



Formulation of the Authority of the Public Prosecutor in Performing Penal Mediation in Accordance with Law Number 11 Year 2021 Concerning Amendment to Law Number 16 Year 2004 Concerning the Prosecutor in Middle Criminal Cases

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Abstract

Basically, the prosecutor's authority as a mediator in conducting penal mediation will overlap with the prosecutor's authority as the executor in terms of prosecution. Penal mediation includes the authority of the Prosecutor as stipulated in Part II Section 4 A United Nations Office on Drugs and Crime and International Association of Prosecutors Guide 2014 UNODC and IAP Part Two concerning the Status and Role of Public Prosecutors in Criminal Procedure Law. Based on the theoretical problem, penal mediation comes from Restorative Justice Principles. Currently in Indonesia there has been a paradigm shift from retributive justice (retaliation) to restorative justice (recovery). This is illustrated, among others, by the emergence of laws and regulations that promote this paradigm, such as Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the Money Laundering Law, which was last amended through Law Number 8 of 2010. This requires the handling of cases that are relatively light and have a humanitarian aspect, such as theft with minimal loss. The Prosecutor must be able to prosecute or act based on Restorative Justice. Another development is that law enforcement does not only use a preventive-repressive approach, but also other approaches such as Alternative Dispute Resolution as well as Penal Mediation. This is one manifestation of the prosecution's discretion (Prosecutorial Discretionary).

Keywords: *Prosecutor's Authority; Mediation; Justice*

Preliminary

The development of progress or modernization brings consequences for every country to adapt to this modernization. Of course, in that case, it has a positive impact and a negative impact for any existing progress. One of the negative impacts that can result from progress is the increasing moral crisis in society which has the potential for law violations to occur in various forms. The direction of legal policy aims to make law a rule that provides protection for every citizen's rights. Along with the development, new thinking is needed regarding the direction of future legal policy.

A criminal act is an act that is prohibited by a prohibition law which is accompanied by threats (sanctions) in the form of certain crimes, for anyone who violates the prohibition. It can also be said that a criminal act is an act which by a rule of law is prohibited and is punishable by a criminal offense, provided that at the same time it is remembered that the prohibition is aimed at an act (i.e. a situation or event caused by the behavior of a person), while the threat of punishment is directed at the person who caused it. that incident.¹

Crime prevention through criminal law policies will be effective, if crime prevention is not only aimed at solving a criminal case by imposing a sentence on the perpetrator. Settlement of cases in the spirit of restorative justice, must be able to find a fair solution and bring mutual benefits (win-win solution) for both parties, both victims and perpetrators. In other words, all parties involved in a particular crime jointly solve problems and create an obligation to make things better by involving victims, perpetrators, and the community in finding solutions to repair, reconcile, and reassure those who are not feeling well. based on revenge.

Rational efforts to control or overcome crime (criminal politics) of course do not only use the means of "penal" (criminal law), but can also use non-penal means.² When handling a criminal case, it does not necessarily use litigation. As for other ways (non-litigation) which are expected to be able to provide an effective resolution if a criminal case occurs, especially criminal cases that are identical to cases that are considered too small or known as the insignificance principle and the irrelevance principle. The insignificance principle means that the crime committed does not have insignificant value and results. While the irrelevance principle does not only consider harmless actions, but also considers the quality of the wrongdoing of the perpetrator.

The prosecutor who plays the role of the public prosecutor must be free from the influence of any power because to achieve a goal in enforcing the law and is required to carry out his duties and powers in accordance with the law. As well as upholding the rule of law, protecting the public interest, upholding human rights, and eradicating corruption, collusion and nepotism.³

The position of the Prosecutor's Office in criminal justice is decisive because it is a bridge that connects the investigation stage with the examination stage in court. Based on the legal doctrine that applies, there is a principle that the Public Prosecutor has a monopoly of prosecution, meaning that each person can only be tried if there is a criminal charge from the Public Prosecutor, namely the prosecutor's office because only the Public Prosecutor has the authority to bring a person suspected of committing a crime before a court session.⁴

Based on Article 1 point 1 of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, that prosecutor is a functional official who is authorized by law to act as a public prosecutor and implementer of court decisions who have obtained permanent legal force and other powers based on the law. . The duties and authorities of the prosecutor in the criminal field are regulated in Article 30 paragraph (1) of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, among others.⁵

1. to prosecute
2. carry out judges' decisions and court decisions that have permanent legal force
3. Supervise the implementation of conditional criminal decisions, supervisory criminal decisions, and parole decisions

¹ Moeljatno. 2008. *Asas-Asas Hukum Pidana*. Jakarta; Rineka Cipta, hlm. 59.

² Muladi, Arief, Barda Nawawi. 2005. *Teori-Teori dan Kebijakan Pidana*. Bandung: P.T. Alumni, hlm. 159.

³ Yesmil Anwar & Adang, *Sistem Peradilan Pidana*, Bandung: Widya Padjadjaran, 2011, hlm. 202.

⁴ Yudi Kristiana, *Independensi Kejaksaan dalam Penyidikan Korupsi*, Bandung: PT Citra Aditya Bakti, 2006, hlm. 52.

⁵ Pasal 30 ayat (1) Undang-undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia

4. carry out investigations into certain criminal acts based on the law
5. to complete certain case files and for that purpose they can carry out additional examinations before they are delegated to the court, whose implementation is coordinated with investigators.

The prosecutor as a public prosecutor, coordinates with investigators in terms of determining whether a case is appropriate or not improved in the prosecution stage in court. If the results of the investigation are considered complete and appropriate to be submitted to the prosecution stage (P-21), but in the amendment of the new Prosecutor Law, namely Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia amended 39 provisions of the old Prosecutor Law. For example, in the General Provisions chapter, it is abolished and only becomes Article 1 which explains that the prosecutor's office is a government institution whose function is related to judicial power that carries out state power in the field of prosecution and other authorities based on the law. Prosecutors are civil servants with functional positions that have specificity and carry out their duties, functions and authorities based on the law. Public Prosecutor is a Prosecutor who is authorized by this Law to carry out prosecutions and carry out the determination of judges and other authorities based on the Law. Prosecution is the action of the Public Prosecutor to delegate the case to the competent District Court in the matter and according to the method regulated in the criminal procedure law with a request that it be examined and decided by a judge in a court session.

According to Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, there are new changes related to the duties and authorities of the prosecutor's office as regulated in 30A, 30B and 30C.

The addition of the prosecutor's authority other than being a public prosecutor according to the prosecution stage (P-21), now there is a penal mediation authority in this case due to a new breakthrough as an effort to create restorative justice in the settlement of criminal cases, this policy of stopping prosecution opens space legally valid for the perpetrator and the victim to jointly formulate a solution to the problem in order to restore it to its original state before the criminal law prosecution was carried out, namely through the penal mediation effort.

The penal mediation authority exercised by the Prosecutor is important because with this policy also restorative justice can be realized in the settlement of criminal cases which are not only limited to offenses within the scope of the SPPA Law but also for any settlement of cases where criminal law takes a position as the *ultimum remedium*. final remedy/solution). However, it should be noted that the policy of stopping prosecution based on restorative justice through penal mediation will later be applied carefully according to the terms and conditions as well as the principles set out in it.

With regard to the authority of the Prosecutor in carrying out the discretionary Prosecution (prosecutorial discretionary or *opportuniteit beginselen*) which is carried out by taking into account local wisdom and values of justice that live in the community, it has an important meaning in order to accommodate the development of legal needs and a sense of justice in society which demands a change in the enforcement paradigm. law from merely realizing retributive justice (retaliation) to restorative justice. For this reason, the success of the Prosecutor's Office in carrying out the Prosecution is not only measured by the number of cases transferred to the court, including the settlement of cases outside the court through penal mediation as the implementation of restorative justice that balances fair legal certainty and benefits.

Among the categorizations put forward by the expert above, there is one classification of criminal acts that should indeed be resolved through penal mediation efforts, namely crimes that are classified as minor crimes. The method of dispute resolution through penal mediation as an alternative in carrying out investigations and investigations that must be applied in Indonesia as an effort to reform the law. This is because penal mediation is an approach that focuses more on the conditions for creating justice and a balance between the perpetrators of the crime and the victims. Criminal justice mechanisms and procedures that focus on sentencing have been transformed into a process of dialogue and mediation to

create an agreement on a more just and balanced settlement of criminal cases for both victims and perpetrators.

The settlement of minor crimes in Indonesia is currently attracting public attention, because the handling is considered no longer proportional to the seriousness of the regulated criminal acts. The main problem, according to several analyzes, is that the limits on criminal offenses have not been updated since 1960. The regulation of minor crimes is currently assumed to be a kind of protection from disproportionate law enforcement against criminal acts that (the losses) are considered not serious. The logic that the determination of this minor crime is related to the process of handling in court, although perhaps for different reasons, can be found again in the Criminal Procedure Code which then applies in Indonesia.⁶

In connection with the amendment to the new Prosecutor's Law regarding the authority of the Public Prosecutor in conducting penal mediation, this creates legal ambiguity. In this case, because in the previous juridical regulation the authority of the Public Prosecutor was only based on the sound in Article 30 paragraph (1) of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, but the new Prosecutor Law added regulations related to the prosecutor's authority in terms of committing crimes. penal mediation. In this case, the investigator coordinates with the Public Prosecutor regarding the crime committed, then the Prosecutor gives instructions that the case is through penal mediation.

Basically, the prosecutor's authority as a mediator in conducting penal mediation will overlap with the prosecutor's authority as the executor in terms of prosecution. Penal mediation includes the authority of the Prosecutor as stipulated in Part II Section 4 A United Nations Office on Drugs and Crime and International Association of Prosecutors Guide 2014 UNODC and IAP Part Two concerning the Status and Role of Public Prosecutors in Criminal Procedure Law.

Based on the theoretical problem, penal mediation comes from Restorative Justice Principles. Currently in Indonesia there has been a paradigm shift from retributive justice (retaliation) to restorative justice (recovery). This is illustrated, among others, by the emergence of laws and regulations that promote this paradigm, such as Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the Money Laundering Law, which was last amended through Law Number 8 of 2010. This requires the handling of cases that are relatively light and have a humanitarian aspect, such as theft with minimal loss. The Prosecutor must be able to prosecute or act based on Restorative Justice. Another development is that law enforcement does not only use a preventive-repressive approach, but also other approaches such as Alternative Dispute Resolution as well as Penal Mediation. This is one manifestation of the prosecution's discretion (Prosecutorial Discretionary).

Based on the problem of norms, that the existence of a new policy of a prosecutor in conducting penal mediation, will result in the norm of the prosecutor being professional in acting, including in carrying out prosecutions guided by the formulation of norms regulated in Article 8 paragraph (4) of the Prosecutor's Law. In addition, on the problem side of reality, the addition of the prosecutor's authority in conducting penal mediation, in reality the prosecutor in carrying out his authority as a public prosecutor and as a mediator in the implementation of penal mediation is also not effective and efficient.

The prosecutor's authority in carrying out prosecution discretion (prosecutorial discretionary or opportunititeit beginselen) which is carried out by taking into account local wisdom and values of justice living in the community has an important meaning in order to accommodate the development of legal needs and a sense of justice in society which demands a change in the law enforcement paradigm from solely to realize retributive justice (retaliation) into restorative justice. For this reason, the success of the

⁶ Leonardo O. A. Pandensolang, 2015, "Kajian Terhadap Tindak Pidana Ringan Dalam Proses Peradilan Pidana", *Lex Crimen* Vol. IV/No. 1/Jan-Mar/2015 24, Universitas Sam Ratulangi

Prosecutor's Office in carrying out the Prosecution is not only measured by the number of cases transferred to the court, including the settlement of cases outside the court through penal mediation as the implementation of restorative justice that balances fair legal certainty and benefits.

In this regard, the problem with the emergence of a new law that regulates the authority of the prosecutor in conducting penal mediation in this case raises the essence of the prosecutor's authority itself which in the previous Prosecutor Law did not include a clause relating to his authority to conduct penal mediation but In the new law that amends the old law, namely Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office, it regulates the authority of the Prosecutor to act in terms of conducting penal mediation in cases of minor crimes, in terms of This is the pros and cons of the amendment to the Prosecutor's Law.

Based on the problems in the background above, the writer is interested in conducting research in a thesis entitled **"FORMULATION OF THE AUTHORITY OF THE PUBLIC PROSECUTOR IN CONDUCTING THE PENAL MEDIATION IN ACCORDANCE WITH LAW NUMBER 11 YEAR 2021 CONCERNING AMENDMENT TO LAW NUMBER 16 YEAR 2004 REGARDING PROSECUTION ACTION" IN THE ACTION CASE.**

Research Methods

The research used in this paper is normative legal research. Normative legal research is a process to find the rule of law, legal principles and legal doctrines in order to answer the legal issues faced so that new arguments, theories or concepts are obtained as descriptions in solving problems. Normative legal research is also known as doctrinal legal research. In this type of research, law is often conceptualized as what is written in legislation (law in book) or law is conceptualized as a rule or norm which is a benchmark for human behavior that is considered appropriate.⁷

In this study, the authors analyze the formulation of the authority of the Public Prosecutor in Conducting Penal Mediation in accordance with Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office in Minor Crime Cases.

Results and Discussion

Definition of a Minor Crime

According to M. Yahya, the Trial Examination, Appeal, Cassation, and Review stated, among other things, that Minor Crimes are a type of crime that can be classified into a minor crime examination procedure.⁸ However, Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) does not explain the criminal acts that are included in the light procedure examination. However, the Criminal Procedure Code determines the benchmark in terms of "criminal threats".

Based on Article 205 paragraph (1) of the Criminal Procedure Code for minor crimes, namely cases that are punishable by imprisonment or imprisonment for a maximum of 3 (three) months and or a maximum fine of Rp. 7500 (seven thousand five hundred rupiah); Minor insults, except as provided for in paragraph 2 of this part (Traffic Violation Case Examination Procedure) (Article 205 paragraph (1) of the Criminal Procedure Code); For cases that are subject to a maximum imprisonment of 3 (three) months or a fine of more than Rp. 7500, also includes the authority to examine Tipiring (Supreme Court Circular (SEMA) Number 18 of 1983).

⁷ Amiruddin dan Zainal Asakin. **Pengantar Metode Penelitian Hukum**. Jakarta: PT Raja Grafindo Persada. 2006. hlm. 118.

⁸ Yahya Harahap. 2009, **Pembahasan Permasalahan Dan Penerapan KUHAP**, Sinar Grafika. Jakarta, hlm. 99

Types of Minor Crimes

Based on the description of the understanding of minor crimes above, the author finds several types of minor crimes contained in the Criminal Code (KUHP), namely as follows:

1) Disturbing public order (Article 172)

Any person who deliberately disturbs the peace by emitting screams, or falsely dangerous signs, shall be punished by a maximum imprisonment of three weeks or a maximum fine of Rp. 900 (Nine hundred rupiah).

2) Disrupt the general meeting (Article 174)

Whoever intentionally disturbs a permitted public meeting by causing chaos or noise, is threatened with a maximum imprisonment of three weeks or a maximum fine of Rp. 900 (Nine hundred rupiah).

3) Making noise at religious meetings (Article 176)

Any person who deliberately interferes with a religious gathering that is public and permitted, or a permitted religious ceremony or funeral ceremony, by causing chaos or noise, is threatened with a maximum imprisonment of one month and two weeks or a maximum fine of Rp. 1800 (one thousand eight hundred rupiah).

4) Blocking the road (Article 178)

Whoever deliberately obstructs or obstructs the entrance or transportation of a corpse to a permitted grave, is threatened with a maximum imprisonment of one month and two weeks or a maximum fine of Rp. 1800 (one thousand eight hundred rupiah).

5) Disrupt the proceedings of the District Court (Article 217)

Any person who causes a disturbance in a court session or at a place where an official is carrying out his legal duties in public, and does not leave after an order by or on behalf of the competent authority, is threatened with a maximum imprisonment of three weeks or a maximum fine of Rp. 1800 (one thousand eight hundred rupiah).

6) Damaging the edict (Article 219)

Any person who unlawfully rips, renders unreadable or destroys a declaration published in the name of the competent authority or according to the provisions of the law, with the intention of preventing or making it difficult for people to know the contents of the message, shall be punished by a maximum imprisonment of one month and two weeks or a maximum fine of Rp. 4500 (four thousand five hundred rupiah).

7) Negligence in removing or hiding confiscated goods (Article 231 paragraph (4))

If one of the acts is carried out due to negligence in storing the goods, it is threatened with a maximum imprisonment of one month or a maximum fine of Rp. 1800 (one thousand eight hundred rupiah).

8) Animal Persecution (Article 302 paragraph (1))

Threatened with a maximum imprisonment of three months or a maximum fine of Rp. 4500 (four thousand five hundred rupiahs) for carrying out light mistreatment of animals:

- a) any person who without a proper purpose or in an overreach, intentionally hurts an animal or injures an animal or injures its health;
- b) any person who, without a proper goal or by exceeding the limits necessary to achieve that goal, intentionally does not provide food necessary for survival to an animal, which is wholly or partly his and is under his control, or to an animal that is obliged to be kept.

9) Minor Humiliation (Article 315)

Every intentional insult that is not defamatory or written defamation committed against a person, either in public orally or in writing, or in front of the person himself verbally or by deed, or by a letter sent or received to him, is threatened with light insult. with a maximum imprisonment of four months and two weeks or a maximum fine of Rp. 4500 (four thousand five hundred rupiah).

10) Insults with writing (Article 321 paragraph (1))

Any person who broadcasts, shows or puts up in public a writing or an image that contains insulting content or for a dead person defames his name, with the intention that the contents of the letter or image are known or better known to the public, shall be punished by a maximum imprisonment of one month and two weeks or a maximum fine of Rp. 4500 (four thousand five hundred rupiah).

11) Due to negligence/mistake, people are detained (Article 334 paragraph (1))

Whoever due to negligence causes a person to be unlawfully deprived of their liberty, or the further deprivation of liberty is continued, is threatened with a maximum imprisonment of three months or a maximum fine of Rp. 300 (three hundred rupiah).

12) Minor Persecution (Article 352).

Persecution which does not cause disease or impediment to carrying out a job or search is threatened as light maltreatment, with a maximum imprisonment of three months or a maximum fine of Rp. 4500 (four thousand five hundred rupiah).

13) Minor theft (Article 364).

The acts described in Article 362 and Article 363 point 4, as well as the acts described in Article 363 point 5, if not committed in a house or a closed yard with a house, if the price of the stolen goods is not more than Rp. 25 (twenty-five rupiahs), threatened for minor theft with a maximum imprisonment of three months or a maximum fine of Rp. 250 (two hundred and fifty rupiah).

14) Minor Embezzlement (Article 373).

If the embezzled is not livestock and the price is not more than Rp. 25 (twenty five rupiah), is threatened with light embezzlement with a maximum imprisonment of three months or a maximum fine of Rp. 250 (two hundred and fifty rupiah).

15) Minor Fraud (Article 379).

If the act submitted is not livestock and the price of the goods, debt or receivable is not more than Rp. 25 (twenty-five rupiah) is threatened as a minor fraud with a maximum imprisonment of three months or a maximum fine of Rp. 250 (two hundred and fifty rupiah).

16) Minor Damage (Article 407 paragraph (1) and Article 497).

Article 407 paragraph (1) "if the loss price is not more than Rp. 25 (twenty five rupiahs) shall be punished by a maximum imprisonment of three months or a maximum fine of Rp. 250 (two hundred and

fifty rupiah)". Article 497 "threatened with a maximum fine of Rp. 375 (three hundred and seventy five rupiahs):

- a) anyone who is on a public road or on its side, or in a place that is so close to buildings or goods, that a fire hazard can arise, starting a fire or without the need to fire a firearm;
- b) whoever releases an air balloon on which flaming materials are hung.

Definition of Prosecutor

The definition of the prosecutor's office according to Article 2 paragraph (1) of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office is "a government institution that exercises state power in the field of prosecution and other authorities based on law." From the formulation of Article 2 paragraph (1) it can be seen that the Prosecutor's Office is:

1. Government agencies. Thus, the prosecutor's office includes the executive, not the legislature, and not the judiciary
2. Implement state power; Thus, the prosecutor's office is a state apparatus.⁹

The definition of a prosecutor in Article 1 paragraph (6) letter a of the Criminal Procedure Code, is: "Prosecutors are officials who are authorized by this law to act as public prosecutors and carry out court decisions that have permanent legal force." Furthermore, the definition of prosecutor according to Article 1 paragraph (1) of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor, namely: "Prosecutors are functional officials who are authorized by law to act as public prosecutors and implement court decisions that have obtained permanent legal force and other powers based on the law.

Conclusion

Basically, the prosecutor's authority as a mediator in conducting penal mediation will overlap with the prosecutor's authority as the executor in terms of prosecution. Penal mediation includes the authority of the Prosecutor as stipulated in Part II Section 4 A United Nations Office on Drugs and Crime and International Association of Prosecutors Guide 2014 UNODC and IAP Part Two concerning the Status and Role of Public Prosecutors in Criminal Procedure Law.

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⁹ Laden Marpaung, *Proses Penanganan Perkara Pidana Penyelidikan dan Penyidikan*, Jakarta : Sinar Grafika, 2009, hlm.191-192.

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References

Book

- Adami Chazawi. Pelajaran Hukum Pidana Bagian I : Stelsel Pidana, Tindak Pidana, Teori-Teori Pidana, dan Batas Berlakunya Hukum Pidana, Jakarta: PT Raja Grafindo Persada, 2007
- Amiruddin dan Zainal Asakin. Pengantar Metode Penelitian Hukum. Jakarta: PT Raja Grafindo Persada. 2006
- Arief, Barda Nawawi. Perkembangan Sistem Pidana Indonesia, Semarang: Universitas Diponegoro, 2008
- Bambang Poernomo. Asas-Asas Hukum Pidana. Jakarta: Ghalia Indonesia, 2002
- Barda Nawawi Arief, Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Pidana Penjara, Badan Penerbit Universitas Diponegoro. Semarang, 2000
- Cst Kansil, Christine, S.T Kansil, Engelen R, Palandeng dan Godlieb N Mamahit, Kamus Istilah Hukum, Jakarta, 2009
- Jan Rummelink. Hukum Pidana. Jakarta: PT. Gramedia Pustaka Utama, 2003
- Khotbul Umam. Penyelesaian Sengketa di Luar Pengadilan, Yogyakarta: Pustaka Yustisia. 2010
- Laden Marpaung, Proses Penanganan Perkara Pidana Penyelidikan dan Penyidikan, Jakarta : Sinar Grafika, 2009
- Lexy J. Moleong, Metodologi Penelitian Kualitatif, Ed. Rev, Jakarta: Remaja Rosdakarya, 2010
- Moeljatno. Asas-Asas Hukum Pidana. Jakarta: Rineka Cipta. 2008
- Moh. Mahfud MD, Dasar & Struktur Ketatanegaraan Indonesia, Jakarta : PT Rineka Cipta, 2001
- Muladi, Arief, Barda Nawawi. 2005. Teori-Teori dan Kebijakan Pidana. Bandung: P.T. Alumni. 2005
- Mulyadi, Lilik. Putusan Hakim dalam Hukum Acara Pidana, Bandung: PT. Citra Adhya Bakti, 2002
- Mushadi, Mediasi dan Resolusi Konflik di Indonesia, Semarang: Walisongo Mediation Center, 2007
- Peter Mahmud Marzuki. Penelitian Hukum. Jakarta: Kencana Prenada Media Group. 2005
- R.O Siahaan. Tindak Pidana Khusus. Cibubur: Rao Press, 2009
- Rato, Dominikus, Filsafat Hukum Mencari: Memahami dan Memahami Hukum, Yogyakarta: Laksbang Pressindo, 2010
- Ridwan HR. Hukum Administrasi Negara. Edisi Revisi 2. Jakarta: Rajawali Pers. 2011

- Soerjono Soekanto, Pengantar Penelitian Hukum, Jakarta:, Universitas Indonesia Press, 2012
- Soeroso, Pengantar Ilmu Hukum, Jakarta: PT. Sinar Grafika, 2011
- Suyud Margono, ADR dan Arbitrase Proses pelembagaan dan Aspek Hukum, Jakarta: Ghalia Indonesia, 2000
- Syahrani, Riduan, Rangkuman Intisari Ilmu Hukum, Bandung: Penerbit Citra Aditya Bakti, 1999
- Tim Penyusun Kamus Pusat Pembinaan dan Pengembangan Bahasa, Kamus Besar Bahasa Indonesia, Cet. 5 Jakarta: Balai Pustaka, 2016
- Wirjono Prodjodikoro. Asas Asas Hukum Pidana di Indonesia, Jakarta: Refika Aditama, 2003
- Yesmil Anwar & Adang, Sistem Peradilan Pidana, Bandung: Widya Padjadjaran, 2011
- Yudi Kristiana, Independensi Kejaksaan dalam Penyidikan Korupsi, Bandung: PT Citra Aditya Bakti, 2006
- Yahya Harahap. Pembahasan Permasalahan Dan Penerapan KUHP, Jakarta: Sinar Grafika, 2009
- Zainal, Asikin, Pengantar Tata Hukum Indonesia, Jakarta: Rajawali Press, 2012

Journal, Thesis:

- Abdi Reza Fachlewi Junus. (2012). “Peran Jaksa dalam Menerapkan Konsep Diversi Terhadap Anak Yang Berkonflik dengan Hukum”. Tesis Fakultas Hukum Universitas Indonesia
- Dwi Setiyani. (2021). “Mediasi Penal Dalam Perkara Pidana Sebagai Alternatif Penyelesaian Perkara (Studi Kasus Tindak Pidana Pencurian Ringan di Polrestabes Kota Makassar)”. Tesis Fakultas Hukum Universitas Hasanuddin Makassar
- Leonardo O. A. Pandensolang , 2015, “Kajian Terhadap Tindak Pidana Ringan Dalam Proses Peradilan Pidana”, *Lex Crimen* Vol. IV/No. 1/Jan-Mar/2015 24, Universitas Sam Ratulangi
- Lilik Mulyadi, Mediasi Penal Dalam Sistem Peradilan Pidana Indonesia: Pengkajian Asas, Norma, Teori Dan Praktik, *Yustisia*, Vol.2 No.1 Januari – April 2013, hlm. 2
- Wahyuni Prasetyaningsih. (2017). “Mediasi Penal Sebagai Alternatif Penyelesaian Sengketa Antara Suami dan Istri Pada Tindak Pidana Kekerasan Dalam Rumah Tangga”. Tesis Program Magister Hukum Ilmu Hukum Program Pascasarjana Universitas Islam Indonesia

Legislation:

- Undang-undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia
- Undang-Undang Nomor 11 Tahun 2021 Tentang Perubahan Undang-Undang Nomor 16 Tahun 2004 Tentang Kejaksaan

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