

RINGKASAN

FACHRI AGUSTIAN
NIM : 247410101093

Efektifitas Penghentian Penuntutan Berdasarkan *Restoratif Justice* pada Perkara Tindak Pidana Penganiayaan (Studi Penelitian Di Wilayah Hukum Kejaksaan Negeri Banda Aceh)
(Prof. Dr. Faisal S.A.g., S.H., M.Hum. dan Dr. Muhammad Hatta, S.H., LL.M.)

Pergeseran paradigma hukum dari pendekatan retributif-punitif yang memicu krisis *overcrowding* Lapas di atas 100% dan penumpukan perkara nasional menuju keadilan restoratif (*restorative justice*) diakomodasi secara progresif melalui Peraturan Kejaksaan Nomor 15 Tahun 2020. Di tingkat makro, kebijakan ini tumbuh masif dengan menyelesaikan lebih dari 5.000 perkara secara nasional hingga akhir 2025. Implementasi ini secara filosofis sangat selaras dengan karakteristik sosiologis dan kearifan lokal hukum adat gampong di wilayah hukum Kejaksaan Negeri Banda Aceh. Namun, dalam realitas empiris terjadi kesenjangan (*gap*) yang lebar, data pendahuluan periode 2023–2025 menunjukkan bahwa dari total 35 perkara penganiayaan yang masuk, hanya 7 perkara (sekitar 20%) yang berhasil diselesaikan melalui mekanisme keadilan restoratif, sedangkan 80% sisanya tetap berlanjut ke persidangan umum. Kesenjangan ini mengindikasikan adanya faktor penghambat sistemik, seperti resistensi korban, masalah nominal ganti rugi, hingga rigiditas syarat formal regulasi yang mendasari urgensi penelitian yuridis-empiris ini guna merumuskan strategi optimalisasi penegakan hukum yang efektif dan kontekstual di Kejari Banda Aceh.

Penelitian ini menggunakan metode yuridis empiris dengan pendekatan undang-undang dan studi kasus, penelitian ini bersifat deskriptif. Sumber pengumpulan data terdiri dari data primer dan data sekunder, alat pengumpulan data observasi, wawancara, dokumentasi dan studi penelitian.

Hasil penelitian menunjukkan bahwa penghentian penuntutan berbasis *restorative justice* (RJ) pada perkara penganiayaan di Kejari Banda Aceh periode 2023–2025 belum berjalan efektif (hanya mencapai 20% atau 7 dari 35 perkara). Rendahnya efektivitas ini dipengaruhi oleh faktor hukum dan struktur, berupa kedudukan Perja No. 15 Tahun 2020 yang belum diadopsi eksplisit dalam KUHAP, kehati-hatian institusional jaksa yang berlebihan, kurangnya keahlian mediasi, serta birokrasi persetujuan berjenjang ke Jampidum yang memakan waktu hingga 2–3 bulan sehingga mengeliminasi asas peradilan cepat. Faktor sosiologis dan budaya, terjadi benturan paradigma, meskipun secara kultural selaras dengan kearifan lokal Aceh (*meusyawarah* dan *peusijuek*), implementasinya melemah akibat rendahnya literasi hukum publik dan kuatnya orientasi retributif (pemenjaraan) masyarakat urban yang masih menganggap pengadilan sebagai instrumen mutlak pemulihan harga diri.

Penelitian ini menyarankan supaya Kejaksaan Agung Republik Indonesia, merevisi Peraturan Jaksa Agung Nomor 15 Tahun 2020 dengan menambahkan panduan kasuistik yang lebih rinci agar jaksa tidak ragu-ragu dalam menerapkan

restorative justice.

Kata Kunci: Penghentian Penuntutan, *Restorative Justice*, Penganiayaan

SUMMARY

FACHRI AGUSTIAN
NIM : 247410101093

***The Effectiveness of Discontinuing Prosecution
Based on Restorative justice in Criminal Assault
Cases (A Research Study in the Jurisdiction of the
Banda Aceh District Attorney's Office)***
**(Prof. Dr .Faisal S.A.g., S.H., M.Hum. and Dr.
Muhammad Hatta, S.H., LL.M.)**

The shift in the legal paradigm from the retributive-punitive approach that triggered the prison overcrowding crisis of over 100% and the national backlog of cases towards restorative justice was progressively accommodated through Prosecutor's Regulation Number 15 of 2020. At the macro level, this policy grew massively by resolving more than 5,000 cases nationally by the end of 2025. This implementation is philosophically very much in line with the sociological characteristics and local wisdom of gampong customary law in the jurisdiction of the Banda Aceh District Attorney's Office. However, in empirical reality there is a wide gap, preliminary data for the 2023–2025 period shows that of the total 35 cases of abuse received, only 7 cases (around 20%) were successfully resolved through the restorative justice mechanism, while the remaining 80% continued to public trials. This gap indicates systemic inhibiting factors, such as victim resistance, issues with compensation amounts, and the rigidity of formal regulatory requirements, which underpin the urgency of this juridical-empirical research to formulate strategies for optimizing effective and contextual law enforcement at the Banda Aceh Prosecutor's Office.

This research employed an empirical juridical method with a statutory and case study approach. The research was descriptive in nature. Data collection sources consisted of primary and secondary data, with observation, interviews, documentation, and research studies as data collection tools.

The results indicate that restorative justice (RJ)-based prosecution terminations in assault cases at the Banda Aceh Prosecutor's Office during the 2023–2025 period have not been effective (only reaching 20%, or 7 out of 35 cases). This low effectiveness is influenced by legal and structural factors, such as the status of Regulation No. 15 of 2020, which has not been explicitly adopted in the Criminal Procedure Code (KUHP), excessive institutional caution among prosecutors, a lack of mediation expertise, and the multi-tiered approval bureaucracy with the Jampidum (General Prosecutor's Office), which takes up to 2–3 months, thus negating the principle of speedy justice. From a sociological and cultural perspective, a paradigm clash has emerged. Although culturally aligned with Acehnese local wisdom (meusyawarah and peusijek), its implementation is weakened by low public legal literacy and the strong retributive orientation (imprisonment) of urban communities, who still view the courts as the sole instrument for restoring dignity.

This study recommends that the Attorney General's Office of the Republic of Indonesia revise Attorney General Regulation Number 15 of 2020 by adding more detailed case-based guidelines to ensure prosecutors are confident in implementing restorative justice.

Keywords: Discontinuance of Prosecution, Restorative Justice, Crime of Assault