

Restorative Justice Criminal Violence in Household

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Abstract

The direction of criminal justice in Indonesia is currently experiencing a shift from retributive to restorative rehabilitative or daad-dader-strafrecht or a balance of interests model. The essence of restorative justice is: First, in the settlement of cases of Domestic Violence (KDRT) it is sought so that the perpetrator and his family as well as the victim and his family can sit together to discuss problem solving including recovery to the victim (restitution in integrum). Second, restorative justice is essentially giving punishment to the perpetrator but the punishment is educational in nature so that it benefits both the perpetrator and the victim.

Restorative justice is a case settlement that focuses on the direct participation of perpetrators, victims, and the community. Not all criminal acts must be pursued through the trial process. Prioritizing peace through deliberation to reach consensus is an integral mechanism in people's lives. The restorative justice approach can be applied in the law enforcement process so that it will answer various problems in law enforcement against cases of domestic violence that have not yet reflected the principle of justice as a legal goal. The handling of criminal cases is mainly the perpetrators of criminal acts whose losses do not harm the state, instead they are processed, prosecuted, and sentenced in court. In fact, according to the community, criminal cases with small losses are not worthy of being settled in court.

Keywords: Restorative Justice, Domestic Violence

I. INTRODUCTION

A household begins with a marriage bond between a man and a woman which is the dream and hope of every human being to continue their offspring, obtain happiness and enjoyment of life. The purpose of marriage as referred to in Article 1 of Law Number 1 of 1974 concerning Marriage is to form a happy and eternal family (household) based on the One Godhead. Each household certainly has its own rules or manners that are different from other households that are applied when interacting, communicating and socializing both inside and outside the home, these rules must be obeyed by each family member.

The reality is that in today's era, human violence is still a concern. Violence does not only occur in the community but has entered the family area. So far, the household is considered the safest place because all family members feel peaceful and protected. This assumption is formed because the crimes that are widely exposed and publicized are crimes that occur outside the home

environment, while the house is considered a safe place for family members and the people who live in it, because all family members can interact with a foundation of love, mutual respect, and respect. The community did not suspect that it turned out that home could be the most terrible place for family members. Violence in any form such as physical, sexual, psychological or neglect can actually occur in homes that should be a place for sharing and taking refuge, but it turns out to be a source of suffering (Ritra, 2002).

According to Article 1 of Law no. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT), the definition of Domestic Violence (KDRT) is any act against a person, especially a woman that results in sexual, physical, psychological misery or suffering, or neglect of the household, including things that result in fear, loss of self-confidence, loss of ability to act, distrust or severe psychological suffering in a person. Domestic violence can take the form of physical abuse (such as hitting, kicking, psychological or emotional abuse), financial abuse, sexual abuse (forced sexual intercourse). With Thus, it can be concluded that domestic violence referred to in this paper includes all forms of actions that cause feelings of discomfort (suffering), pain, injury, and acts that intentionally damage health. Domestic violence, in this case with the boundaries of the nuclear family, namely father, mother, and children. Not infrequently we see, hear, and read from both print and electronic media reports that there is a child who is beaten by his parents, or a wife who is abused by her husband. The state and society are obliged to participate in preventing the occurrence of criminal acts of domestic violence by carrying out protection and prosecution with the Pancasila philosophy and the 1945 Constitution of the Republic of Indonesia (Achie, 2000).

Domestic violence is often referred to as a *hidden crime*, because both the perpetrator and the victim try to keep the act a secret from public view. Article 28 of the 1945 Constitution which regulates Human Rights, that all forms of violence, especially domestic violence, are violations of human rights and crimes against human dignity as well as forms of discrimination. on the Elimination of Domestic Violence (Rukmini, 2009).

Domestic Violence or commonly abbreviated as KDRT is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion, or unlawful deprivation of liberty in household scope.

In Article 1 paragraph 1 of Law NO 23 of 2004 concerning the Elimination of Domestic Violence, Domestic Violence is any act against a person, especially a woman that results in physical, sexual, psychological misery or suffering and or deprivation of liberty against the law within the scope of the law. household. Based on some of the definitions above, it can be concluded that all acts of domestic violence are acts that violate human rights which can be subject to criminal and civil law sanctions.

II. Objectives

1. How is the application of *Restorative Justice* as an effort to resolve criminal acts of domestic violence?
2. How is the ideal application of *Restorative Justice* in the settlement of criminal acts of domestic violence?

III. METHOD

This research is a non-doctrinal legal research (normative empirical), namely research that examines the law that is developed not based on doctrine, but the law that lives and develops and applies in society. the other is the type of sociological legal research and can also be called field research, namely examining the applicable legal provisions and what is happening in reality in society.

IV. DISCUSSION

1. Understanding *Restorative Justice Restorative*

justice programs are based on the basic principle that criminal behavior not only violates the law, but also hurts victims and society. Any attempt to address the consequences of criminal behavior should, where possible, involve the perpetrator and the injured parties, in addition to providing victims and perpetrators with the necessary assistance and support (Rocky, 2017).

Umbreit in his writings explains that "Restorative justice is a response to victim-centered crime that allows victims, perpetrators of crimes, their families, and representatives of the community to deal with the damage and losses caused by the crime".

Against this view, Daly said that the Umbreit concept focuses on "repairing the damage and losses caused by criminal acts" which must be supported through the concept of restitution, namely "trying to recover the damage and losses suffered by the victims of criminal acts and facilitate peace" (Sthepanie, 2004).

Thus, it is correct what Tony Marshall said that actually restorative justice is a concept of resolving a particular crime that involves all interested parties to jointly seek solutions and at the same time seek solutions in dealing with events after the crime has arisen as well as how to address the implications for the future (Marshall, 2017).

According to Wright, that the main goal of restorative justice is restoration, while the second goal is redress (Wright, 1991). This means that the process of overcoming criminal acts through a restorative approach is a process of resolving criminal acts, which aims to restore the situation which includes compensation for victims through certain methods agreed upon by the parties involved in it.

According to UNODC, what is meant by *restorative justice* is an approach to solving problems, in its various forms, involving victims, perpetrators, their social networks, judicial bodies and the community.

Meanwhile, according to Clifford Dorn, a leading scholar of the *restorative justice*, has defined *restorative justice* as a philosophy of justice emphasizing the importance and interrelationships of perpetrators, victims, society, and government in cases of crime and juvenile delinquency (Susan, 2012).

According to the Center for Justice & Reconciliation (CJR) that *restorative justice* is a theory of justice that emphasizes repairing harm caused by criminal behavior. This is best done when the parties consciously come together to decide how to do this. This can lead to a transformation of relations between communities (Dvannes, 2008).

From the various opinions of the experts above, the researcher can define that *restorative justice* is in principle an approach used to resolve problems outside the court by

mediation or deliberation in achieving fair justice.

it is expected by the parties, namely, among others, perpetrators of criminal acts and victims of criminal acts to find the best solution agreed upon by the parties.

In this case, *restorative justice* means that justice is restored or restored. Each party involved in a crime is given the opportunity to discuss, *restorative justice* emphasizes welfare and justice. has suffered, while the perpetrator of the crime is obliged to compensate the loss caused by him to the victim. Like the case of Domestic Violence that was experienced by Lesti Kejora by Rizky Billar, it was reported to the South Jakarta Police Chief.

2. Principles of Restorative justice

Several principles that apply universally are inherent in the concept of a restorative approach in the settlement of criminal acts, including the following:

a. Principles of Fair Settlement (*Due Process*)

In every criminal justice system throughout the country, suspects are always given the right to know in advance about certain procedural protection procedures when faced with prosecution or punishment. The judicial process (*due process*) must be considered as a form of protection to provide a balance for the power of the State to detain, demand, and carry out the punishment of a sentencing decision (Ness & Strong, 1997).

In its implementation, the mechanism of the restorative approach process requires a desire to continue to provide protection for suspects related to the *due process*. However, because the restoration process requires an admission of guilt first, this raises questions about the extent to which *informed consent* and the *wiver of rights* can be used as a prelude to a fair settlement (Rufinus, 2013).

According to the researcher, the basic concept of settlement through a restorative approach that requires an admission of guilt for the perpetrator is a condition for finding a way out for the continuation of the recovery process and at the same time as a signal that the perpetrator must be held accountable. responsibility for his actions, because an admission of guilt is another form of responsibility.

b. Equal Protection

In the process of resolving criminal acts through a restorative approach, justice must arise from a process of mutual understanding of the meaning and purpose of justice, regardless of ethnicity, gender, religion, national origin and other social positions. There are doubts about the ability of the restorative approach system to solve a problem and provide a “sense of justice” among the different participants, because one of the parties may have economic, intellectual, political or even physical strengths (Wright, 1991). So that there is an inequality between the parties participating in a restorative process.

c. Victims' Rights

In solving problems through a restorative approach, the rights of victims need attention because victims are interested parties who should have a (legal) position in the settlement process. In the criminal justice system in general, it is suspected that the victim does not receive equal protection from the holder of the authority of the criminal justice system, so that the true interests of the victim are often neglected and even if it

exists, it is only the fulfillment of the administrative system or management of criminal justice (Rufinus, 2013).

According to the researcher, that recognition in providing an opportunity to provide explanations or descriptions related to events experienced by victims in the trial process does not reflect the existence of an equal position in the law. In order for the victim's legal position to be equal in the settlement process, the victim must also be given rights to obtain adequate compensation for the suffering she has experienced.

d. Proportionality

The notion *fairness* in a restorative system is based on a consensus agreement that provides alternative options in solving problems, while the notion of proportionality is related to the scope of the similarity of the sanctions of suffering that must be imposed on the individual.

violators who commit violations. In criminal justice in general, proportionality is considered to have been fulfilled if it has fulfilled a feeling of retributive justice (reciprocal balance between *punish* and *reward*), while in a restorative approach it can impose disproportionate sanctions against violators who commit the same offense (Werner, 1994).

e. Presumption of innocence

In criminal justice in general, the State has the burden of proof to prove the guilt of the suspect. Since and until the burden of proof is carried out, the suspect must be presumed innocent. It is different in the restorative process, which requires an admission of guilt as a condition for the continuation of the cycle of settlement. In restorative processes, the suspect's rights regarding the presumption of innocence can be compromised in a way that the suspect has the right to terminate the restoration process and refuse the admission process that he is guilty, and then choose the option of a formal process where guilt must be proven (Moore, 1993), or the suspect can obtain the right to appeal to the court and all agreements agreed in the restorative process are declared to have no binding force.

f. Right to Consultation Assistance or Legal Counsel

In the restorative process, advocates or legal advisors have a very strategic role to build the capacity of violators to protect their rights *vis a vis* legal counsel assistance. In all informal, restorative stages, suspects can be provided with information through the assistance of legal counsel regarding their rights and obligations that can be used as considerations in making decisions (Moore & Connel, 1994).

However, once a suspect chooses to participate in a restorative process, he should act and speak for himself. Their positions of allowing lawyers to represent participants at all stages of the restorative process would undermine many of the expected benefits of an "encounter", such as direct communication and expression of feelings, and proactive collective decision-making. Lawyer too can be very helpful in advising their clients on the most likely and expected outcomes.

3. The basis for the application of *restorative justice* in the settlement of criminal acts.

Indeed, basically, the mediation method for resolving criminal cases in the Police is not known in the laws and regulations concerning the criminal justice system, such as in Law Number 8 of 1981 concerning Criminal Procedure Code and Law Number 2 of 2002

concerning the Republic of Indonesia National Police. Indonesia. However, the National Police Chief has at least issued a letter regarding the handling of disputes outside the court as well as the Police Chief's regulations regarding mediation. Mediation by the police agency, among others, is *restorative justice*.

These regulations include:

- a. Police Chief's Letter No. Pol. B/ 3022/XII/2009/sdeops on the concept of Alternative Dispute Resolution (ADR). In the letter of the National Police Chief No. Pol. B/ 3022/XII/2009/sdeops regarding the concept of Alternative Dispute Resolution (ADR), there are steps to solving problems using the ADR concept, including:
 - 1) Strive to handle criminal cases that have small material losses, the solution can be directed through the ADR concept.
 - 2) Settlement of criminal cases using ADR must be agreed upon by the litigating parties, but if there is no new agreement, it will be resolved in accordance with professional and proportional legal procedures.
 - 3) The settlement of criminal cases using ADR must be based on deliberation and consensus and must be known by the surrounding community by including the local RT RW.
 - 4) Settlement of criminal cases using ADR must respect social/customary legal norms and fulfill the principles of justice.
 - 4) Empowering members of the Police/Community Police ("Polmas") and playing the role of the Police and Community Partnership Forum ("FKPM") in their respective areas to be able to identify criminal cases that have small material losses and allow them to be resolved through the ADR concept.
 - 5) For cases that have been resolved through the ADR concept so that they are no longer touched by other counter-productive legal actions with the aim of Polmas.

After the researcher reads and understands the steps for solving a criminal case in accordance with the National Police Chief's Letter No. Pol. B/ 3022/XII/2009/sdeops regarding the concept of Alternative Dispute Resolution (ADR), the researchers can conclude that in resolving criminal cases in the Police using the *restorative justice*, the priority here is deliberation between the parties involved by prioritizing justice and when the case has been successfully resolved, there should be no further legal action or in other words the case has been completed.

- b. Regulation of the Chief of Police of the Republic of Indonesia Number 7 of 2008 concerning Basic Guidelines for Strategy and Implementation of Community Policing in Implementing Police Duties.

In the Regulation of the Chief of Police of the Republic of Indonesia Number 7 of 2008 concerning Basic Guidelines for Strategy and Implementation of Community Policing in Implementing Police Duties, it is stated that Problem Solving is the process of approaching Kamtibmas and crime problems to find solutions to a problem through efforts to understand the problem, analyze the problem, and propose alternatives. the right solution in order to create a sense of security, peace and order (not only based on criminal law and arrest), evaluate and re-evaluate the effectiveness of the chosen solution.

In this case the researcher can draw the conclusion that to solve criminal problems it is permissible to use appropriate alternative solutions and not only based on

criminal law and arrests, it means that it can be the basis for the application of *restorative justice*.

4. Restorative Approach System Model The

settlement of criminal acts through a restorative approach will not be a reality that can be implemented if it cannot be built or developed a structural model with a restorative paradigm which will be an alternative choice in the criminal law system. In this case, there are various models of the restorative approach system described by Van Ness, among others.

a) *Unified System*

In a society that is increasingly aware of the importance of equality in law, Christie's hypothesis, namely that the State has stolen the conflict from the parties, becomes an option that can provide a vision for a restorative approach to replace criminal justice (Van Ness, 2000).

To return the conflict to its "rightful owner, requires a completely different approach in managing the delivery of justice processes, which allows victims and violators to determine for themselves the outcome of the conflict resolution and the State does not have absolute rights over the conflict in question, so based on the view that In this case, the process of resolving criminal acts through a restorative approach should be able to replace all processes in the criminal justice system in general.

b) *Dual Track System*

model *dual track system* can be made into an alternative companion with the existing criminal justice system. In a dual path model, the restorative process and the traditional process will coexist together, where the parties determine the discourse on the course of the process of a particular case.

If an agreement to enter a restorative process cannot be reached (by consensus of all interested parties) then the criminal justice court system will remain in place. So, in this case the restorative approach is placed in a primary position, while formal institutions act as a supporting element, as the Japanese criminal justice model basically consists of a two-track system (Haley, 1996). whose formal justice system is the same as that of the majority of industrial democracies, with material criminal law and its formal criminal law which regulates the process of a criminal case.

c) *Safeguard System*

This model is a model designed to deal with criminal acts through a restorative approach, where restoration programs will be the main means of dealing with problems of criminal acts, this means that a transition will occur. of the general criminal justice system will be reduced to a restorative justice system.

However, certain cases will still be handled by the contemporary criminal justice system, namely cases that are deemed inappropriate to be handled by a restorative process or program. Examples may be situations where there is a definite answer to a real question of the "guilty" of the accused, or situations where significant coercive measures or control measures appear to be necessary for the protection of society.

d) *Hybrid System*

In this model, the process of determining or determining someone guilty is processed in the criminal justice system in general and then in the process of

determining witnesses, the concept of a restorative approach can be used to determine the type of sanction. In the *hybrid*, both the response to the restorative approach and the response to contemporary criminal justice are seen as normative parts of the justice system.

5. Definition of Domestic Violence

a) Domestic Violence

Violence or commonly abbreviated as KDRT is any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion, or deprivation of liberty. against the law in the domestic sphere.

In Article 1 paragraph 1 of Law NO 23 of 2004 concerning the Elimination of Domestic Violence, Domestic Violence is any act against a person, especially a woman that results in physical, sexual, psychological misery or suffering and/or deprivation of liberty against the law within the scope of the law. household.

Based on some of the definitions above, it can be concluded that all acts of domestic violence are acts that violate human rights which can be subject to criminal and civil law sanctions.

b) Forms of Domestic Violence (KDRT)

The forms of domestic violence according to Law Number 23 of 2004, are listed in Article 6, Article 7, Article 8 and Article 9, namely:

- Physical violence

Physical violence is an act that causes pain, falls ill, or is seriously injured (Article 6 of Law No. 23/2004).

- Psychological violence

Psychological violence is an act that results in fear, loss of self-confidence, loss of ability to act, feeling helpless, and/or severe psychological suffering on a person (Article 7 of Law No. 23/2004).

- Sexual violence

Sexual violence is any act in the form of forcing sexual intercourse, forcing sexual relations in an unnatural and/or unwelcome way, forcing sexual relations with others for commercial purposes and/or certain purposes (Article 8 of Law No. 23/2004).

- Household neglect includes two actions, namely:

1) a person who has a legal obligation or because of an agreement or agreement to provide life, care, or maintenance to that person within the scope of the household but does not carry out these obligations.

2) any person who causes economic dependence by limiting and/or prohibiting proper work inside and outside the household so that the victim is under the control of that person (Article 9 of Law No. 23/2004).

From the forms of Domestic Violence that have been described above, it can be concluded that violence is not only caused by physical contact but also by other things that are not physically related, such as insults, ridicule by perpetrators against victims.

c) Factors Encouraging Domestic Violence

According to LKBHUWK, a legal aid for women and families, the causes of domestic violence can be classified into 2 (two) factors, namely:

- Internal factors

Internal factors concern the personality of the perpetrator of violence which causes him to easily commit acts of violence when faced with situations that cause anger or frustration.

- External Factors

External factors are factors outside the perpetrators of violence. Those who are not classified as having aggressive behavior can commit acts of violence when faced with situations that cause frustration such as prolonged economic difficulties, abuse of husband or wife, involvement of children in juvenile delinquency or drug abuse and so on.

In addition to the factors that trigger violence that have already been mentioned, acts of violence can also occur due to the following (Moerti, 2010): Family problems, Jealousy, Child Problems, Parental Problems, Brother's problems, Courtesy Issues, Past Problems, Misunderstanding Problems, No Cooking Problem, Husband wants to win himself.

Based on the information above, it can be concluded that the causes of domestic violence are based on internal factors and external factors, namely factors that come from within the perpetrator and factors that are influenced by the environment, some are influenced by customs. tradition that favors men, so that women must submit to men, because he (husband) is seen as the owner of power. Husband is breadwinners and providers of needs, so they feel more entitled to their wives and children, but basically it is a lack of faith and awareness of peace and love.

6. Characteristics of Perpetrators and Victims of Domestic Violence

Research results from Rifka Anissa Women's Crisis Center stated that it turns out that both the woman (wife) as the victim, and the man (husband) as the perpetrator, have certain characteristics. The characteristics of women victims of domestic violence are as follows:

- a. *Haveself-esteem*, so they tend to surrender, succumb.
- b. Believing in all the myths that "consider rudeness" of husbands to wives c. Traditionalist; believe in family integrity, *feminine stereotypes*
- c. Feeling responsible for her husband's complaints
- d. Feeling guilty, regarding the terror and anger felt
- e. Looks helpless, but is very strong in hiding the truth
- f. The stress he suffers causes certain physical complaints (headaches, indigestion, etc.)

- g. Using sex as a way to maintain a relationship with your husband
- h. Treated like “father's little son” (deserves to be scolded, punished, etc.)
- i. Convinced that no one else was able to help their suffering

Characteristics of the victims were obtained from the various cases handled, because one victim to another certainly had different characteristics and causative factors. The characteristics of perpetrators of domestic violence are as follows:

- a) Have a high self-esteem (thus giving rise to a very powerful attitude)
- b) Believing in all the myths about the reasonableness of a man dominating his wife
- c) Traditionalist, believes in male superiority, stereotypes masculine traits
- d) Blaming others as triggers of anger
- d) Have excessive jealousy, so easily suspicious
- e) Appear with "multiple personalities"
- f) Using stress as an excuse to rough his wife
- g) Using sex as a form of aggression that is often used to overcome his powerlessness
- h) Suffered violence in his childhood
- i) Does not believe that his behavior has negative consequences. (Rifka Anissa, 1997)

From the various characteristics of perpetrators and victims of domestic violence that have been described above, the researchers conclude that perpetrators and victims of domestic violence still have traditionalist characteristics that make them influenced and often do not realize that they are already included in the acts of domestic violence.

7. Rights and Obligations of Victims

In general, the rights of victims can be stated as follows:

- a. The victim is entitled to compensation for suffering, according to the ability of the perpetrator.
- b. Victims have the right to refuse compensation because they do not need it.
- c. The victim has the right to get compensation for his heirs, if the victim dies because of the action.
- d. Victims have the right to receive training and rehabilitation.
- e. The victim has the right to get his property back.
- f. The victim has the right to refuse to be a witness, if this will endanger himself. g. Victims have the right to get protection from threats from the perpetrators, if they report to the police and become witnesses.
- g. Victims have the right to seek legal advice.
- h. The victim has the right to use legal remedies (*rechtsmiddelen*).

The obligations of the victim are as follows:

- a. Victims are not vigilante (*eigenrichting*).
- b. Participating with the community prevents more victims from occurring.
- c. The victim is obliged to prevent the destruction of the perpetrator either by himself or by others.
- d. The victim must participate in fostering the perpetrator.
- e. Willing to be fostered or fostered yourself so as not to become a victim again.

- f. Do not demand compensation that is not in accordance with the ability of the perpetrator.

After the researchers described the rights and obligations of the Victims of Domestic Violence (KDRT), the researchers concluded that the rights of these victims will be prioritized in the application of the concept of *restorative justice* in resolving acts of Domestic Violence (KDRT), because *restorative justice* can be interpreted as the restoration of justice for victims and perpetrators of criminal acts, namely a systematic settlement process for criminal acts that emphasizes recovery for losses to victims and or the community as a result of the perpetrator's actions. This settlement process involves the victim and the perpetrator directly and actively.

The restoration of the relationship between the perpetrator and the victim can be based on the mutual agreement of both parties. In accordance with their rights, the victim can convey about the loss suffered and the perpetrator is also given the opportunity to make amends, through compensation mechanisms, peace, social work, or other agreements. Because the conventional sentencing process does not provide space for the parties involved, in this case victims and perpetrators to actively participate in solving their problems.

The purpose of restorative justice is to encourage the creation of a fair trial and encourage parties to participate in it. Victims feel that their suffering is taken into account and the agreed compensation is commensurate with the suffering and losses they suffer. The perpetrator does not have to suffer to be able to realize his mistake. Precisely with an agreement to understand and repair the damage that has occurred, this awareness can be obtained. Meanwhile for the community, there is a guarantee of balance in life and aspirations that are channeled by the government. The main goal of *restorative justice* is to empower victims, where perpetrators are encouraged to pay attention to recovery. Restorative justice is concerned with meeting the material, emotional, and social needs of the victim. The success of restorative justice is measured by the amount of damage that has been recovered by the perpetrator, not by the severity of the sentence imposed by the judge. In essence, wherever possible the perpetrators are removed from the criminal process and from prison.

8. CASE EXAMPLE OF LESTI KEJORA

Lestiani Sopian or known as Lesti Kejora who was born on August 5, 1999 at the age of 23, Rizky Billar's husband is a singer, actress, presenter and businessman of Indonesian nationality. recent days, the public has been shocked by the revelations of domestic violence (KDRT) experienced by singer Lesti Kejora by her husband who is also a public figure, Rizky Billar.

The South Jakarta Metro Police apply Restorative Justice in the legal case regarding Rizky Billar and Lesti Kejora domestic violence. Lesti Kejora has withdrawn the report on domestic violence, then Rizky Billar's legal representative has also proposed a suspension of detention. The police said that the investigation process and Restorative Justice were still ongoing. "Based on Article 31 paragraph 1 of the Criminal Code, a suspect who is granted a suspension of detention has an obligation, namely to report. Meanwhile, the

process of investigation and "restorative justice" (RJ) or restorative justice continues. The basic principle of Restorative justice is recovery for victims who have suffered as a result of crime by providing compensation to victims, peace, social work actors and other agreements.

A fair law in restorative justice is certainly not one-sided, impartial, not arbitrary, and only sided with the truth in accordance with applicable laws and regulations and considers equality of compensation rights and balance in every aspect of life. In the implementation of restorative justice, the perpetrator have the opportunity to be involved in restoring the situation (restoration), the community plays a role in preserving peace and the courts play a role in maintaining public order.

V. CONCLUSION

The concept *Restorative Justice* does not only present perpetrators in the criminal justice system but also involves the role of victims and the community. Such a process is very possible to be applied in the settlement of cases of domestic violence. Perpetrators are restored through the criminal justice system so as to encourage peace between victims and perpetrators. Peace is carried out through mediation, meetings, economic improvement programs and honesty education. In the peace that is made, the victim can provide input about what justice he wants to get. Likewise, the perpetrator can do the opposite, for example, can pay compensation for the suffering experienced by the victim. Fulfillment of compensation for victims can be in the form of restitution or compensation. As for the perpetrators, the punishment given is not only limited to imprisonment but can be in the form of social work crimes, so that it will be more beneficial for the perpetrators and the community.

In *restorative justice*, the victim has the opportunity to ask his family about the details of each incident, or incident, or crime that befell him. If it is not clear, the victim can ask again about what happened, the victim also has the right to talk about the bad feelings and injuries suffered by the perpetrator's actions, but without showing hatred towards the perpetrator but must be friendly and smile. Ideally, in restorative justice, the meeting between the perpetrator and the victim must also involve other parties. Like the community with their support and attention, and the implementation of *Restorative Justice* is not just a formality of implementation, but is actually carried out in accordance with the wishes of each party, of course by prioritizing the wishes of the victim. And with consideration for the future of children, those who already have children in a household must be able to maintain and care about the feelings of the child. So as not to become a victim due to the divorce of his parents who prioritize each other's interests.

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