

THE IDEAS OF APPLICATION OF *RESTORATIVE JUSTICE* IN CRIMINAL ACTION WITH THREATS OF PUNISHMENT UNDER THE FIVE YEARS AS A PREVENTION OF OVER CAPACITY FOR RESIDENTS OF RESIDENT AGENCIES

Frence Yohannes Ndun¹⁾, Aksi Sinurat²⁾ and Pius Bere³⁾
^{2&3}Postgraduate Lecturer at Nusa Cendana University
Email : frence.ndun12345@gmail.com

ABSTRACT

Restorative justice is a new idea in law enforcement. The presence of the idea of restorative justice a form of alternative giving a sense of justice for the crimes as well as a move to prevent over capacity the correctional institution. Examination the legal problem which is does restorative justice could be applied in the Indonesian legal system? But how will design a model restorative justice who can be offered to overcome over capacity the correctional institution in Indonesia? Research is research normative law. The results of the study found that normatively, restorative justice not been managed in the system criminal law in Indonesian. The design model restorative justice that can be offered to overcome over capacity of corrective services in Indonesia is through negotiations for the recovery of victims, actors and community, with reference to the agreement compensation and others agreement as part of the player recovery by crimes. Therefore, suggestion to the need of update criminal law of Indonesia by including the application of restorative justice in handling of crimes threat his sentence under five.

Keywords: *over capacity, the correctional institution, restorative justice*

INTRODUCTION

Society is a group of people who form a system, where most of the interaction is between individuals who are in that group. The existence of long-term interaction within a group can lead to conflict between individuals, which if left unchecked will damage the life order of the community. This condition encourages the need for laws which generally aim to create order, peace, and happiness in people's lives. If crime occurs, an important factor for the success of law enforcement is that justice can be felt by the community so that life together can survive.

Law enforcement must be directed to provide the benefits of a sense of justice for the community concerned, based on legal certainty. This means that law enforcers in realizing order, peace and happiness in people's lives must use the applicable legal rules so that law enforcement is truly able to provide a fair sense of guarantee for each party involved in

violating a norm. The usefulness of law can only be felt by the community when the legal rules are well applied in its application. Whether or not, a good application of law also depends on the legal system used by each country.

The legal system in force in Indonesia for perpetrators of crime is focused on punishment in return. The perpetrators must be punished so that security and order in society can be restored so that the punishment seems to be a means to revenge the victim to the perpetrators of the crime. Such judicial practice is the application of retributive justice, namely justice that focuses on providing penalties for perpetrators of crime. Such judicial practices must be supported by a strong legal system because if not what happens is community disappointment and does not give a sense of security at all (Tridiatmo, 2015: 6).

Its effectiveness in retributive or punitive justice has been doubted. Any severe punishment for the perpetrators will never give security and prosperity to the people. Punishment will never improve the situation of the community, because it does not deter criminals from committing similar or even more heinous crimes. Evil must be redefined and analyzed its roots and causes. Human crime will not disappear because of punishment, because the existence of punishment is based on a totally different concept. The old understandings that developed in Indonesian society that always based on a rigid grip as well as the law must be written and uphold the positivism system, where humans become servants of the law itself by not seeing the origin of the existence of the law. This shows the need for a new criminal system that is expected to bring a sense of justice in the conflicting society itself.

The measure of the success of law enforcement does not lie in the number of perpetrators of crime being inmates of the penitentiary, but in creating the recovery of the situation of the victims or the community so as to create security, order, and peace as the purpose of the law. Prison-oriented punishment is no longer felt to create a deterrent effect

for the perpetrators of crimes even in some cases, imprisonment can make criminals become more honed in their ability to commit criminal acts, and also that must be considered is the overcapacity of detention centers or correctional institutions which of course increase the burden on the government budget to finance prisoners in detention centers or prisons. As a result of over capacity, it has a negative impact on the comfort of the residents, attitudes and behavior of the occupants, and the potential for the emergence of various violations and / or crimes within the correctional institution.

According to researchers' observations, overcapacity has caused health problems for prisoners, not only skin diseases, but also upper respiratory tract infections (ispa), and several other diseases. Moreover, physical violence and sexual violence or thuggery in correctional institutions. Inmates of prisons are vulnerable to becoming perpetrators and / or victims of various crimes within correctional institutions. Violence experienced by residents of these correctional institutions comes from fellow residents. Both are sourced from the inequality of relations between senior residents (old residents) and junior residents (new residents) and also after completing the criminal convicts must still be faced with negative stigmatization of the surrounding community.

Over capacity of prison inmates in the homeland is not a new problem anymore and has become a common problem. How can a small cell be inhabited by up dozens of people. Why can it be a chronic problem and cannot be handled by the government? Committed a crime and then was prosecuted for criminal liability, and through various long and tiring stages, was finally sentenced. For defendants who have been sentenced with permanent legal force (inkhrat) then accommodated and become residents of the correctional facility. The number and area (capacity) of prison is limited and it is not easy to add or expand it, while on the other hand, the prison population is increasingly increasing. As a result, there is an

overcrowding capacity in prison, an increase in the number of criminal offenders including criminal cases with a penalty of less than five years.

The number of prisoners in Indonesia currently reaches 254 thousand people, while the ability or capacity of correctional institutions and detention centers is only around 126 thousand. There are some cities that have over 300 to 400 percent capacity, and there are some places (which are over capacity) 100 to 200 percent, for example some time ago, Indonesia was shocked by news from prison. How not Thursday (11/7) in 2013, the Tanjung Gusta Medan Class I Penitentiary caught fire and hundreds of inmates escaped. According to Deni Indrayana Power outages and unavailability of water are thought to be triggering anger of prisoners at Tanjung Gusta Penitentiary to lead to riots and the burning of prison, the number of prisoners who exceed the prison capacity is suspected to be one of the factors causing prisoners to be easily provoked. (<https://www.kompasiana.com/kompasiana/552a228d6ea834e012552d1c/in-reverse-firing-lapas-tanjung-gusta> Downloaded: Saturday, 6-10-2018, 21:00).

Another case occurred in the Bali Kerobokan Penitentiary also involved a riot when National Narcotics Agency personnel were about to pick up a prisoner who was involved in a drug case. A number of DPR Law Commission members said that there was a commotion in prison because the number of prisoners exceeded prison capacity. The Kerobokan prison, which has a capacity of 350 people, is currently represented by more than 1,000 prisoners, including dozens of foreign nationals and the group of Australia's nine drug dealers. DPR Commission III member Didi Irawady revealed that the problem of excess prisoner capacity occurred in almost all prisons in Java and Bali. (<https://www.dw.com/en/lp-kerobokan-bali-rusuh/a-15758253> Downloaded: Saturday, 6-10-2018, 21:00).

Over capacity also occurs at the Kupang Class IIA Penitentiary Institution, which has a capacity of accommodating 500 people but is now inhabited by inmates with a total of 620

people. Parts of the residents of the Kupang Class IIA Penitentiary Institution are convicted cases or cases under five-year threats (table 1). In fact, cases with threats under five years can be settled outside the criminal justice system so that they do not reach the court.

Table 1. Number of Prisoners by Type of Crime with a Threat of Under Five Years in the Kupang Class II Correctional Institution in the Period of 2016 to 2018

No.	Type of Crime	Article of the Criminal Code / Law	Number of Prisoners in 2016	Number of Prisoners in 2017	Number of Prisoners in 2018
1	Persecution	351 paragraph 1 and 2	34	38	42
2	Theft	362	33	30	35
3	Embezzlement	372-374	10	15	12
4	Fencing	480	2	2	4
5	Traffic	UU. No. 22/2009	13	11	10
		Total	92	96	103

Data source: Directorate General of Correctional Database System (2019)

Criminal cases or cases with a penalty of fewer than five years (see table 1) can be resolved outside the criminal justice system (non-litigation) so that these cases do not reach the court and end up at the Penitentiary.

RESEARCH PROBLEMS

As for the legal issues discussed in this study are; Can restorative justice be applied in the legal system in Indonesia to criminal offenses with legal threats under five years?; What is the design of the restorative justice model that can be offered to overcome the over capacity of prison residents in Indonesia?

METHODS

The type of this research is normative research or library research or in other words research using a nominative juridical approach (Lastuti Abubakar, 2013, 4). Ananlisisi technique used in this study is a qualitative analysis with descriptive decomposition

(exposure) (Aidul Fitriadi Azhari, 2012, 4). The descriptive qualitative analysis used in this paper provides the consideration that not only is intended to reveal or describe the data collected as is, but the primary legal material, secondary legal material, and study material documents or existing literature will be checked and re-checked (triangulation) to find the midpoint and accuracy of opinions from various views so as to produce a conclusion (Nugroho, 2017: 4).

DISCUSSIONS

1. Restorative Justice in the Legal System in Indonesia

The existence of the process of restorative justice as an alternative settlement of criminal cases is largely determined by the awareness and knowledge of the community itself, including law enforcement officials. Judicial understanding which only prioritizes the application of the rules proves the wrongdoers and then punishes them will not be able to accept this concept. For him the judiciary is the right of the state to impose sanctions on its citizens who have broken the rules. Deterrence and / or rehabilitation become a very populist factor in it; the attention of the judiciary is dominated by the interests of the perpetrators, the community and the state.

Restorative justice is more about solving problems between the parties in social relations than confronting perpetrators and government officials. Just peace principle's philosophy is integrated with the process of meeting, discussing and actively participating in the resolution of the criminal matter. Integration of actors on the one hand, victims and the community on the other hand as a whole is to find solutions and return to the pattern of good relations in society. Changes in this paradigm of thinking need to be supported by national legislation policies and understanding of scientific developments in the world of justice.

The 11th UN Congress Report in Bangkok Thailand (Report of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice Bangkok, 18-25 April 2005), formulates that, there was general agreement on the need for innovative approaches in the administration of justice, including the use of alternatives to imprisonment for minor offenses, especially by first time offenders, juvenile offenders and drug abusers, the use of restorative justice, including mediation and conciliation, and the need to take into consideration the rights of victims, in particular those of women and children (Priyatno, 2007: 152).

The 12th UN Congress in Brazil, Report of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice Salvador, Brazil, 12-19 April 2010, also recommends member states to evaluate and update criminal justice policies by developing comprehensive strategies, reducing the use of prison sanctions , and increasing the use of alternatives to prisons including the restorative justice program.

The international community has provided guidelines on criminal justice regarding innovative, comprehensive and integral approaches to the strategy by increasing the use of restorative justice programs. An evaluation to redesign more effective judicial proceedings needs to be done in Indonesia, and the UN Congress is sufficient to be one of the aspirations to build or update / reform justice policies towards the restorative justice model.

In national policy there is Pancasila which is the core philosophy of the nation. As a core philosophy of Pancasila as such is a source of value for the existence of a legal system in Indonesia. In the 4th precepts of Pancasila: "Democracy Led by Wisdom in Consultation / Representative" contained the philosophy of deliberation or deliberation, the meaning contained is: prioritizing deliberation in making decisions for the common good, and respecting any deliberative / representative decisions, the decision taken must be able to deliberate or deliberate, the meaning contained is: prioritizing deliberation in making

decisions for the common interest, and respecting any deliberative decisions, morally accountable to God Almighty, upholding the dignity and human dignity, the values of truth and justice give priority to unity and unity for the common good.

The 4th Precepts of Pancasila teaches us to make a choice through deliberation. Prioritize deliberation in making decisions for the common good. Deliberation to reach consensus is filled with the spirit of kinship, so that when it is broken down the philosophy of "deliberation" contains 5 (five) principles as follows. First, conferencing (meet to hear each other and express desires); second, search solutions (looking for solutions or meeting points for the problem being faced); third, reconciliation (reconciling with their respective responsibilities); fourth, repair (repairing all the consequences); and fifth, circles (mutual support).

These principles are exactly what is needed and become a key word in restorative justice, so that the constitutionality of restorative justice finds its foundation in the philosophy of the 4th principle of Pancasila. The basis of that if implemented in the pattern of settlement of criminal cases contains a principle called the VOC (Victim of Fender Conferencing). The target in the VOC (Victim Offender Conferencing) meeting is mediation or VOM (Victim-Offender Mediation), which is an opportunity to make peace and mutually agree on improvements. The aim is to deal with crime as a conflict that must be resolved between people directly affected not as a conflict between the state and the defendant.

The rules of deliberation (the 4th principle of Pancasila) with the principle of deliberation to reach consensus which is encompassed in a family spirit contains the essence of experiencing justice. This is in line with the thoughts put forward by Jarem Sawatsky, a restorative justice reviewer who works at the Institute for Justice and Peace building at Eastern Mennonite University in Virginia as follows: Needs of victims, offenders and communities are central for Restorative Justice. Justice is about participation. This has a huge

implication for justice. If needs are central then justice is always ad hoc. Justice must respond and be experienced within a context. That means justice will look different and be arrived at differently dependent on the needs, the culture, the history, the future, and the people involved.

According to Jaccould the redefinition of crime in relation to restorative justice is not seen as general or standard but how the impact of the crime and the dialogue that ensues (Crime is no longer conceived as a violation against the state or as a transgression against a legal standard, but as an event that causes harm and consequences Focusing on the possible solution of the problem through a dialogue between the parties.

The provisions in the national legal policy guidelines that can be used as restorative justice rests are as follows. First, Law No. 2 of 2002 concerning the Indonesian Police formulates that the main tasks of the Republic of Indonesia National Police include providing protection, protection and services to the public (Article 13 letter c). In the context of carrying out their duties, the police have the authority to carry out other authorities that fall within the scope of their duties (Article 15 paragraph (2) letter k). Authorized to carry out other actions according to responsible law (Article 16 paragraph (1) letter l). Second, in carrying out its duties and authority, prosecutors always act according to the law by respecting religious norms, politeness, decency, and are obliged to explore and uphold the human values that live in society, and always maintain the honor and dignity of their profession (Article 8 paragraph (4) Law No. 16 of 2004). Third, Judicial Power is the power of an independent state to administer justice in order to enforce law and justice based on Pancasila and the 1945 Constitution, for the sake of the implementation of the Republic of Indonesia's Law State (Article 1 number (1) of the Law 48 of 2009). Fourth, Article 50 paragraph (1) of Law 48/2009): all court decisions must include the reasons and grounds for the decision; also contain certain articles of the relevant legislation or unwritten legal sources

which are used as a basis for hearing. Fifth, Article 5 paragraph (1) of Law 48 of 2009, Judges are required to explore, follow, and understand the legal values and sense of justice that lives in the community.

In Indonesia there is a LPSK (Witness and Victim Protection Agency). LPSK is an institution that has the duty and authority to provide protection and other rights to Witnesses and / or victims as stipulated in Law No. 13 of 2006 concerning Protection of Witnesses and Victims. Provisions in Article 7 of Law No. 13 of 2006 states that victims through LPSK are entitled to submit to court in the form of the right to restitution or compensation which is the responsibility of the perpetrators of crime. Decisions regarding compensation and restitution are given by the court.

Restitution is compensation given to the victim or his family by the perpetrator or a third party, can be in the form of return of property, payment of compensation for loss or suffering, or compensation for certain actions (Article 1 number 5 PP No. 44 of 2008 concerning Provision of Compensation , Restitution and Assistance to Witnesses and Victims), but the process of restitution or compensation as referred to in Law No. 13 of 2006 and PP No. 44 of 2008 is still in the context of retributive courts not in the philosophy of restorative justice.

Based on the provisions in the existing national legislation policy, restorative justice in enforcing criminal law in concerto can be done based on the following thoughts. First, through the authority of LPSK institutions, or prosecutors and judges in court based on the provisions of Law No. 13 of 2006 and PP No. 44 of 2008, but from the beginning the approach used was the process of restorative justice; second, using the rules of secondary rules that give authority to the legal apparatus (police, prosecutors and judges) to create, extinction, and alteration of primary rules. Creation, extinction, or alteration with the process of restorative justice.

2. Design of Restorative Justice Models that can be Offered to Overcome the Capacity of Penitentiary Residents in Indonesia

Restorative justice (restorative justice) is an effort or a new model approach in Indonesia that is very close to the principle of deliberation which is the soul of the Indonesian people themselves. Criminalization is the ultimate legal remedy (*ultimumremedium*), if the conflict that arises in the community can be resolved by both parties by prioritizing a sense of justice from both parties in dispute. So in his opinion Hatarto Pakpahan (2015: 3) that Restorative Justice is a model approach that appears in efforts to resolve criminal cases. In contrast to the approach used in the conventional justice system, the emphasis is more on the deterrent effect for female offenders, while this approach focuses more on the direct participation of perpetrators, victims and the community in the process of settlement of prisoners.

Restorative justice provides the best solution in resolving private crime cases between people (*natuurlijkepersonen*) or even legal entities (*recht personen*) by giving priority to the core problem of a crime. The solution that is important to note is the improvement of the social order of the people disturbed by crime. Therefore, according to Hafrida, Yulia Monita and Elisabeth Siregar (2015: 5) said that restorative justice is the settlement of criminal proceedings with child offenders by involving the parties related to seeking a solution outside the trial with the principle of restoring the situation and not in the aim of retaliating with criminal offenses. The principle of justice is to keep away as far as possible the offender's child from the introduction of the criminal justice process that ends in a trial in court and is sentenced to prison.

Restorative justice is not only aimed at perpetrators of crimes (*dader*), but instead rehabilitates conflicts against justice and the law violated by the perpetrators of these crimes. Therefore according to Muhammad Raka Edwira, Erna Dewi, Dona Raisa Monica (2018: 5) in her journal said that the prominent features of Restorative Justice, crime is placed as

symptoms that are part of social action and not merely violations of criminal law. Crime is seen as an act that harms people and damages social relations.

Restorative justice focuses on the process of criminal liability directly from the perpetrator to the victim and the community, if the perpetrators and victims and the community whose rights are violated feel that a justice has been achieved through joint deliberation efforts then criminal punishment (*ultimumremedium*) can be avoided. This shows that the perpetrator is not the main object of the restorative justice approach but the sense of justice and conflict recovery itself is the main object. So the restorative justice approach is a suitable way in the process of resolving criminal cases, with the restorative justice approach it can meet the principles of the court quickly, simply, and low cost, It has become the general opinion that criminal law is part of public law. With this concept, the interests to be protected are general rights, so that the state's position with its law enforcement tools becomes dominant. In the case of mediation are efforts that are only applied in civil cases while in criminal cases mediation is deemed impossible and forbidden in Indonesian criminal law which violates the positivism which is adhered to by the Indonesian state.

When the sense of justice has been fulfilled, it should the state intervene in conflicts between the parties to the dispute, where the state itself is only concerned with its affairs, as in the case of fines imposed in the state treasury, not given to victims to be covered up and to treat conflict in society. Whereas, the function of law itself and the most important thing besides legal certainty and usefulness is justice. When the two disputing parties make peace through a mediation process of punishment which is a process of restorative justice, it shows that both parties to the conflict have found justice that can be directly felt so as to treat social conflict in society. The abstract nature of justice can only be felt by one's mind, and this is what is upheld by the law itself, both from written and unwritten laws, so that the closest

approach to justice is the law that grows and develops in the community itself "Das recht wird nicht gemacht, es wird mit in der Welt", because fairness grows from the inner nature of the above is not made up by existing logic, according to Hans Kelsen" ... that goal always rests on the consideration of subjective values and by it relies on relative considerations (Kelsen 2007: 8).

The concept of criminal sanctions in restorative justice does not recognize penalties that aim to retaliate, but rather refers to the concept of conflict resolution between the victim and the party committing a crime, several concepts of criminal sanctions that can be applied in restorative justice, namely:

1. Restitution (Compensation)

Restitution is a process of compensation, in which the perpetrators of the crime carry out compensation to the victims of the perpetrators of the crime for all acts that result in the loss to the victims of the crime. According to Weitekamp, as quoted by Rufinus Hutahuruk, Restitution proactively involves violators and victims in repairing damage or losses aimed at victims (Hutahuruk, 2013: 107).

2. Compensation for Victims Compensation makes a process of manifesting criminal liability that can resolve conflicts of an internal nature. Whereas the concept of compensation is a further form of criminal responsibility for a crime with a penalty of under five years, which is to treat the emotional wounds of the rights and trust that have been violated by the perpetrators of the crime.

From the explanation above, the researcher designed the model of implementing justice in criminal acts with the threat of a sentence of under five years as follows:

First, restorative justice can be applied to crimes with a penalty of under five years as stipulated in Articles 351 vv. 1 and 2, 362-364, 372-374, 480 KUHP and article 310 of Law

22/2009 concerning traffic and road transportation. Second, restorative justice in criminal offenses under penalty of less than five years above is done through:

- 1) Bringing together victims, perpetrators and (representatives) of the community through negotiations aimed at making a recovery, especially to the victims, then community recovery and ultimately the recovery of the perpetrators.
- 2) In negotiations, the offender must explain clearly and truthfully (1) the reason he committed the crime; (2) apologies and remorse for suffering due to the crime caused to the victim; (3) statements or appeals to the public not to commit crimes as they have done; (4) provide compensation (restitution) for suffering and loss due to crime caused to the victim.
- 3) If there is no agreement between the perpetrator and the victim in the negotiations, the next process will be returned to criminal justice.

Third, with regard to compensation, the amount or value of compensation must refer to the mutual agreement between the perpetrators, victims and the community. Fourth, the procedure for negotiations as a substitute for a trial is carried out through:

1. Negotiations are mediated by a Single Judge.
2. Negotiations bring the victims, perpetrators and community representatives.
3. For some reason, the victim may not attend the negotiations and represent himself with power to others who are legally competent.
4. Negotiations are carried out no more than three (3) times to hear: (1) the condition of the victim due to the perpetrator's crime, the condition of the perpetrator after the crime was committed, and the condition of the community for the crime of the perpetrator; (2) the need for recovery of the victim from the consequences of the perpetrator's crime, the need for the recovery of the perpetrator from the crime he caused both when he is confronted with the victim (and the victim's family) and the

community, as well as community recovery from the trauma caused by the crime concerned; and (3) agreed social penalties and compensation imposed on perpetrators for the crimes they cause.

Fifth, restorative justice is not applied to perpetrators with non-criminal repetitions (recidivists).

CONCLUSION

After conducting a legal study of three (3) legal issues related to this research, the Researcher concludes the following matters:

1. Normatively, restorative justice has not been regulated in the criminal law system in Indonesia.
2. The design model of the application of restorative justice that can be offered to overcome overcapacity inmates in Indonesia is through negotiations for the recovery of victims, perpetrators and the community, with reference to compensation agreements and other agreements as part of the recovery of victims by criminal offenders.

SUGGESTION

As for the conclusions of the study as described above, the researcher recommends the suggestions, as follows:

1. The need to reform Indonesian criminal law by including the application of restorative justice in handling criminal offenses that threaten sentences less than five years. This is also to address the problem of overcapacity inmates in Indonesia.
2. The model of implementing restorative justice that can be offered in Indonesia is through negotiations for the recovery of victims, perpetrators and the community. The way in

which negotiations for a peace agreement need to be regulated in the Indonesian criminal law system.

REFERENCES

- Abubakar, Lastuti (2013), Revitalization of Customary Law as Legal Resources in Building Indonesia's Legal System, *Journal of Legal Dynamics*, Volume 13, Number 2 May, DOI: <http://dx.doi.org/10.20884/1.jdh.2013.13.2,213>
- Azhari, Aidul Fitriadi, (2012), Indonesian Law State: Tradition Decolonization and Reconstruction, *Journal of Law IUS QUIA IUSTUM NO. 4 VOL. OCTOBER 19, 2012: 489 - 505*, DOI: <https://doi.org/10.20885/iustum.vol19.iss4.art1>
- Edwira, Muhammad Raka, Erna Dewi, Dona Raisa Monica, Restorative Justice Approach as an Effort to Reduce Over Capacity of Correctional Institutions, *Thesis Journal of the Faculty of Law, University of Lampung*
- Hafrida, Yulia Monita and Elisabeth Siregar, (2015) Development of Child Prisoners at Sei Children's Penitentiary. Bulu Muara Bulian (Study of the Process of Settling Criminal Cases of Children without Criminal Prison (Diversi) According to Law NO. 11 of 2012 concerning the Criminal Justice System for Children) *Journal of Educational Publication*, Volume V, No. 3 September 2015, ISSN 2088-2092
- Hutahuruk, Rufinus, (2013), *Corporate Crime Management through a Restorative Approach A Legal Breakthrough*, Jakarta: Sinar Grafika
- Kelsen, Hans, (2007), *General Theory of Law and State*, Jakarta: Bee Media Indonesia
- Nugroho, Okky Chahyo, The Role of Penitentiary in the Child Criminal Justice System Reviewed In the Human Rights Perspective, *Journal of Human Rights* Volume 8, Number 2, December 2017, DOI: 10.30641 / ham.2017.8.356
- Pakpahan, Hatarto, (2015), Restorative Justice Against Dangerous Narcotics and Drug Users, *Journal of Legal Horizons*, Vol.6, December 2, 2015, p. 129-140, ISSN: 2356-4962
- Prayitno, Strong Praise, (2007), Pancasila as a Leading Star (Leitstern) in the Development of Legal Institutions and Institutions in Indonesia, *Journal of Legal Media*, Accreditation: No. 26 / DIKTI / Kep / 2005 Vo. 14 No. 3, Yogyakarta,
- Tridiatmo, Yoachim Agus, (2015), *Restorative Justice*, Yogyakarta: Cahya Atma Pusaka Atmajaya University Publisher Group
- <https://www.kompasiana.com/kompasiana/552a228d6ea834e012552d1c/di-balik-pembakaran-lapas-tanjung-gusta> Downloaded: Saturday, 6-10-2018, 21:00
- <https://www.dw.com/en/lp-kerobokan-bali-rusuh/a-15758253> Downloaded: Saturday, 6-10-2018, 21:00