

ABSTRAK

Maharani, Tiara. 2025. Implementasi *Restorative Justice* Terhadap Penghentian Perkara Tindak Pidana Penganiayaan Di Kejaksaan Negeri Bungo. Skripsi Fakultas Hukum Universitas Batanghari Jambi. Islah, S.H., M.H. Sebagai Pembimbing I dan Triamy Rostarum, S.H., M.Kn. Sebagai Pembimbing II.

Kata kunci: Implementasi *Restorative Justice*, Penghentian Perkara.

Penelitian ini memiliki tujuan untuk mengetahui implementasi *restorative justice* terhadap penghentian perkara kejahatan di Kejaksaan Negeri Bungo dan mengetahui kendala yang dihadapi dalam implementasi *restorative justice* terhadap penghentian perkara kejahatan di Kejaksaan Negeri Bungo. Penelitian ini ialah penelitian yuridis empiris. Hasil penelitiannya yaitu bentuk Perlindungan Hukum Terhadap Perempuan Sebagai Korban Kekerasan Implementasi *restorative justice* terhadap penghentian perkara kejahatan di Kejaksaan Negeri Bungo yaitu Pihak Kejaksaan Negeri Bungo belum bisa menangani perkara tindak pidana penganiayaan Pasal 351 Ayat (1) KUHP dengan menggunakan Peraturan Kejaksaan Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif. Tidak tercapai kesepakatan antar pihak yang terlibat antara Pelaku dan Korban di karenakan tindak pidana ini berhubungan dengan kejahatan terhadap jiwa. Karena *Restoratif Justice* dapat terwujud ketika tercapai kesepakatan antar pihak yang terlibat (Pelaku, Korban dan Mediator). Pada kasus Penganiayaan Pasal 351 Ayat (1) KUHP tidak mencapai kesepakatan, perkara selanjutnya dilimpahkan ke Pengadilan. Kendala yang dihadapi dalam implementasi *restorative justice* terhadap penghentian perkara kejahatan di Kejaksaan Negeri Bungo yaitu susahnyanya memberikan arahan kepada pihak korban agar menyelesaikan perkara tersebut di tingkat Kejaksaan saja, selain itu adanya keinginan dari korban untuk melanjutkan perkara sampai proses peradilan sehingga pelaku mempunyai efek jera. Selain itu adanya kendala dari Peraturan Kejaksaan Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif dalam peraturan ini tidak ada pasal yang mewajibkan Jaksa Penuntut Umum (JPU) harus menghentikan kasus secara *Restorative Justice*.

ABSTRACT

Maharani, Tiara. 2025. Implementation of Restorative Justice towards the Termination of Persecution Crime Cases at the Bungo District Prosecutor's Office. Thesis, Faculty of Law, Batanghari University, Jambi. Islah, S.H., M.H. As Supervisor I and Triamy Rostarum, S.H., M.Kn. As Supervisor II.

Keywords: *Implementasi Restorative Justice, Termination of Case.*

This research aims to determine the implementation of restorative justice towards stopping criminal cases at the Bungo District Prosecutor's Office and to find out the obstacles faced in implementing restorative justice towards stopping criminal cases at the Bungo District Prosecutor's Office. This research is empirical juridical research. The results of the research are forms of legal protection for women as victims of violence. Implementation of restorative justice towards the termination of criminal cases at the Bungo District Prosecutor's Office, namely that the Bungo District Prosecutor's Office has not been able to handle cases of criminal acts of abuse under Article 351 Paragraph (1) of the Criminal Code using Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. An agreement was not reached between the parties involved, the perpetrator and the victim because this criminal act was related to crimes against life. Because restorative justice can be realized when an agreement is reached between the parties involved (perpetrator, victim and mediator). In the case of maltreatment under Article 351 Paragraph (1) of the Criminal Code, an agreement was not reached, the case was then transferred to the Court. The obstacle faced in the implementation of restorative justice in terminating criminal cases at the Bungo District Prosecutor's Office is the difficulty of providing direction to the victim to resolve the case at the Prosecutor's level alone, apart from that there is a desire from the victim to continue the case until the judicial process so that the perpetrator has a deterrent effect. Apart from that, there are obstacles from Prosecutor's Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. In this regulation there is no article that requires the Public Prosecutor (JPU) to stop cases using Restorative Justice.