

RINGKASAN

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PENERAPAN *RESTORATIVE JUSTICE* TERHADAP
TINDAK PIDANA PENCURIAN HASIL PERKEBU-
NAN DI PTPN II (Studi Kasus No. Pdm-205/L.2.25.3/
Eku.2/11/ 2021)

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Penegakan hukum di Indonesia sering menghadapi masalah utama terkait dengan kelebihan kapasitas di lembaga pemasyarakatan akibat penahanan pelaku tindak pidana. *Restorative justice*, yang berlandaskan pada Peraturan Kejaksaan Nomor 15 Tahun 2020 tentang Penghentian Penuntutan, muncul sebagai alternatif yang melibatkan pelaku, korban, dan masyarakat dalam upaya mencapai penyelesaian yang lebih adil dan komprehensif. Dalam kasus pencurian hasil perkebunan di PTPN II (Kasus No. PDM-205/L.2.25.3/Eku.2/11/2021), meskipun kesepakatan berdasarkan prinsip *restorative justice* telah dicapai, pelaku tidak dapat memenuhi kewajiban finansial untuk mengganti kerugian yang diakibatkan. Masalah ini menimbulkan pertanyaan penting tentang apakah keadaan akan tetap pulih dan keadilan dapat tercapai jika pelaku tidak memenuhi kewajiban ganti rugi.

Penelitian ini bertujuan untuk menganalisis penerapan *restorative justice* dalam kasus tersebut, dengan fokus khusus pada masalah ketidakmampuan pelaku dalam mengganti kerugian, serta untuk menganalisis manfaat dan kendala yang timbul dari proses ini.

Metode penelitian yang digunakan adalah penelitian yuridis empiris dengan pendekatan studi kasus yang bersifat deskriptif, mengumpulkan data primer dari Kejaksaan Negeri Langkat untuk memahami implementasi dan dampak *restorative justice*.

Hasil penelitian menunjukkan bahwa penerapan *restorative justice* dalam kasus ini melibatkan serangkaian tahap, dimulai dari inisiatif perdamaian yang melibatkan dialog antara pelaku, korban, dan masyarakat, selanjutnya pelaksanaan perdamaian dan penyusunan kesepakatan damai yang mencakup perincian tentang ganti rugi dan rencana pemulihan. Setelah kesepakatan dicapai, permohonan penghentian penuntutan diajukan, dan surat ketetapan penghentian penuntutan diterbitkan. Meskipun pelaku tidak dapat memenuhi kewajiban mengganti kerugian yang disepakati, keadaan tetap terpulihkan karena korban telah memaafkan pelaku dan ada rekonsiliasi yang terjalin. Kendala potensial dalam penerapan *restorative justice* meliputi kurangnya pemahaman masyarakat tentang proses ini, resistensi dari sistem hukum konvensional, serta keterbatasan sumber daya yang tersedia. Terlepas dari kendala tersebut, penerapan *restorative justice* memberikan manfaat signifikan seperti rekonsiliasi antara pelaku, korban, dan masyarakat, penciptaan ruang untuk pemulihan emosional korban, stimulasi perubahan perilaku positif pada pelaku, serta pengurangan beban pada lembaga pemasyarakatan.

Untuk meningkatkan efektivitas *restorative justice*, perlu disediakan dukungan ekonomi dan sosial bagi pelaku agar mereka dapat memenuhi kewajiban ganti rugi kepada korban. Selain itu, pengembangan program pendidikan dan sosialisasi tentang *restorative justice* akan memperbaiki pemahaman masyarakat, pelaku, dan aparat hukum mengenai manfaat dan pelaksanaannya.

Kata kunci: *Restorative Justice*, Tindak Pidana, Pencurian, Rekonsiliasi

SUMMARY

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IMPLEMENTATION OF RESTORATIVE JUSTICE FOR AGRICULTURAL THEFT CRIMES AT PTPN II (Case Study No. Pdm-205/L.2.25.3/Eku.2/11/2021)

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Law enforcement in Indonesia often faces major issues related to the overcapacity of correctional facilities due to the detention of criminal offenders. Restorative justice, based on the Attorney General's Regulation No. 15 of 2020 on Termination of Prosecution, emerges as an alternative that involves perpetrators, victims, and the community in an effort to achieve a more just and comprehensive resolution. In the case of plantation theft at PTPN II (Case No. PDM-205/L.2.25.3/Eku.2/11/2021), although an agreement based on the principles of restorative justice was reached, the perpetrator was unable to fulfill the financial obligation to compensate for the damage caused. This issue raises important questions about whether recovery and justice can still be achieved if the perpetrator does not fulfill the obligation to compensate.

This study aims to analyze the implementation of restorative justice in this case, with a particular focus on the issue of the offender's inability to provide compensation, as well as to examine the benefits and challenges arising from this process. The research methodology employed is a juridical-empirical study with a descriptive case study approach, gathering primary data from the Langkat District Attorney's Office to understand the implementation and impact of restorative justice.

The findings reveal that the application of restorative justice in this case involved several stages, beginning with the initiation of peace talks involving dialogue among the offender, the victim, and the community, followed by the implementation of peace and the drafting of a peace agreement detailing compensation and recovery plans. Once the agreement was reached, a request for termination of prosecution was submitted, and a decree of termination was issued. Although the offender was unable to fulfill the agreed compensation obligations, the situation remained resolved as the victim forgave the offender, and reconciliation was achieved. Potential challenges in implementing restorative justice include a lack of public understanding of the process, resistance from the conventional legal system, and limited available resources. Despite these challenges, restorative justice offers significant benefits such as reconciliation between the offender, victim, and community, creating a space for the victim's emotional recovery, stimulating positive behavioral changes in the offender, and reducing the burden on correctional facilities.

To enhance the effectiveness of restorative justice, it is necessary to provide economic and social support to offenders so they can meet their compensation obligations to victims. Additionally, developing educational and outreach programs about restorative justice will improve understanding among the public, offenders, and legal authorities regarding its benefits and implementation.

Keywords: Restorative Justice, Crime, Theft, Reconciliation