

ABSTRACT

Fery Suryono; " *TERMINATION OF INVESTIGATIONS IN THE POLICE ON THE BASIS OF RESTORATIVE JUSTICE IN THE CRIMINAL PROCEDURE CODE FOR THE PURPOSE OF CERTAINTY OF LAW AND JUSTICE*", this dissertation was under the guidance of Prof. Dr. H. Faisal Santiago, SH, MM as Promoter and Dr. H. Azis Budianto, SH, MS as Co. Promoter.

Termination of investigations based on the concept of restorative justice through police regulations and circular letters is a new breakthrough that is in favor of crime victims, but it creates problems because the termination of investigations based on the concept of restorative justice in its implementation is not based on and has not been included in the Criminal Procedure Code or the Code of Laws, Criminal Law or other statutory regulations that juridically fulfill the hierarchy of statutory regulations in a country based on law.

The issues to be discussed are, 1. What is the Basic Concept of Application of Suspension of Investigation in the Criminal Justice System in Indonesia? 2. What are the legal implications of terminating investigations based on restorative justice in the Criminal Procedure Code? 3. How does the legal construction of termination of investigation based on restorative justice correspond to legal certainty?

The research methods used are Normative Research and Empirical Research. The theoretical frameworks used include Rule of Law Theory, Criminal Justice System Theory, Legal Certainty Theory, Political Theory of Criminal Law, Progressive Legal Theory and Restorative Justice Theory.

The results of the research are known that the termination of investigations based on the concept of restorative justice in the Criminal Justice System in Indonesia can be carried out because it is an extension of the Book of the Law of Criminal Procedure Article 7 paragraph (1) letter i Jo Article 18 of Law No. 2 of 2012 Jo Article 16 paragraph (1) letter l of Law No. 2 of 2002 that the Police of the Republic of Indonesia in criminal proceedings (investigation and investigation) are authorized to carry out discretion or to carry out other responsible actions according to the law. The termination of investigations based on the concept of restorative justice in the Criminal Procedure Code carried out without fulfilling the formal and material requirements contained in Police Regulation No. 8 of 2021 on the Handling of Criminal Offenses Based on Restorative Justice implies the absence of legal certainty. Hokum construction. It can be concluded that Police Regulation No. 8 of 2021 on the Handling of Crimes Based on Restorative Justice implies the absence of legal certainty, so the foreground in the Criminal Procedure Code should include Restorative Justice for Legal Certainty and Justice. Considering that the termination of the investigation based on the concept of restorative justice is only contained in the internal regulations, the investigator has a different interpretation of it, so it is necessary that there is an extension for all Law Enforcement Officers on the concept of restorative justice, thus creating a common understanding in its implementation.

Keywords: Termination of Investigation, Restorative Justice and Criminal Procedure Law