

PENERAPAN *RESTORATIVE JUSTICE* MENURUT ASAS *DUE PROCES OF LAW* DALAM KASUS TINDAK PIDANA RINGAN DI INDONESIA DAN PERBANDINGANNYA DI BEBERAPA NEGARA

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ABSTRAK

Lahirnya gagasan tentang konsep *Restorative Justice* dalam tindak pidana ringan sebagai bentuk penyelesaian alternatif yang dilakukan melalui diskresi (kebijaksanaan) dan alternatif ini merupakan upaya pengalihan dari proses peradilan pidana keluar proses formal untuk diselesaikan secara musyawarah. Kemudian yang termasuk ke dalam tindak pidana ringan yaitu Pasal 364 KUHP, Pasal 373 KUHP, Pasal 379 KUHP, Pasal 384 KUHP, Pasal 407 Ayat (1) KUHP, dan Pasal 482 KUHP. Permasalahan dalam penelitian ini adalah terkait adanya Kendala Penerapan *Restorative Justice* dan bagaimana solusi Penerapannya Pada Setiap Tahapan Pemeriksaan Perkara Kasus Tindak Pidana Ringan di Indonesia. Ditambah sedikit dengan bagaimana penerapan *Restorative Justice* di Indonesia dan perbandingannya di berbagai negara dalam penegakkan hukum khususnya dalam penerapan *Restorative Justice*. Metode penelitian yang penulis gunakan adalah Yuridis Normatif, Pendekatan kasus yang sudah berkekuatan hukum tetap, dan Pendekatan Perbandingan. Berdasarkan penelitian yang dilakukan, diperoleh jawaban bahwa dalam masih adanya kendala dalam penerapan *Restorative Justice* dan cara agar Penerapan *Restorative Justice* itu dapat diterapkan dengan baik yaitu dengan perlu adanya *Due Process dan Crime Control Model*, serta dapat mengetahui bagaimana pengaturan dari penerapan *Restorative Justice* khususnya dalam menangani Tindak Pidana Ringan tersebut di Indonesia maupun di Berbagai Negara.

Kata Kunci : *Restorative Justice*, Tindak Pidana ringan, Solusi

***APPLICATION OF RESTORATIVE JUSTICE ACCORDING TO
THE PRINCIPLE OF DUE PROCESSES OF LAW IN MILD CRIME CASES IN
INDONESIA AND THEIR COMPARISON IN SOME COUNTRIES***

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ABSTRACT

The birth of the idea of restorative justice in minor crimes as a form of alternative settlement carried out through discretion (wisdom) and this alternative is an effort to divert from the criminal justice process outside the formal process to be resolved by deliberation. Then what are included in minor crimes are Article 364 of the Criminal Code, Article 373 of the Criminal Code, Article 379 of the Criminal Code, Article 384 of the Criminal Code, Article 407 Paragraph (1) of the Criminal Code, and Article 482 of the Criminal Code. The problem in this research is related to the existence of obstacles to the application of Restorative Justice and how to apply the solution at each stage of the examination of cases of minor crimes in Indonesia. Coupled a little with how the application of Restorative Justice in Indonesia and its comparison in various countries in law enforcement, especially in the application of Restorative Justice. The research method that the author uses is normative juridical, case approach that has permanent legal force, and comparative approach. Based on the research conducted, the answer is that there are still obstacles in the application of Restorative Justice and ways for the application of Restorative Justice to be implemented properly, namely the need for the Due Process and Crime Control Model, and can find out how the settings for the application of Restorative Justice, especially in dealing with These minor crimes are in Indonesia and in various countries.

Keywords: *Restorative Justice, Minor Crime, Solution*