



## Dissemination of Mechanisms for Handling Criminal Cases in Criminal Procedure Law

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### Info Article

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### Abstract

**Introduction:** Crime is a social symptom of society. Crime grows and develops along with the growth and development of society. Policies in the use of criminal law are closely correlated with criminalization.

**Purposes of Devotion:** Provide understanding to the community in Kilo 9 Village, Kawatu Hamlet, West Seram Regency (SBB), about the mechanism of handling cases of general crimes in Criminal Procedure Law.

**Method of Devotion:** Conducting surveys and discussions to obtain the information needed and set goals in socialization activities. At the preparatory stage is also carried out preparing the material.

**Results of the Devotion:** The implementation of community service activities in the village of RTKilo 9, West Seram district (SBB), can be found and it is known that the mechanism of handling cases in Criminal Procedure Law, including; preliminary examination stage examination stage in the trial, the stage of Criminal implementation, especially criminal Agency of Inter-Institutional Relations in the process of resolving cases and criminal case settlement Model according to Restorative Justice, consists of Victim-Offender Reconciliation or Mediaton Programs (VORP), Sentencing circles or Healing circles, and Prisoner Assistance Programs.

### 1. Introduction

The process of modernization in all people's lives is the result of technological advances. Criminalization is correlated with social, economic, technological changes or developments that occur. These social changes and so on are factors that influence legal changes. When society changes, the law also changes. Legal changes are the resultant of changes in society.<sup>1</sup>

Crime is a social symptom of society. Crime grows and develops along with the growth and development of society. Policies in the use of criminal law are closely correlated with criminalization. In principle, criminalization is the process of determining an act as prohibited and punishable by punishment for anyone who violates the prohibition. This criminalization usually ends with the formation of laws that prohibit and threaten with punishment for the commission of certain actions, while decriminalization is a process that eliminates the prohibited nature of a criminal act and then becomes an act that is not prohibited and is not punishable by any more punishment. Along with the development

<sup>1</sup> Salman Luthan, "Asas dan Kriteria Kriminalisasi", *Jurnal Hukum*, Vol 16:1 Januari 2009, Fakultas Hukum Unissula; 5

and progress mentioned above, new criminal acts also grow. These developments require the renewal of criminal law, both material and formal (criminal procedural law). Criminal procedural law has a strategic role in the framework of material criminal law enforcement. The strategic role of criminal procedural law lies in the character of the regulation, namely as a mechanism for enforcing law and justice. The existence of criminal procedural law must be able to guarantee human rights, an impartial trial.<sup>2</sup>

The Criminal Procedure Code in traditional societies has actually existed since before the colonial era, was already in the government of kings at that time, but had not been made in written form and was still customary law. In every act that disturbs the balance or harmonious relationship of life that occurred at that time, which is a violation of law (adat), law enforcers will try to restore the balance that has been disturbed due to the violation.<sup>3</sup>

Criminal Procedure Code in Indonesia is regulated in Law Number 8 of 1981 concerning Criminal Procedure Code or better known as the Criminal Procedure Code (KUHAP). KUHAP is the Criminal Procedure Code for general criminal acts that have been codified and unified. The Criminal Procedure Code is a legal instrument that reflects the recognition and protection of human rights. Therefore, all law enforcement actions must be based on legal and statutory provisions and place legal and statutory interests above all else, so that a nation's community life is realized which is under "rule of law" in harmony with statutory provisions. invitation and feeling of justice.<sup>4</sup>

In addition, criminal procedural law has the objective of finding and obtaining or at least approaching material truth, namely the complete truth of a criminal case by applying the provisions of criminal procedural law honestly and precisely with the aim of finding out who the perpetrators can be charged with committing a crime. violation of the law, and then request an examination and a decision from the court to find out whether it is proven that a crime has been committed and whether the person charged can be blamed.<sup>5</sup>

The stage that begins the Criminal Procedure Law process is known to have committed a crime (delict). A criminal case is said to exist if it is known that a criminal act or criminal event or crime has been committed by a person or several persons. In contrast to civil cases, when the initiative to file a case is taken by people who feel aggrieved, in a criminal case, the state takes the initiative to file a criminal case. File a criminal case in court because of a crime or crime. It is known that a criminal act occurred from four possibilities, namely: 1). Caught red-handed (Article 1 point 19 of the Criminal Procedure Code); 2). Because of the report (Article 1 number 24 of the Criminal Procedure Code); 3). Due to a complaint (Article 1 number 25 of the Criminal Procedure Code); and 4). Known by himself or notification or

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<sup>2</sup> Sulistyanta, Implikasi Tindak Pidana Luar Kuhp Dalam Hukum Acara Pidana (Studi Kasus Taraf Sinkronisasi), *Jurnal Dinamika Hukum*, Volume 13 Nomor 2 Mei 2013 ;181-196, <http://dx.doi.org/10.20884/1.jdh.2013.13.2.202>.

<sup>3</sup> R. Supomo, *Bab-bab Tentang Hukum Adat*, Jakarta: Pradnya Paramita, 1981, h. 112-114..

<sup>4</sup> H.M. Juliadi Razali, Penanganan Kasus Tindak Pidana Pada Masa Pandemi Covid-19 Dalam Hubungannya Dengan Penerapan Kitab Undang-Undang Hukum Acara Pidana (KUHAP), *Jurnal Hukum Mimbar Justitia, Fakultas Hukum Universitas Suryakencana*, Volume 7 Nomor 1 Juni 2021; 41-64, [10.35194/jhmj.v7i1.1862](https://doi.org/10.35194/jhmj.v7i1.1862)

<sup>5</sup> Andi Hamzah, *Hukum Acara Pidana Indonesia*, Edisi Revisi, Jakarta: Sinar Grafika, 2001, p. 8

other ways so that investigators know the occurrence of offenses such as reading in newspapers, hearing on the radio, hearing people tell stories, and so on.<sup>6</sup>

## 2. Method

Community service activities are carried out in the form of counseling using lecture and question and answer methods or discussions. Community Service PKM) was carried out in Kilo Village 9, West Seram (SBB) sub-district. The PKM activities carried out several stages including: 1). Observing some of the family data contained in RT Kilo 9, West Seram Kawatu Hamlet, West Seram Regency; 2). Provide legal counseling about mechanisms for handling cases in criminal procedural law. Solutions Offered: The solution in RT Kilo 9, West Seram Kawatu Hamlet, West Seram Regency (SBB) sub-district through the PKM Community Service activity, is how to find out mechanisms for handling cases in criminal procedural law. Methods Offered: The realization of problem solving to support the achievement of the PKM program is carried out by counseling. The stages of implementing PKM activities are as follows: 1). Preparation Stage: The initial approach stage with the target audience to determine the time for implementation and preparation of PKM supports; 2). Implementation Phase: The counseling stage for the target audience of PKM; 3). Evaluation Stage: The stage of measuring the target audience's understanding of the material provided in this PKM activity.

## 3. Results and Discussion

### 3.1 Overview of the Criminal Procedure Code

Criminal procedural law is law that regulates and has a relationship with a procedure or mechanism in proceedings or in general we are familiar with formal criminal law. The criminal procedure law is regulated in Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP).

The term criminal procedural law itself is considered appropriate when compared with the term criminal process law or criminal prosecution law. The Netherlands uses the term *strafvordering* which if translated will become a criminal charge. According to the Dutch Minister of Justice, this term was used when the draft law was discussed in parliament because it covered all procedures for criminal proceedings.<sup>7</sup> So that the English term "Criminal Procedure Law" is more appropriate than the Dutch term. Initially, the scope of criminal procedural law was narrower, namely only starting from the search for truth, investigation, investigation, and ending with the implementation of a crime (execution) by the prosecutor. Development of convicts is not included in the criminal procedure law. Especially when it comes to criminal law planning. With the creation of the Criminal Procedure Code, for the first time in Indonesia a complete codification and unification was carried out in the sense that the entire criminal process from the beginning (searching for truth) to cassation at the Supreme Court, even to review (*herziening*).<sup>8</sup>

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<sup>6</sup> M. Taufik Makarao dan Suhasril, *Hukum Acara Pidana Dalam Teori Dan Praktek*, Jakarta: Ghalia Indonesia, 2004. p. 24

<sup>7</sup> H. M Juliadi Razali, *Op.Cit*, p. 46

<sup>8</sup> Andi Hamzah, *Op.Cit*, p.3

Simons stated that the Formal Criminal Law is the law that regulates how the state, through its means of power, uses the right to convict and sentence it, thus it contains a criminal procedural law.<sup>9</sup> According to Moeljatno, providing a definition of criminal procedural law is: "Part of the overall law that applies in a country, which establishes the bases or rules that determine how the imposition of a criminal in a criminal act can be carried out, if there is a person who is suspected of having violating the prohibition."<sup>10</sup>

Bambang Poernomo provides a definition or explanation of criminal procedural law as follows: "Knowledge of procedural law in all its forms and manifestations which cover various aspects of the process of administering criminal cases in the event of an alleged criminal act resulting from a violation of criminal law".<sup>11</sup> Criminal law in the formal sense shows that criminal procedural law is a series of legal rules relating to the procedure for settling criminal cases.<sup>12</sup>

Thus, based on the opinions of the experts above, the authors conclude that criminal procedural law (Formal Criminal law) in the handling mechanism of a criminal case can begin at the stage of investigation, investigation, prosecution, examination at court hearings up to the execution of a decision in accordance with what is regulated in the Criminal Procedure Code.

Suryono Sutarto stated that the purpose of criminal procedural law is: "To seek and find material truth, namely the complete truth of a criminal case by applying the provisions of criminal procedural law in an honest and appropriate manner, with the aim of finding out who the perpetrators can be charged with." a violation of the law, and then ask for an examination and a court decision to determine whether it is proven that a criminal act has been committed and whether the person charged can be blamed."<sup>13</sup>

The purpose of Criminal Procedure Law is essentially to seek the truth and obtain the truth from a criminal case in accordance with what was stated by previous legal experts regarding the meaning of criminal law. Law enforcers ranging from the Police, Prosecutors to Judges in investigating, prosecuting and adjudicating cases must always be based on the truth and must be based on things that actually happened, law enforcers are required to understand criminal procedural law procedures in order to resolve legal issues, especially crimes involving solely for the purpose of seeking material truth. Law Number 8 of 1981 concerning Criminal Procedure Code (KUHAP) regulates the provisions of the National Criminal Procedure Code,<sup>14</sup>

The emergence of new legal discoveries and the formation of new laws and regulations, especially since the New Order government, is quite encouraging and is a bright spot in legal life in Indonesia, including the formulation of the Criminal Procedure Code. If we examine some of the considerations that became the reason for the formulation of the Criminal Procedure Code, in short the Criminal Procedure Code has the following

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<sup>9</sup> P A F Lamintang, *Dasar-Dasar Hukum Acara Pidana Indonesia*, Jakarta: Sinar Grafika, 2008. p. 11.

<sup>10</sup> Ramelan, 2006, *Hukum Acara Pidana (Teori dan Implementasinya)*, Jakarta: Sumber Ilmu Jaya, 2006, p. 2

<sup>11</sup> *Ibid*, p. 3

<sup>12</sup> Syaiful Bakhri, *Hukum Pembuktian Dalam Prakiik Peradilan Pidana*, Yogyakarta: Total Media, 2009, p. 3-4.

<sup>13</sup> Suryono Sutarto, *Sari Hukum Acara Pidana I*, Semarang: Yayasan Cendikia Purna Dharma, 1987, p. 5.

<sup>14</sup> H M Juliadi Razali, *Op.Cit*, p.50

five objectives:<sup>15</sup> 1). Protection of human dignity (suspect or defendant); 2). Protection of legal and government interests; 3). Codification and unification of Criminal Procedure Code; 4). Achieve unity of attitudes and actions of law enforcement officers; 5). Realizing a Criminal Procedure Law that is in accordance with Pancasila and the 1945 Constitution.

M. Yahya Harahap stated that the principles in criminal procedural law are as follows:<sup>16</sup> 1). Principle of Legality: The Republic of Indonesia according to Anita Kamilah and M. Rendi Aridhayandi is a legal state based on Pancasila and the 1945 Constitution which has the goal of realizing a just and prosperous, safe, peaceful and orderly state and nation's life system, as well as guaranteeing equal legal standing for its citizens.<sup>17</sup> Furthermore, M. Rendi Aridhayandi stated that the state exists for the sake of public welfare. The state is obliged to realize the overall conditions of social life, which enable both groups and individual members of society;<sup>18</sup> 2). Principle of Balance: This second principle is found in the preamble to letter c, which emphasizes that every law enforcement must be based on the principle of a harmonious balance between: protection of human dignity and the protection of public interests and order; 3). The Principle of Merging Criminals with Compensation: The principle of merging criminal cases with civil-style compensation claims is something new in Indonesian law enforcement practices. The Criminal Procedure Code provides a legal producer for a "victim" of a crime, to claim civil compensation against the defendant at the same time as the ongoing criminal case examination; 4). Principle of Unification: The principle of unification of criminal procedural law by the Criminal Procedure Code is emphasized in the preamble to letter b; That for the sake of development in the field of law as set forth in the GBHN (TAP MPR-RI Number IV/MPR 1978), it is necessary to carry out efforts to increase and improve National law by holding: Renewal of codification and legal unification in summary of the actual implementation of the Archipelagic Insight; 5) The Principle of Functional Differentiation: What is meant by functional differentiation is an explanation and confirmation of the division of tasks and authorities between the ranks of law enforcement officers institutionally. Thus the Criminal Procedure Code lays down a principle of "clarification" and "modification" of functions and authorities between each law enforcement agency. However, this clarification and grouping is regulated in such a way that mutual correlation and coordination is maintained in the process of law enforcement which is interrelated and sustainable between one agency and another, up to the stage of the execution process.

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<sup>15</sup> Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer*, Jakarta: Prenada Media Group, 2010, p.70

<sup>16</sup> M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHP*, (Jilid I dan II), Jakarta: Sinar Grafika, 2006, p. 34-49

<sup>17</sup> Anita Kamilah dan M. Rendi Aridhayandi, "Kajian Terhadap Penyelesaian Sengketa Pembagian Harta Warisan Atas Tanah Akibat Tidak Dilaksanakannya Wasiat Oleh Ahli Waris Dihubungkan Dengan Buku II Kitab Undang-Undang Hukum Perdata Tentang Benda (Van Zaken)," *Jurnal Wawasan Hukum* , Volume 32, Nomor 1, 2015,22-37; <http://dx.doi.org/10.25072/jwy.v32i1.87>

<sup>18</sup> M. Rendi Aridhayandi, Peran Pemerintah Daerah Dalam Pelaksanaan Pemerintah Yang Baik (Good Governance) Di Bidang Pembinaan Dan Pengawasan Indikasi Geografis, *Jurnal Hukum & Pembangunan*, Volume 48 Nomor 4, 2018; 897



Starting from the initial stage of the investigation by the police to the implementation of court decisions by the prosecutor's office, there is always a continuous functional relationship. Which will create a mutual checking mechanism among fellow law enforcement officers; and 6). Principle of Mutual Coordination: The Criminal Procedure Code has outlined the division of tasks of authority for each law enforcement agency; The police have the position as an investigative agency, while the Attorney General's Office has the main position as the public prosecutor's apparatus, and the executor of executing court decisions. Meanwhile, judges are state court officials who are authorized to try, as regulated in Article 1 point 8 of the Criminal Procedure Code.



**Picture 1: The process of giving material in RT Kilo 9 Kawatu Hamlet, West Seram Regency**

### **3.2 Case Handling Mechanisms in Criminal Procedure Law**

After the 1998 reform in Indonesia, one of the agendas for the welfare of society, especially in the field of law enforcement, is still being questioned. The orientation of law enforcement in Indonesia itself is focused on the courts, police, prosecutors, and legal aid institutions, both lawyers and community legal aid institutions, are still not running optimally. State enforcement with the supremacy of law is deadlocked. Law enforcement on the one hand and justice in society on the other hand requires harmony, especially in the right to obtain legal assistance for the community without discriminating against race, religion and class. As mandated by the 1945 Constitution, especially Article 27, which has been amended or before the amendment. The elaboration of the 1945 Constitution Article 27 is translated into Law (UU) Number 16 of 2011 concerning legal aid. There are two forms of law, namely: First, it is unwritten where such law is a rule of law that lives in society or what is often said to be customary law; Second, written law, which is made by an authorized institution and has sanctions and is coercive. The difference between the two lies in the form and the punishment. The form of unwritten law is only a regulation passed down from generation to generation and lacks strict sanctions, while written law, in addition to having strict sanctions, also has clarity about the institution that made it. unwritten in nature where such law is a rule of law that lives in society or what is often said to be customary law;

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**Picture 2: Discussion process and question and answer by participants**

In line with Soerjono Soekanto's opinion about law enforcement which is influenced by 5 (five) factors<sup>20</sup> that is: 1). Legal and regulatory factors per legislation; 2). The factor of the law enforcement apparatus is the parties involved in the process of making the law and enforcing it; 3). Facility and infrastructure factors that support the law enforcement process; 4). The factor of public awareness, namely the social environment where the law applies or is enforced; and 5). Cultural factors, namely the work, creativity and taste based on human initiative in social life.

Mechanisms for handling cases in criminal procedural law, including namely: 1). Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) does not explicitly state the model of the criminal justice system used. However, criminal law experts state that the model adopted by the Criminal Procedure Code can be identified by looking at the existing criminal justice system in various countries in the world.<sup>21</sup> According to G. Widiartana, the criminal case settlement mechanism adhered to in the Criminal Procedure

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<sup>19</sup> Suwari Akhmaddhian dan Erga Yuhandra, "Bantuan Hukum Bagi Tenaga Pendidik Dan Kependidikan Di Desa Mancagar Kabupaten Kuningan, Indonesia". *Empowerment: Jurnal Pengabdian Masyarakat*, e-ISSN 2598-2052 Vol. 01 Nomor 01. 2018, 72-78.

<sup>20</sup> Suwari Akhmaddhian. Penegakan Hukum Lingkungan dan Pengaruhnya Terhadap Pertumbuhan Ekonomi di Indonesia (Studi Kebakaran Hutan Tahun 2015). *Jurnal Unifikasi*, ISSN 2354-5976 Vol. 03 Nomor 01 Januari 2016.

<sup>21</sup> Al. Wisnubroto, *Hukum Acara Pidana*, Fakultas Hukum Universitas Atma Jaya, p. 4

Code can be seen as follows:<sup>22</sup> a). Preliminary Examination Stage: It can be said that in this stage using a refined model of the inquisition. This can be seen from the legal provisions which do not allow other people who are not authorized by law to accompany suspects in the process of examination by investigators. If the suspect is accompanied by an advocate, the provisions in the Criminal Procedure Code also stipulate that the advocate accompanying the suspect may only see and/or hear the process of examining the suspect, simply to ensure that the suspect is treated humanely and their rights are respected. In other words, an advocate accompanying a suspect in a preliminary examination is not allowed to have an opinion or comment on the material of the examination; b). Examination Phase at the Trial: At this stage it is as if there is a fight between the advocate and the public prosecutor. Advocates will carry out their role to defend the defendant. He will try to prove that there are mitigating circumstances for the defendant and if possible, to prove that the defendant is innocent. The efforts of the advocate will be faced by the public prosecutor who will try to prove that his charges are true and thus the defendant is the person who is guilty of the crime for which he was charged. At first glance, this process has something in common with the Adversary Model implemented in America and Anglo Saxon countries; c). Stage of Criminal Implementation, Especially Corporate Crime: With the enactment of the Correctional Law in 1995, since then it has been formally recognized that correctional facilities are the model and goal of implementing corporal punishment, especially prisons. The model and goals of the correctional center want convicts to receive guidance so that when released they can return to the midst of society to become good and useful citizens. Therefore, in this penal system, the only suffering that deserves to be imposed or applied to convicts is the loss of independence. The system and goals of this socialization have similarities with the Family Model; d). From Inter-Agency Relations in the Case Settlement Process: The relationship between institutions in the process of resolving criminal cases is evident in the relationship between the public prosecutor and Polri investigators, as well as between the courts and correctional institutions. The close and synergistic relationship between the public prosecutor and the police had started when the investigation was carried out. In this case the public prosecutor can determine whether the investigation is complete or not. If the public prosecutor considers the investigation incomplete, then he must give instructions to the investigator to complete the investigation report. Meanwhile, the relationship between the court and the correctional institution can be seen from the existence of the supervisory and observing judges (wasmat judges). The existence of several provisions regarding the relationship between law enforcement agencies shows some similarities with the Integrated System developed in Japan.<sup>23</sup> 2). Model of Criminal Case Settlement according to Restorative Justice: a). Victim-Offender Reconciliation Or Mediaton Programs (VORP): This model is one of the well-known models because of its orientation towards personal reconciliation. This method is very popular in North America, which is run by trained mediators to invite victims and perpetrators together to discuss several things, namely: the crime that has occurred, the consequences caused by the crime, and the steps needed to make things right return. In this model both parties, victims and perpetrators are invited to actively seek solutions to the problems that occur. In this context,

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<sup>22</sup> G.Widiartana, *Ide Keadilan Restoratif Pada Kebijakan Penanggulangan Kekerasan Dalam Rumah Tangga Dengan Hukum Pidana*, Program Pascasarjana Universitas Diponegoro Semarang, 2011. p.23

<sup>23</sup>*Ibid.*, p. 5



the mediator does not play an active role but only ensures that the mediation goes well. In this model, to mediate with the perpetrator, sometimes the victim can be represented by friends or family;<sup>24</sup> b). Sentence Circles Or Healing Circles: The Sentencing Circles method was applied at the initiative of judge Barry Stuart while in the courtroom. The judge invited the families of the victims and perpetrators, supporters of both parties, lawyers, police, prison officials, and local community leaders, then divided them into small groups to discuss what was the best decision for them. At the end of the trial, the parties involved agree to pursue a method of rehabilitation rather than imprisonment for the offender and those who become the parties will assist and supervise the course of rehabilitation. The judge approved the decision and the case was declared closed;<sup>25</sup> c). Prisoner Assistance Programs: This method is organized to provide services to the perpetrators which are carried out when the perpetrators are still in prison or during their release so that they become good and useful members of society.<sup>26</sup>

#### 4. Kesimpulan

In service activities in Kilo Village 9, West Seram (SBB) sub-district, can be found mechanism for handling cases in criminal procedural law, including namely: 1). Preliminary Examination Stage Examination Stage at Trial, Criminal Implementation Stage, Especially Corporate Crime from Inter-Agency Relations in the Case Settlement Process; 2). The Criminal Case Settlement Model according to Restorative Justice, consists of Victim-Offender Reconciliation or Mediation Programs (VORP), Sentencing circles or Healing circles, and Prisoner Assistance Programs.

#### Referensi

- Afthonul Afif, *Konstruksi Model Penyelesaian Perkara Pidana yang Berorientasi pada Keadilan Restoratif*, Penerbit Samudara Biru (Anggota IKAPI).
- Al. Wisnubroto, *Hukum Acara Pidana*, Fakultas Hukum Universitas Atma Jaya.
- Andi Hamzah, *Hukum Acara Pidana Indonesia*, Edisi Revisi, Jakarta: Sinar Grafika, 2001.
- Anita Kamilah dan M. Rendi Aridhayandi, "Kajian Terhadap Penyelesaian Sengketa Pembagian Harta Warisan Atas Tanah Akibat Tidak Dilaksanakannya Wasiat Oleh Ahli Waris Dihubungkan Dengan Buku II Kitab Undang-Undang Hukum Perdata Tentang Benda (Van Zaken)," *Jurnal Wawasan Hukum*, Volume 32, Nomor 1, 2015, 22-37; <http://dx.doi.org/10.25072/jwy.v32i1.87>.
- G. Widiartana, *Ide Keadilan Restoratif Pada Kebijakan Penanggulangan Kekerasan Dalam Rumah Tangga Dengan Hukum Pidana*, Program Pascasarjana Universitas Diponegoro Semarang, 2011.
- H.M. Juliadi Razali, Penanganan Kasus Tindak Pidana Pada Masa Pandemi Covid-19 Dalam Hubungannya Dengan Penerapan Kitab Undang-Undang Hukum Acara Pidana (KUHP), *Jurnal Hukum Mimbar Justitia*, Fakultas Hukum Universitas

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<sup>24</sup>Afthonul Afif, *Konstruksi Model Penyelesaian Perkara Pidana yang Berorientasi pada Keadilan Restoratif*, Penerbit Samudara Biru (Anggota IKAPI), p. 334

<sup>25</sup> *Ibid.*, p. 335

<sup>26</sup> G. Widiartana, *Loc. Cit.* p.23

*Suryakencana*, Volume 7 Nomor 1 Juni 2021; 41-64, 10.35194/jhmj.v7i1.1862.

- M. Rendi Aridhayandi, Peran Pemerintah Daerah Dalam Pelaksanaan Pemerintah Yang Baik (Good Governance) Di Bidang Pembinaan Dan Pengawasan Indikasi Geografis, *Jurnal Hukum & Pembangunan*, Volume 48 Nomor 4, 2018; 897.
- M. Taufik Makarao dan Suhasril, *Hukum Acara Pidana Dalam Teori Dan Praktek*, Jakarta: Ghalia Indonesia, 2004.
- M. Yahya Harahap, *Pembahasan Permasalahan dan Penerapan KUHP*, (Jilid I dan II), Jakarta: Sinar Grafika, 2006.
- P A F Lamintang, *Dasar-Dasar Hukum Acara Pidana Indonesia*, Jakarta: Sinar Grafika, 2008.
- Ramelan, *Hukum Acara Pidana (Teori dan Implementasinya)*, Jakarta: Sumber Ilmu Jaya, 2006.
- Salman Luthan, "Asas dan Kriteria Kriminalisasi", *Jurnal Hukum*, Vol 16:1 Januari 2009, Fakultas Hukum Unissula.
- Sulistyanta, Implikasi Tindak Pidana Luar Kuhp Dalam Hukum Acara Pidana (Studi Kasus Taraf Sinkronisasi), *Jurnal Dinamika Hukum*, Volume 13 Nomor 2 Mei 2013 ;181-196, <http://dx.doi.org/10.20884/1.jdh.2013.13.2.202>.
- Suryono Sutarto, *Sari Hukum Acara Pidana I*, Semarang: Yayasan Cendikia Purna Dharma, 1987.
- Suwari Akhmaddhian. Penegakan Hukum Lingkungan dan Pengaruhnya Terhadap Pertumbuhan Ekonomi di Indonesia (Studi Kebakaran Hutan Tahun 2015). *Jurnal Unifikasi*, ISSN 2354-5976 Vol. 03 Nomor 01 Januari 2016.
- Suwari Akhmaddhian dan Erga Yuhandra, "Bantuan Hukum Bagi Tenaga Pendidik Dan Kependidikan Di Desa Mancagar Kabupaten Kuningan, Indonesia". *Empowerment: Jurnal Pengabdian Masyarakat*, e-ISSN 2598-2052 Vol. 01 Nomor 01. 2018, 72-78
- Syaiful Bakhri, *Hukum Pembuktian Dalam Prakiik Peradilan Pidana*, Yogyakarta: Total Media, 2009.
- R. Supomo, *Bab-bab Tentang Hukum Adat*, Jakarta: Pradnya Paramita, 1981.
- Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer*, Jakarta: Prenada Media Group, 2010.