

CHAPTER V

CLOSING

A. Conclusion

Through the results of the analysis and discussion that the author has described, the authors draw conclusions on this thesis research as follows:

1. Comparison of the settlement of criminal acts through Restorative Justice based on the Prosecutor Regulation Number 15 of 2020 at Purwokerto District Prosecutor Office and Demak District Prosecutor Office, namely:
 - a. Restorative justice has been implemented by Purwokerto District Prosecutor Office. This restorative justice is applied to cases of forest destruction belonging to *Perum Perhutani*. In this case, *Perum Perhutani* agreed that the suspect would be forgiven by replacing the pine trees that had been cut down by replanting the suspect and the residents of RW. Based on the results of interviews in settlement of criminal acts based on restorative justice at Purwokerto District Prosecutor Office that the form of settlement based on restorative justice is a combination of Community Restorative Boards (CRB) and Family Group Conferencing (FGC)

b. Restorative justice has been implemented at Demak District Prosecutor Office. This restorative justice is applied to cases of domestic violence between mother and child. In this case, what was done by the victim's mother to the victim, who is a biological child, has carried out the implementation of peace. The victim has agreed to make peace and forgive his mother's actions and will not demand that the case be continued/delegated to court. Based on the results of interviews in the settlement of criminal acts based on restorative justice at Demak District Prosecutor Office that the form of settlement based on restorative justice is the Community Restorative Board (CRB).

c. The implementation of restorative justice in the two prosecutorial areas has fulfilled the principles, considerations, requirements, and procedures stipulated in the Prosecutor Regulation Number 15 of 2020. On this basis, it is concluded that the implementation of restorative justice at Purwokerto District Prosecutor Office and Demak District Prosecutor Office has been carried out properly.

2. Factors that hinder the achievement of restorative justice include:
 - a. The legal factor itself: In the regulations of the Prosecutor Regulation Number 15 of 2020, which becomes a corridor for prosecutors to consider which case is appropriate to

apply a restorative approach. In settlement of criminal acts through restorative justice, it is first analyzed by the prosecutor who feels that it is not efficient and effective in the process of resolving a criminal case through restorative justice based on several legal rules, so its implementation also depends on the time factor listed in the legal rules that apply to the Prosecutor Regulations Concerning the Implementation of Restorative Justice

- b. Factors of law enforcement law enforcers in considering a case to apply for the settlement of criminal acts of restorative justice must have the approval of the Head of the High Prosecutor Office, which is the key because, without this approval, the application of termination of prosecution based on restorative justice cannot be carried out. If the restorative based settlement is canceled or not approved, the criminal act will continue with the prosecution process.
- c. Cultural factors: Low awareness of the culture of forgiveness and the reluctance of the victim to be willing towards the suspect, which has an impact on the non-implementation of the peace process, so that if there is no settlement in restorative justice, it can create a bad view of a small mistake that actually can be resolved and without having to end up in court.

B. Suggestions

1. In the implementation of restorative justice at Purwokerto District Prosecutor Office and Demak District Prosecutor Office, one of the obstacles that both occur is time constraints. Whereas in the process of restorative justice, from the process of initiating peace efforts by the public prosecutor to reaching a peace agreement, the procedure is quite long. On this basis, it is necessary to make regulations that regulate the timeframe more precisely and adjust the level of complexity of each case.
2. Bearing in mind the importance of recovering from the consequences of a crime and the condition of overcapacity in correctional institutions in Indonesia, every public prosecutor should be more open to assessing and considering whether a case can be applied to a restorative justice approach. This is very important as an implementation that criminal sanctions are the *ultimum remedium* and remedial action for the occurrence of a crime is a higher priority than the application of criminal sanctions as mere retaliation.
3. It is necessary to hold outreach to the community about restorative justice so that people's legal awareness forms the behavior of law-abiding citizens and achieves goals by resolving cases by emphasizing restoration to its original state rather than demanding punishment from the court.