



 sciendo

## **BALTIC JOURNAL OF LAW & POLITICS**

A Journal of Vytautas Magnus University

VOLUME 16, NUMBER 3 (2023)

ISSN 2029-0454

Cite: *Baltic Journal of Law & Politics* 16:3 (2023): 1660-1670

DOI: 10.2478/bjlp-2023-00000137

### **Effectiveness of Implementing Restorative Justice in Resolving Land Disputes**

**Asep Sapsudin**

Email: [asepsapsudin@uninus.ac.id](mailto:asepsapsudin@uninus.ac.id)

**Ilyas Suryana**

Email: [ilyasuryana@uninus.ac.id](mailto:ilyasuryana@uninus.ac.id)

**Deny Chandra Pramana**

Email: [denychandrapramana@uninus.ac.id](mailto:denychandrapramana@uninus.ac.id)

Received: December 29, 2022; reviews: 2; accepted: January 20, 2023

#### **Abstract**

The purpose of writing that you want achieved is to find out the characteristics of land crime cases that can be resolved based on Police Regulation Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice and to find out the effectiveness of implementing Police Regulation Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice, on criminal acts land use in resolving land disputes. Therefore the research method includes research specifications, namely analytical descriptive, normative juridical approach methods, through the library research stage, namely researching and studying secondary data obtained through library research data collection techniques, which are then analyzed secondary data. juridical-quality f. This study produces conclusions *first*, the effectiveness of implementing Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice, on land crimes in resolving land disputes including cases of land crimes that are mild in nature and do not significantly harm the victim or the community. *secondly*, the characteristics of criminal cases of land crimes that can be resolved based on Police Regulation Number 8 of 2021 concerning Handling of Crimes based on restorative justice can be seen from several factors, including the participation of the parties, the quality of the facilitator, trust in the process, the quality of the agreement.

#### **Introduction**

As the dynamics of social life develop, it demands law reform as a form of

dynamic law. Settlement of criminal cases in the current criminal justice system seems 'old-fashioned' and does not instill a sense of justice and expediency in the life of the wider community. According to Muladi, the consensus model applied by the Indonesian criminal law system is considered to create new conflicts and does not solve problems, so it must be replaced with a consensus model. Dialogue between the victim and the perpetrator to solve the problem is a very positive step.<sup>1</sup>

The development of science, especially since the birth of criminology and victimology,<sup>2</sup> has changed the legal paradigm. Criminology and victimology illustrate how difficult it is to clearly understand the causes of a crime problem. Especially in this case to ensure that there is a potential or possibility *that* a victim of crime *who* has suffered has become one of the factors (*causa*) of the occurrence of a crime.<sup>3</sup>

*Restorative justice* is an approach to justice based on the philosophy and values of responsibility, openness, trust, hope, healing, and *inclusiveness*, which focus on reparation for harm caused by crime. Besides trying to encourage the perpetrators of criminal acts to be responsible for their actions, through providing opportunities for parties directly affected by a crime, namely between victims, perpetrators, and the community by paying attention to the needs after the occurrence of a crime and looking for a solution in the form of healing, reparation, and reintegration as well prevent losses.<sup>4</sup>

The Criminal Code (KUHP) indeed stipulates that the measure of a crime is not the size of the loss, but whether the act has fulfilled the elements or not.<sup>5</sup> *Restorative Justice* aims to restore the condition of victims of crime, perpetrators, and interested communities (*stakeholders*) through a case settlement process that does not only focus on prosecuting and punishing perpetrators.<sup>6</sup> The purpose of punishment will not work optimally if someone who commits a violation of the law is not subject to sanctions. Criminal sanctions are one way to deal with criminal acts. The use of criminal sanctions to deal with crime is the oldest way, as old as human civilization itself, some even mention it as *the older philosophy of crime control*.<sup>7</sup>

The Indonesian Criminal Law System has entered a new chapter in its development. One form of renewal that exists in Indonesian Criminal Law is the regulation of criminal law in the perspective and achievement of justice to repair and restore conditions after events and criminal justice processes known as restorative justice which is different from retributive justice (emphasizing justice

---

<sup>1</sup>Hendrojono, *Criminology of the Effects of Change in Society and Law*, Jakarta: Dieta Persada, 2005. p. 7.

<sup>2</sup> Syafruddin, *The Role of Crime Victims (Victims) in the Occurrence of a Criminal Act in terms of Victimology*, USU Press. 2002. p. 2.

<sup>3</sup> *Ibid.*

<sup>4</sup>Muladi, *Capita Selecta Criminal Law*, Dipenogoro University Library Center, Semarang, 1995. p.14.

<sup>5</sup>Helena Octavianne, *Prosecution with Conscience*, East Java: Reative, 2020, p. 71.

<sup>6</sup>Nove E. Baskoro, *Legal Reconstruction of Narcotics Abuse Children in the Context of the Criminal Justice System*. PT. Refika Aditama, Bandung, 2019. p. 21.

<sup>7</sup>Marlina, *Penitensier Law*, Reflika, Aditama, Bandung 2011. p.27.

on retribution) as Alexander Fatic has argued and *restitution justice* (emphasizing justice on compensation). When viewed from the development of criminal law science and the nature of modern punishment, it has introduced and developed what is called the *Doer-Victims Relationship approach*. A new approach that has replaced the act or actor or "*daad-dader strafrecht*" approach. Legal experts have introduced the formula of justice, especially in upholding human rights, that there are 3 (three) aspects of the approach to building a legal system in the framework of modernization and legal renewal, namely in terms of structure, substance and culture, all of which feasible to run integrally, simultaneously and parallel.<sup>8</sup>

The emergence of land cases which are often covered by various mass media is mostly an accumulation of cases that have been going on for a long time and are not resolved. Various parties consider that the many conflicts and agrarian disputes that occur are rooted in <sup>9</sup>the negative <sup>10</sup>system land registration system policy which does not provide legal certainty for right holders, so that it can hamper the implementation of national development.

Even though land ownership has been regulated in such a way, there are still problems in terms of land ownership, for example a plot of land that has been controlled by a legal subject for years and has been equipped with a certificate. Regarding the land, there are still other parties who claim rights over the land, this problem often occurs in various regions in Indonesia. According to Prof. Boedi Harsono, detailing land issues that could become disputes is regarding which land parcels are intended, the boundaries of the land parcels, the area of the land parcels, the status of the land whether it is state land or private land, the holder of the rights, the rights that burden them, the transfer of rights, location instructions, and determination of the area for government or private projects, compensation, cancellation of rights, revocation of rights, issuance of certificates, means of proving the existence of rights or legal actions taken.<sup>11</sup>

According to the Director of Prevention and Handling of Land Conflicts Brigadier General. Pol. Widodo has 4 (four) land crime syndicate modes including:<sup>12</sup>

1. This mode is a classic that has been frequently used by land mafia groups. The action was organized starting from the presence of funders, the presence of the main actors involving notary officials/PPAT as well as government officials (Kelurahan /District) and there were also the presence of figures played by the perpetrators. This mode of action is usually carried out accompanied by the making of fake letters or documents that are used to take over assets in the form of land and buildings belonging to the victim in order to gain profit.
2. The initial scheme was generally almost the same as the first where the

---

<sup>8</sup>Bawas,mahkamahagung.go.id , accessed: 05-11-2022 at 21:22 WIB.

<sup>9</sup> *Ibid.*

<sup>10</sup>Supriadi, *Agrarian Law*, Sinar Graphic, Jakarta: 2016, p. 167-168.

<sup>11</sup>Arie S. Hutagalung *Distributed thoughts on Land Law Issues*, cet. 1, Jakarta, Indonesian Legal Empowerment Institute, 2015, p. 370.

<sup>12</sup> Widodo, *Handling and Settlement of Land Crimes*, Director of Prevention and Handling of Land Conflicts, Jakarta, 2022, slide 9-12.

perpetrator determined the target in the form of vacant land abandoned by its owner and then contacted an unscrupulous ATR/BPN Office officer to obtain information regarding the land parcel. the perpetrator coordinates with other actors who are elements of the ATR/BPN Office to request a PTSL result certificate slot that has been signed but has not been submitted to the applicant. bleach for clothes (bayclean) and cotton for subsequent erasing of writing, retyped by the person to be on behalf of the perpetrator who ordered. Furthermore, after all the physical data and juridical data had changed, the perpetrators of the unscrupulous BPN employees also entered it into the KKP system program to be registered by violating procedures without any submission documents.

3. The initial scheme is generally almost the same as the second mode, but here the actors directly ask for the issuance of certificates on the targeted land parcels which are known to have not been certified. The role of the BPN employee here is quite central where the person has prepared a PTSL result certificate slot complete with documents to be used to change the data to the name of another actor as the customer. Even in this mode, the unscrupulous BPN employee erased the physical data and juridical data on the certificate using only liquid bleach that has been smeared on cotton or tissue that has been wrapped around wood.
4. In fact, it was found that there had been changes in juridical data and physical data on certificates for a plot of land whose certificate had been issued WITHOUT any application documents and attachments to Warkah Certificates and had even been handed over to the buyer. The modus operandi is that the BPN employee has illegally accessed (without permission) the BPN employee's account without the account owner knowing. In fact, the perpetrator had misused the ATR/BPN Minister's account Mr. Sofyan Djalil to open the KKP system application to change the KTP system.
5. The modus operandi is that the main perpetrator is someone close to the victim, for example someone who works as a household assistant for the victim. The perpetrator cooperates with a notary/PPAT person who has prepared a figure to play the role of the victim then makes the contents of the deed as if it were true that there had been a transfer or authorization of the right to transfer to the perpetrator so that he could easily take over the assets (land and buildings) belonging to the victim. belonging to the perpetrator

The application of Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, provides space as a form of legal protection which is the right of every citizen, so that the concept of the rule of law is born. The principle of supremacy of law referred to is legal certainty, equality before the law, and legal justice based on proportionality,<sup>13</sup> and can be said to be effective. Based on this explanation, it was identified how effective the

---

<sup>13</sup>Romli Atmasasmita, *Legal Reform, Human Rights & Law Enforcement*, CV Mandar Maju, Bandung, 2011, p. 131.

application of Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice, on land crimes in resolving land disputes and what are the characteristics of cases of criminal acts of land crimes that can be resolved based on Police Regulation Number 8 of the Year 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

### **Research Methods**

The research method used in this journal research uses a normative juridical approach, which is a method in normative legal research using primary sources of secondary data or library materials.<sup>14</sup> Secondary data in legal research is data obtained from the results of a literature review or review of various literature or library materials related to research issues or materials which are often called legal materials.<sup>15</sup> Legal materials consist of:<sup>16</sup>

1. Primary legal materials, namely binding legal materials,<sup>17</sup> consisting of statutory regulations;<sup>18</sup>
2. Secondary legal materials, namely legal materials that provide explanations regarding primary legal materials, such as research results, books written by experts, scientific articles, journals and others;<sup>19</sup>
3. tertiary Legal Materials, namely legal materials that provide instructions or explanations of primary and secondary legal materials such as dictionaries, encyclopedias, which in this study were processed selectively.<sup>20</sup>
4. The secondary data, which is in the form of primary legal materials, secondary legal materials and tertiary legal materials, is processed selectively and systematically and does not use statistics.

### **Results and Discussion**

#### **The Effectiveness of Application of Police Regulation Number 8 of 2021 Concerning Handling of Criminal Acts Based on Restorative Justice, on Land Crimes in Resolving Land Disputes.**

##### **Effectiveness**

Effectiveness places more emphasis on the aspect of the goals of an organization, so if an organization has succeeded in achieving the goals that have been set, it can be said to be effective. According to Herlambang "Effectiveness is the ability to choose the right goals for achieving the goals that have been set".

---

<sup>14</sup>Abdulkadir Muhammad, *op. cit.*, p. 98.

<sup>15</sup>Mukti Fajar ND. and Yulianto Achmad, *Dualism of Normative & Empirical Legal Research*, Yogyakarta: Student Library, 2010, p. 156.

<sup>16</sup>Bambang Sunggono, *Legal Research Methodology*, Jakarta: PT RajaGrafindo Persada, 2006, pp. 113-114, Soerjono Soekanto and Sri Mamudji, *Normative Legal Research A Brief Review*, Fifth Printing, Jakarta: PT RajaGrafindo Persada, 2006, pp. 29 & 33.

<sup>17</sup> Soerjono Soekanto, *op. cit.*, p. 52.

<sup>18</sup>Mukti Fajar ND and Yulianto Achmad, *op. cit.*, page 156.

<sup>19</sup>Soerjono Soekanto and Sri Mamudji, *op.cit.*, p. 29.

<sup>20</sup> *Ibid.*, p. 33.

<sup>21</sup>Furthermore, according to Danim "effectiveness is fostering creativity".<sup>22</sup>

Pasolong stated that:

*"Effectiveness be defined as the degree to which a social system achieves its goals. Effectiveness must be distinguished from efficiency. Efficiency is efficiency. Efficiency is mainly concerned with goal attainment "*.<sup>23</sup>

Effectiveness is meant as the level of how far a social system achieves its goals. The word effective comes from the English language, namely *effective* which means successful or something that is done successfully. According to Harbani Pasolong, "effectiveness basically comes from the word "effect" and this term is used as a causal relationship. Effectiveness according to the literal meaning is an effect or result desired in an action, namely the state of achieving the expected or desired goal, through the completion of work according to a predetermined plan. Effectiveness shows how the level of ability of a person or group in achieving predetermined goals during a certain period. The more able to achieve the goals that have been determined and the closer to the goals to be achieved, so that it can be said to be more effective.<sup>24</sup>

Based on the expert opinion, it can be concluded that effectiveness is the result that has been achieved correctly, namely on time, on cost, on the right resources and on target according to plan. Effectiveness is a multi-dimensional concept, meaning that in defining effectiveness it varies according to the knowledge base one has with convergence to achieve the goals set by the organization.

Effectiveness is meant as the level of how far a social system achieves its goals. The word effective comes from the English language, namely *effective* which means successful or something that is done successfully. According to Harbani Pasolong, "effectiveness basically comes from the word "effect" and this term is used as a causal relationship. Effectiveness according to the literal meaning is an effect or result desired in an action, namely the state of achieving the expected or desired goal, through the completion of work according to a predetermined plan. Effectiveness shows how the level of ability of a person or group in achieving predetermined goals during a certain period. The more able to achieve the goals that have been determined and the closer to the goals to be achieved, so that it can be said to be more effective.<sup>25</sup>

Based on the expert opinion, it can be concluded that effectiveness is the result that has been achieved correctly, namely on time, on cost, on the right resources and on target according to plan. Effectiveness is a multi-dimensional concept, meaning that in defining effectiveness it varies according to the knowledge base one has with convergence to achieve the goals set by the organization.

## History of Restorative Justice

New Zealand is the first country in the world to apply *restorative justice*

---

<sup>21</sup> Donni, Juni Priansa., *Agus Garnida Office Management Effective, Efficient and Professional*. Bandung: Alfabet. 2013. p.18.

<sup>22</sup> Danim, Sudarwan, *Motivation Leadership And Effectiveness Group.*, Jakarta: Rineka Cipta, 2012. p.118

<sup>23</sup> Pasolong, Harbani , *Public Administration Theory* . Bandung: Alfabeta, 2007. p.138.

<sup>24</sup>Pasolong, *Public Administration Theory*. Bandung: Alfabet. Bandung. 2011. p. 4.

<sup>25</sup>Pasolong, *Public Administration Theory*. Bandung: Alfabet. Bandung. 2011. p. 4.

which was initially applied to crime, discipline in schools and conflicts between citizens and the government which later developed into general justice which was carried out with the *Family Group Conference* (FGC). In further developments, *restorative justice* is also applied to serious crimes. Northern Ireland applies *restorative justice* to alternative solutions to violent crimes.<sup>26</sup>

Eastern Europe implements restorative justice in the framework of court reform. The application of *restorative justice* in Africa can be seen from the revitalization of indigenous practices, increased sanctions for social work, and the national response to civil war and genocide. The Middle East implements *restorative justice* starting from the traditional conflict resolution process. Other Asian regions are implementing *restorative justice* is related to juvenile justice, which stipulates that the settlement of cases is excluded from the judicial process.<sup>27</sup>

Mexico implements restorative justice after the Constitutional Amendment Article 20 *confirms* that the rights of victims are recognized and sentencing policies are reviewed.<sup>28</sup>

In Indonesia itself, the concept of *restorative justice* has basically been known and practiced in the customary law that applies in Indonesia. In other words, it can be stated that the basic philosophy of the aim of the restorative approach, which is to restore the situation to its original state before the conflict occurred, is synonymous with the philosophy of restoring the disturbed balance contained in Indonesian Customary Law. The law must also be seen from a social perspective, actual behavior that can be accepted by and for all human beings in it that reflects the ideology, concern and attachment of the government to its people, is not merely a law that the people want to regulate them. The law is in favor of the people, which pays attention to social justice, which reflects the protection of human rights, as stated in the constitution of the 1945 Constitution.

### **Characteristics of Land Crime Cases That Can Be Resolved Based on Police Regulation Number 8 of 2021 Concerning Handling of Crimes Based on Restorative Justice**

#### **Alternative Characteristics of Restorative Justice**

According to Muladi, its characteristics can be stated as follows:<sup>29</sup>

- a. Crime is defined as a person's offense against another person;
- b. Focus on solving the problem of accountability and liability in the future;
- c. Normative nature is built on the basis of dialogue and negotiation;
- d. Restitution as a means of improving the parties, reconciliation and restoration as the main goal;
- e. Justice is defined as rights relations, assessed on the basis of outcomes;

---

<sup>26</sup>I Made Tambir, *Restorative Justice Approach in Settlement of Crimes at the Investigative Level*, Journal of Master of Laws of Udayana Vol.8 No.4 December 2019, P-ISSN: ,2302 - 528X, E-ISSN: 2502-3101, p.555.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid*

<sup>29</sup>

- f. Crime is recognized as a conflict;
- g. Target attention to repairing social losses;
- h. The community is a facilitator in the restorative *process*;
- i. Promote mutual assistance;
- j. The role of victims and perpetrators of crimes is recognized both in the problem and settlement of the rights and needs of the victims, the perpetrators of crimes are encouraged to be responsible;
- k. The responsibility of the perpetrator is formulated as an understanding of the impact of actions and to help decide which is the best;
- l. Crime is understood in the overall context of moral, social and economic;
- m. The sin or debt and responsibility for the victim is acknowledged;
- n. Reactions and responses are focused on the consequences of the actions of the perpetrator of the crime;
- o. Stigma can be removed through restorative measures;
- p. There may be helpful promptings to repent and forgive;
- q. Attention is directed to accountability for the consequences of actions (compare with retributive justice attention is directed to the debate between free will *and* psychological *social determinism* in the cause of crime).

In criminology, we recognize that there are 3 (three) discussions related to the scope of criminology. According to AS Alam, there are three main points in the scope of discussion of criminology, namely:<sup>30</sup>

- a. The process of making criminal law and criminal procedures;
- b. Criminal etiology discusses the theories that cause crime;
- c. Reaction to lawlessness. This is not only aimed at law violators in the form of repressive actions, but also against potential law violators in the form of criminal attempts.

In this scientific study, it only discusses the making of criminal law, the factors of criminal occurrence and the consequences arising from criminal acts, but basically apart from these three scopes, basically in some criminal acts we know there are victims (Victime) who eventually appear in scientific *studies*. in the criminal field, namely victimology or the study of victims. This knowledge was born because of a reaction that basically in some countries the fate of victims of criminal acts is not taken into account, because some criminal sanctions only punish criminal perpetrators which results in the idea that criminal law is only to punish criminal perpetrators and not restore the rights of victims lost as a result of criminal incidents. This paradigm then causes a further shift towards more recent developments in the form of criminal law which does not only pay attention to the rights and interests of the perpetrators of criminal acts, but also pays attention to the rights and interests of victims of criminal acts. Because basically the concept of crime is *equal* or equivalent, basically every human being has equal rights within the scope of criminal law, not only perpetrators but victims also have the same rights in the eyes of the law, this concept and philosophy of criminal law is what

---

<sup>30</sup>PAF Lamintang and CD Samosir, *Indonesian Criminal Law*, Sinar Baru, Bandung, 1983, p.2.



makes the criminal justice system to provide balanced protection of the rights and interests of perpetrators and victims of crime, society and the state, is currently known as restorative justice as a concept of justice that produces restorative justice.<sup>31</sup>

### **Characteristics of criminal cases of land crimes**

Cases of criminal acts of land crimes that can be resolved based on Police Regulation Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice are as follows:

- a. Cases of land crimes that are mild in nature and do not significantly harm the victim or the community.
- b. Cases of land crimes involving perpetrators who are still children.
- c. Cases of criminal acts of land committed by actors who are cooperative and willing to admit mistakes and take responsibility for their actions.
- d. Cases of land crimes committed in complex and complicated situations, where conventional settlement requires a large amount of time and money.
- e. In these cases, dispute resolution using a restorative justice approach can help speed up the settlement process and provide a more effective and efficient solution.

### **Conclusions and Recommendations**

#### **a. Conclusion**

1. The effectiveness of implementing Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice, on land crimes in resolving land disputes can be implemented as long as the land crime cases are light in nature and do not significantly harm the victim or the public, land criminal cases that are involving perpetrators who are still children, cases of land crimes committed by perpetrators who are cooperative and willing to admit mistakes and take responsibility for their actions, and cases of land crimes committed in complex and complicated situations, where conventional settlement requires a lot of time and money.
2. Characteristics of criminal cases of land crimes that can be resolved based on Police Regulation Number 8 of 2021 concerning Handling of Crimes based on restorative justice can be seen from several factors, including the participation of the parties, the quality of the facilitator, trust in the process, the quality of the agreement.

#### **b. Suggestion**

---

<sup>31</sup>Lidya Rahmadani Hasibuan, *Restorative Justice as a Renewal of the Criminal Justice System Based on Law No. 11 of 2012 concerning the Juvenile Criminal Justice System*, USU Law Journal, Vol.3. No. 3 (November 2015), p.67.

1. In order to achieve a solution in solving problems that are effective and efficient in land disputes, the Criminal Code Bill should regulate more clearly and measurably regarding provisions regarding *restorative justice* so that it can be handled properly by law enforcers, legal practitioners, as well as by society in general.
2. With the existence of Police Regulation Number 8 of 2021 concerning Handling of Crimes based on restorative justice, the authors suggest that an understanding of the application of restorative justice in resolving land disputes can be carried out with a humane approach so that aspects of justice are more attainable.

## **Bibliography**

### **A. Book Source**

- Apriliyandi, *Soil Particles*, Jakarta: Rebook, 2018.
- Arie S. Hutagalung *Distributed thoughts on Land Law Issues*, cet. 1, Jakarta, Indonesian Legal Empowerment Institute, 2015.
- Bambang Sunggono, *Legal Research Methodology*, Jakarta: PT RajaGrafindo Persada, 2006,
- Bernard Limbong, *Land Acquisition for Development*, Jakarta, Margaretha Pustaka, 2011.
- Boedi Harsono, *Indonesian Agrarian Law – The History of the Formation of the Basic Agrarian Law, Contents and Implementation Volume 1: National Land Law*, Jakarta, Djtangan, 2013.
- Danim, Sudarwan, *Leadership Motivation and Group Effectiveness.*, Jakarta: Rineka Cipta, 2012.
- Donni, Juni Priansa., *Agus Garnida Effective, Efficient and Professional Office Management*. Bandung: Alfabet. 2013.
- Eddy OS Hiariej, *Principles of legality and legal discovery in criminal law*, Jakarta: Erlangga, 2009.
- Eddy OSHariej, *Principles of Legality and Legal Discovery in Criminal Law*, Erlangga, Jakarta. 2009.
- Helena Octavianne, *Prosecution with Conscience*, East Java: Reative, 2020.
- Hendrojono, *Criminology Influence of Changes in Society and Law*, Jakarta: Dieta Persada, 2005.
- Marlina, *Penitensier Law*, Reflika, Aditama, Bandung 2011.
- Mukti Fajar ND. and Yulianto Achmad, *Dualism of Normative & Empirical Legal Research*, Yogyakarta: Student Library, 2010.
- Nico Ngani, *Development of Indonesian Customary Law*, Yogyakarta, Yustisia Library, 2012.
- Nove E. Baskoro, *Legal Reconstruction of Narcotics Abuse Children in the Context of the Criminal Justice System*. PT. Refika Aditama, Bandung, 2019.
- PAF Lamintang and CD Samosir, *Indonesian Criminal Law*, Sinar Baru, Bandung, 1983.

- Pasolong, Harbani, *Public Administration Theory*. Bandung: Alfabeta, 2007.
- Rosnidar Sembiring ., *Customary Land Law* , Depok: Raja Grafindo Persada, 2017.
- Sunindhia Y. W and Nanik Widiyant., *Agrarian Reform Several Thoughts*, Jakarta, Bina ksara, 2012.
- Supriadi, *Agrarian Law*, Sinar Graphic, Jakarta: 2016.
- Suyud Margo, *Business Dispute Resolution Alternative Dispute Resolution (ADR)*. Bogor: Gahalia Indonesia. 2010.
- UNODC, *Handbook on Restorative Justice Programmes. Criminal Justice Handbook Series*, Vienna, UN New York, 2006.
- Urip Santoso, *Agrarian Law Comprehensive Study*, Jakarta, Prenadamedia Group, 2010.
- Widodo, *Handling and Settlement of Land Crimes*, Director of Prevention and Handling of Land Conflicts, Jakarta, 2022.
- Yahya harahap, *Discussion of Problems and Application of KUHAP (Investigation and Prosecution)*, Jakarta: Sinar Graphic, 2000.

## **B. Legislation**

- The 1945 Constitution of the Republic of Indonesia
- Basic Agrarian Law No. 5 of 1960 concerning Basic Agrarian Regulations.
- Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice

## **C. Other Sources**

- Daniel W. Van Ness, *Restorative Justice and International Human Rights, Restorative Justice* , International Perspective Edited by Burt Galaway and Joe Hudson, (Kugler Publications, Amsterdam, The Netherland) Elsam 2005, Advocacy Position Paper, RUU KUHP Series 3:11:12 .
- I Made Tambir, *Restorative Justice Approach in Settlement of Crimes at the Investigative Level*, Journal of Udayana Law Masters Vol.8 No.4 December 2019, P-ISSN: ,2302 - 528X, E-ISSN: 2502-3101.