

**EFEKTIVITAS PENERAPAN PERATURAN KEJAKSAAN REPUBLIK
INDONESIA NOMOR 15 TAHUN 2020 TENTANG PENGHENTIAN
PENUNTUTAN BERDASARKAN KEADILAN RESTORATIF DI
KEJAKSAAN AGUNG REPUBLIK INDONESIA**

**Oleh:
MOZA EGIDIA NIDA
E1A019306**

ABSTRAK

Sistem peradilan pidana di Indonesia berupa prajudikasi, adjudikasi dan postajudikasi. Jaksa Penuntut Umum memiliki kewenangan untuk menghentikan suatu perkara tindak pidana yang diatur dalam Kitab Undang-Undang Hukum Acara Pidana khususnya Pasal 140 Ayat (2) huruf (a). Adanya kebijakan penghentian penuntutan yang dikeluarkan oleh Jaksa Agung Republik Indonesia melalui Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif mempertegas Penuntut Umum untuk menghentikan suatu perkara pidana umum dengan syarat memenuhi Pasal 5 Ayat (1) Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif. Penelitian ini bertujuan untuk mengetahui efektivitas penerapan Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif di Kejaksaan Agung Republik Indonesia. Jenis Penelitian yang digunakan adalah penelitian hukum yuridis sosiologis mengkaji tentang "apa yang ada di balik yang tampak dari penerapan Peraturan Perundang-Undangan" (*something behind the law*) dengan spesifikasi penelitian deskriptif yaitu melakukan deskripsi terhadap hasil penelitian dengan data yang selengkap dan sedetail mungkin. Metode pengumpulan data yang digunakan yaitu data primer dan data sekunder, dan data dikumpulkan dengan teknik wawancara. Hasil penelitian menunjukkan bahwa penerapan Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif di Kejaksaan Republik Indonesia belum efektif karena faktor masyarakat yang belum mempunyai kesadaran hukum dan masih berorientasi pada sistem peradilan pembalasan atau retributif.

Kata Kunci: *Efektivitas, Keadilan Restoratif, Kejaksaan*

**THE EFFECTIVENESS OF THE IMPLEMENTATION OF
THE PROSECUTOR'S REGULATION OF THE REPUBLIC OF INDONESIA
NUMBER 15 OF 2020 CONCERNING TERMINATION OF PROSECUTION
BASED ON RESTORATIVE JUSTICE AT THE PROSECUTOR'S OFFICE
OF THE REPUBLIC OF INDONESIA**

By:

MOZA EGIDIA NIDA

E1A019306

ABSTRACT

The criminal justice system in Indonesia is in the form of pre-adjudication, adjudication and post-adjudication. The Public Prosecutor has the authority to stop a criminal case regulated in the Code of Criminal Procedure, especially Article 140 Paragraph (2) letter (a). The existence of a policy of stopping prosecution issued by the Attorney General of the Republic of Indonesia through the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice emphasizes the Public Prosecutor to stop a general criminal case on condition that it meets Article 5 Paragraph (1) of the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. This study aims to determine the effectiveness of the implementation of the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice at the Attorney General's Office of the Republic of Indonesia. The type of research used is sociological juridical legal research examining "what is behind what appears from the application of laws and regulations" (something behind the law) with descriptive research specifications, namely describing research results with data that is as complete and detailed as possible. The data collection method used is primary data, and secondary data, and data is collected by interview techniques. The results showed that the application of the Prosecutor's Regulation of the Republic of Indonesia Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice in the Prosecutor's Office of the Republic of Indonesia has not been effective due to community factors that do not have legal awareness and are still oriented towards the retaliatory or retributive justice system.

Keywords: Effectiveness, Restorative Justice, Prosecution