

RINGKASAN

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**PENERAPAN *RESTORATIVE JUSTICE* PADA TINDAK
PIDANA PENGANIAYAAN DI KEJAKSAAN NEGERI
ACEH UTARA**
**(Dr. Muhammad Nur, S.H., M.H. dan Dr. Hamdani, S.H.,
LL.M.)**

Penerapan *Restorative Justice* merupakan salah satu kebijakan dalam sistem peradilan pidana yang bertujuan untuk mewujudkan penyelesaian perkara secara damai melalui pemulihan hubungan antara korban dan pelaku. Dalam perkembangannya, pendekatan ini telah diakomodasi dalam Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif. Kejaksaan Negeri Aceh Utara merupakan salah satu institusi yang menerapkan kebijakan tersebut dalam penyelesaian perkara tindak pidana penganiayaan pada tahap penuntutan. Penelitian ini bertujuan untuk menganalisis proses penyelesaian perkara tindak pidana penganiayaan melalui *Restorative Justice*, faktor-faktor yang menghambat penerapannya, serta upaya yang dilakukan dalam mengatasi kendala tersebut di Kejaksaan Negeri Aceh Utara.

Penelitian ini menggunakan metode penelitian yuridis empiris dengan pendekatan perundang-undangan dan pendekatan kasus. Data penelitian terdiri atas data primer dan data sekunder. Data primer diperoleh melalui wawancara data sekunder diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan, buku, jurnal ilmiah, dan dokumen yang berkaitan dengan objek penelitian.

Hasil penelitian menunjukkan bahwa proses penyelesaian perkara tindak pidana penganiayaan melalui *Restorative Justice* di Kejaksaan Negeri Aceh Utara dilaksanakan melalui tahapan penelitian berkas perkara, upaya perdamaian antara korban dan pelaku, pelaksanaan mediasi, serta pengajuan penghentian penuntutan yang telah memenuhi syarat sebagaimana diatur dalam Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020. Faktor-faktor yang menghambat penerapan *Restorative Justice* meliputi faktor hukum, penegak hukum, sarana dan fasilitas, masyarakat, serta kebudayaan, dengan hambatan utama berupa tidak tercapainya kesepakatan perdamaian antara korban dan pelaku. Upaya yang dilakukan untuk mengatasi kendala tersebut dilakukan melalui pendekatan persuasif oleh jaksa fasilitator, pelaksanaan mediasi secara intensif, serta pelibatan keluarga dan tokoh masyarakat guna mendorong tercapainya perdamaian dan pemulihan hubungan antara para pihak.

Disarankan agar Kejaksaan Negeri Aceh Utara terus meningkatkan sosialisasi mengenai *Restorative Justice*, memperkuat kapasitas jaksa dalam pelaksanaan mediasi, serta meningkatkan kerja sama dengan tokoh masyarakat dan keluarga para pihak guna mendukung efektivitas penyelesaian perkara melalui pendekatan keadilan restoratif.

Kata Kunci: *Restorative Justice*, Tindak Pidana Penganiayaan, Penghentian Penuntutan, Kejaksaan Negeri Aceh Utara.

SUMMARY

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**THE IMPLEMENTATION OF RESTORATIVE JUSTICE IN
ASSAULT CRIMINAL CASES AT THE NORTH ACEH
DISTRICT PROSECUTOR'S OFFICE
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The implementation of Restorative Justice is one of the policies within the criminal justice system aimed at achieving the peaceful resolution of criminal cases through the restoration of relationships between victims and offenders. Over time, this approach has been accommodated through the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice. The North Aceh District Prosecutor's Office is one of the institutions that applies this policy in resolving assault criminal cases at the prosecution stage. This study aims to analyze the process of resolving assault criminal cases through Restorative Justice, the factors hindering its implementation, and the efforts undertaken to overcome such obstacles at the North Aceh District Prosecutor's Office.

This study employs an empirical juridical research method using both statutory and case approaches. The research data consist of primary and secondary data. Primary data were obtained through interviews, while secondary data were collected through library research involving legislation, books, scientific journals, and documents related to the research object.

The findings indicate that the resolution of assault criminal cases through Restorative Justice at the North Aceh District Prosecutor's Office is carried out through several stages, namely case file examination, reconciliation efforts between the victim and the offender, mediation proceedings, and the submission of a request for termination of prosecution that fulfills the requirements stipulated in the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020. Factors hindering the implementation of Restorative Justice include legal factors, law enforcement factors, facilities and infrastructure, community factors, and cultural factors, with the primary obstacle being the failure of the victim and the offender to reach a peace agreement. Efforts to overcome these obstacles are undertaken through persuasive approaches by prosecutor-facilitators, intensive mediation processes, and the involvement of family members and community leaders to encourage reconciliation and the restoration of relationships between the parties.

It is recommended that the North Aceh District Prosecutor's Office continue to enhance public awareness regarding Restorative Justice, strengthen prosecutors' capacity in conducting mediation, and improve cooperation with community leaders and the families of the parties involved in order to support the effectiveness of case resolution through a restorative justice approach.

Keywords: *Restorative Justice, Assault Crime, Termination of Prosecution, North Aceh District Attorney's Office.*