a need for a legal substance, especially in the form of different laws and regulations governing the implementation of restorative justice in Indonesia. As in the United States, which has regulated restorative justice in its Criminal Code, Indonesia also needs to regulate it clearly regarding restorative justice, its implementation, limits for the implementation of restorative justice, and the form or model of restorative justice used in resolving criminal cases. With the regulation of restorative justice in the legislation, it is hoped that it can provide a clear and firm legal basis for law enforcement in enforcing the application of restorative justice in settlement of criminal cases in Indonesia.
2. There is a need for strict supervision from law enforcement. If necessary, an independent body must be created to supervise the implementation and development of restorative justice in Indonesia, such as in Colorado with its state restorative justice council. This is so that the initial purpose of implementing restorative justice can be achieved. It is to restore relations between the parties so that the implementation of restorative justice is not misused and exploited by irresponsible parties.