

## INTISARI

### **PENERAPAN PRINSIP KEADILAN RESTORATIF MELALUI MEDIASI PENAL DALAM PENYELESAIAN PERKARA PIDANA DI KEPOLISIAN DAERAH ISTIMEWA YOGYAKARTA**

Oleh: Josua Hamonangan<sup>1</sup>, Sigid Riyanto<sup>2</sup>.

Proses penyelesaian suatu perkara pidana pada dasarnya dimulai dari kepolisian dilanjutkan oleh kejaksaan dan diselesaikan di pengadilan. Prinsip keadilan restoratif dapat mempermudah penyelesaian perkara pidana, yang dimana dapat diselesaikan di kepolisian.

Tujuan penulisan hukum ini untuk mengetahui proses penyelesaian perkara pidana menggunakan prinsip keadilan restoratif yang melalui mediasi penal, serta untuk mengetahui kendala yang terjadi dalam penerapan prinsip keadilan restoratif melalui mediasi penal dalam penyelesaian perkara pidana di Kepolisian Daerah Istimewa Yogyakarta.

Jenis penelitian yang digunakan dalam penulisan hukum ini adalah penelitian normatif empiris dengan mengkaji implementasi ketentuan hukum normatif di masyarakat. Penulisan hukum ini bersifat deskriptif yaitu menggambarkan proses penerapan prinsip keadilan restoratif melalui mediasi penal dalam penyelesaian perkara pidana di Kepolisian Daerah Istimewa Yogyakarta.

Hasil penelitian menunjukkan bahwa penerapan prinsip keadilan restoratif dalam penyelesaian perkara pidana di Kepolisian Daerah Istimewa Yogyakarta telah diupayakan oleh penyidik. Dasar hukum dari para penyidik dalam menerapkan prinsip keadilan restoratif melalui mediasi penal juga berdasarkan pada hak diskresi yang dimiliki kepolisian. Dalam menerapkan prinsip keadilan restoratif melalui mediasi penal, penyidik juga sudah berdasarkan pedoman Peraturan Kepolisian Nomor 8 Tahun 2021. Dalam ada halnya tercapai kesepakatan antar pihak dalam penyelesaian perkara pidana melalui mediasi penal, apabila dalam tahap penyelidikan, penyidik harus menerbitkan surat penghentian penyelidikan atau SP 2 Lid, sedangkan apabila dalam tahap penyidikan penyidik menerbitkan surat penghentian penyidikan atau SP 3. Kegagalan dalam penerapan prinsip keadilan restoratif melalui mediasi penal dalam penyelesaian perkara pidana, disebabkan oleh tiga hal, faktor ekonomi, tidak ada itikad baik dari para pihak, serta kurang baiknya pelaksanaan mediasi antar pihak.

***Kata Kunci:*** Keadilan Restoratif, Mediasi Penal, Perkara Pidana

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## **ABSTRACT**

### ***APPLICATION OF THE PRINCIPLES OF RESTORATIVE JUSTICE THROUGH PENAL MEDIATION IN THE SETTLEMENT OF CRIMINAL CASES IN POLICE SPECIAL REGION OF YOGYAKARTA***

***By: Josua Hamonangan,<sup>3</sup> Sigid Riyanto.<sup>4</sup>***

*The process of settling a criminal case basically starts with the police and is continued by the prosecutor and finalized in court. The principle of restorative justice can facilitate the settlement of criminal cases, which can be resolved in the police.*

*The purpose of writing this study is to find out the process of resolving criminal cases using the principles of restorative justice through penal mediation, as well as to find out the obstacle that occurs in the application of the principles of restorative justice through penal mediation in the settlement of criminal cases in the Special region of Yogyakarta Police.*

*The type of research used in writing this study is empirical normative research by examining the implementation of normative legal provisions in society. The writing of this study is descriptive in nature, which describes the process of applying the principles of restorative justice through penal mediation in the settlement of criminal cases in the Special Region of Yogyakarta Police.*

*The results of the study show that the application of the principles of restorative justice in the settlement of criminal cases in the Special Region of Yogyakarta Police has been attempted by investigators. The legal basis for investigators in applying the principles of restorative justice through penal mediation is also based on the discretionary rights of the police. In applying the principles of restorative justice through penal mediation, investigators have also been based on Police Regulation No. 8 of 2021. In the event that an agreement is reached between parties in resolving criminal cases through penal mediation, if in the investigation stage, the investigator must issue an investigation termination letter or SP 2 Lid, whereas if during investigation stage the investigator issues an investigation termination letter or SP3. Failure to apply the principles of restorative justice through penal mediation in the settlement of criminal cases is caused by three things, economic factor, no good will from the parties, and poor implementation mediation between parties.*

***Keyword: Restorative Justice, Penal Mediation, Criminal Case***

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