

The Role of The Asahan District Prosecutor's Office in Terminating Prosecution Based on Restorative Justice in Traffic Accident Cases Resulting in Death

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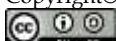
Abstract

This study aims to examine the role of the Asahan District Prosecutor's Office in implementing the termination of prosecution based on restorative justice in traffic accident cases resulting in fatalities. This research adopts a normative legal approach, focusing on the analysis of applicable positive legal norms, including statutory regulations, legal principles, and legal doctrines related to the role of the Prosecutor's Office in applying restorative justice mechanisms. The findings indicate that the Asahan District Prosecutor's Office plays a significant role in facilitating case resolution through a restorative justice approach by considering humanitarian values, reconciliation between the offender and the victim's family, and the restoration of the original condition. The termination of prosecution is carried out in accordance with prevailing legal provisions, particularly the Regulation of the Attorney General of the Republic of Indonesia concerning the termination of prosecution based on restorative justice. However, in practice, several challenges remain, including differing public perceptions of justice, limited understanding among the parties involved, and emotional factors experienced by the victim's family in accepting reconciliation. This study concludes that the application of restorative justice in fatal traffic accident cases can serve as an effective alternative dispute resolution mechanism, provided that both formal and substantive requirements are fulfilled and supported by mutual agreement between the parties. Therefore, it is necessary for the Prosecutor's Office to enhance its role through increased public outreach, strengthening the capacity of law enforcement officers, and developing clear guidelines to ensure legal certainty and a sense of justice within society.

Keywords: Fatalities, Prosecutor's Office, Restorative Justice, Traffic Accidents,

Abstrak

Penelitian ini bertujuan untuk mengkaji peran Kejaksaan Negeri Asahan dalam pelaksanaan penghentian penuntutan berdasarkan keadilan restoratif pada kasus kecelakaan lalu lintas yang mengakibatkan korban jiwa. Penelitian ini menggunakan pendekatan hukum normatif dengan fokus pada analisis norma hukum positif yang berlaku, termasuk peraturan perundang-undangan, asas-asas hukum, dan doktrin hukum yang berkaitan dengan peran Kejaksaan dalam menerapkan mekanisme keadilan restoratif. Hasil penelitian menunjukkan bahwa Kejaksaan Negeri Asahan berperan penting dalam memfasilitasi penyelesaian perkara melalui pendekatan keadilan restoratif dengan mempertimbangkan nilai-nilai kemanusiaan, rekonsiliasi antara pelaku dan keluarga korban, serta pemulihan keadaan semula. Penghentian penuntutan dilakukan sesuai dengan ketentuan hukum yang berlaku, khususnya Peraturan Jaksa Agung Republik Indonesia mengenai penghentian penuntutan berdasarkan keadilan restoratif. Namun, dalam praktiknya, masih terdapat beberapa



tantangan, antara lain perbedaan persepsi masyarakat mengenai keadilan, keterbatasan pemahaman para pihak yang terlibat, serta faktor emosional yang dialami keluarga korban dalam menerima rekonsiliasi. Penelitian ini menyimpulkan bahwa penerapan keadilan restoratif pada kasus kecelakaan lalu lintas yang mengakibatkan korban jiwa dapat menjadi mekanisme penyelesaian sengketa alternatif yang efektif, sepanjang persyaratan formal maupun materiil terpenuhi dan didukung oleh kesepakatan bersama antara para pihak. Oleh karena itu, Kejaksaan perlu meningkatkan perannya melalui sosialisasi kepada masyarakat, penguatan kapasitas aparat penegak hukum, serta penyusunan pedoman yang jelas guna menjamin kepastian hukum dan rasa keadilan di tengah masyarakat.

Kata Kunci: Kejaksaan, Keadilan Restoratif, Kecelakaan Lalu Lintas, Korban Jiwa. Korban Jiwa, Penghentian Penuntutan.

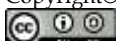
Introduction

The Republic of Indonesia, as a state governed by the rule of law, positions criminal law as a primary instrument for maintaining public order and safeguarding societal interests. The enforcement of criminal law is not solely oriented toward legal certainty but must also take into account the values of justice and social utility within society. In this regard, law enforcement officials are required to strike a balance between the application of positive legal norms and adherence to principles of justice that develop and are recognized within the community. (Sudarto, 2014).

From a social science perspective, crime is understood as a phenomenon arising from structural inequalities within society, as well as a manifestation of diverse human behavior shaped by individual and collective responses to social and economic conditions. In such a context, individuals facing economic pressures and limitations in fulfilling their basic needs, compounded by weak moral control, tend to make immediate decisions without fully considering long-term consequences. These circumstances often drive individuals to pursue various means to meet their needs, including actions that conflict with established legal norms. (Rahmayanti, 2023).

Within the realm of criminal law, the concept of criminalization constitutes an integral part of criminal policy. This policy reflects the measures adopted by the state to address and control crime, which fundamentally forms part of broader efforts to protect society. Its ultimate objective is to achieve social order and welfare through effective legal regulation and enforcement. (Ismaidar, 2019). One of the recurring issues in criminal law is traffic accident offenses resulting in death. Such cases possess distinct characteristics, as they generally occur without malicious intent (*mens rea*) on the part of the offender, but rather due to negligence (*culpa*). Nevertheless, the legal consequences are highly serious, as they involve the loss of human life, which often leads to criminal prosecution. (Andi, 2019).

A predominantly repressive approach in handling traffic accident cases frequently raises concerns regarding justice, particularly when the offender and the victim share close social ties or when reconciliation has been achieved between the parties. In such circumstances, punitive measures do not always succeed in restoring social relationships or providing a genuine sense of justice for the victim and their family (Suriani, Mayzura, 2025). Therefore, a more restorative legal approach is required. Restorative justice is a model of criminal case resolution that emphasizes the restoration of conditions to their original state by actively involving the offender, the victim, and the community, with conflicts resolved through peaceful means. This concept has emerged as a critique of conventional criminal justice systems, which are often perceived as overly focused on punishment while neglecting



the restoration of harm suffered by victims (Nur Rochaeti, Mujiono Hafidh Prasetyo, Umi Rozah, Jihyun Park, 2023).

Furthermore, restorative justice represents an approach to dispute resolution conducted outside formal criminal justice mechanisms, involving various stakeholders, including the victim, the offender, their respective families, and the broader community. This process seeks to achieve a mutual agreement in resolving the criminal act and its consequences (Puspayanti, E. D., Sambas, N., & Firmansyah, A, 2024). Within this framework, case resolution is not limited to legal considerations alone but also prioritizes the realization of justice through dialogue and mutual understanding among all parties, with a primary emphasis on restoration rather than retribution. (Rahul, 2022).

The development of Indonesia's criminal justice system reflects a significant paradigm shift. One notable reform is the adoption of a restorative justice approach, which emphasizes efforts to repair harm and restore conditions following the commission of a criminal offense and the judicial process. This approach differs from retributive justice, which focuses on punishment as a form of retaliation, as well as compensatory approaches that primarily emphasize financial restitution. In this regard, restorative justice emerges as a more humane alternative within the criminal justice system. (Nugraha, 2024).

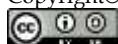
The Draft Criminal Code (*Rancangan Kitab Undang-Undang Hukum Pidana / RUU KUHP*) represents a substantive reform of criminal law aimed at realizing the ideals of the national legal system. This reform reflects the evolving values of Indonesian society and can therefore be regarded as a representation of the nation's legal identity and character. The orientation of this reform is not merely to amend existing provisions but also to replace them with regulations that are more appropriate and relevant, particularly in an effort to move away from colonial legal paradigms. Moreover, legal reform plays a strategic role in shaping national character, as it serves as an instrument to guide transformation from current conditions toward desired societal goals. Accordingly, the RUU KUHP can be understood as a mechanism for promoting planned social and cultural transformation. The principles of restorative justice embedded within the RUU KUHP are reflected in several provisions, including Articles 2, 12, 54, and 55. (Gilang, 2024).

In subsequent developments, Indonesia's criminal justice system has increasingly incorporated restorative justice principles at the normative level through various policies that support their implementation in law enforcement practices (Wala, G. N, 2025). One such policy is the authority granted to the Prosecutor's Office of the Republic of Indonesia to terminate prosecutions based on restorative justice considerations. This policy represents an important breakthrough in promoting a more equitable and socially responsive approach to criminal law enforcement. (Eva, 2016).

The role of the District Prosecutor's Office, as the executor of state authority in the field of prosecution, is highly strategic in the implementation of restorative justice. The Prosecutor's Office functions not only as a public prosecutor but also as the controller of cases (*dominus litis*), possessing the authority to determine whether a case should proceed to trial or be discontinued in the interest of law and justice. (Lilik, 2016).

The termination of prosecution based on restorative justice is specifically regulated under Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020. This regulation provides a legal foundation for prosecutors to discontinue prosecution by considering certain requirements, such as the existence of reconciliation between the offender and the victim, the classification of the criminal offense, and the restoration of losses incurred.

As reflected in a case handled by the Asahan District Prosecutor's Office, the process originated from an investigation conducted by the Asahan Resort Police concerning a traffic



accident caused by negligence resulting in death, as stipulated under Article 310 paragraph (4) of Law Number 22 of 2009 on Road Traffic and Transportation. In this case, a motorcycle rider, accompanied by a passenger, was allegedly traveling at high speed and without due caution when, upon reaching the scene, collided with a pedestrian who was crossing the road from the right shoulder to the left shoulder (from BP. Mandoge toward Kisaran). The accident resulted in the pedestrian sustaining severe injuries, initially treated at Sari Ramadhan Clinic, subsequently referred to Abdul Manan Simatupang Hospital in Kisaran, and later transferred to Mitra Sejati Hospital in Medan. Meanwhile, the rider and passenger of the motorcycle also sustained injuries.

Following a series of legal proceedings, the Asahan District Prosecutor's Office, acting as a Facilitating Prosecutor, initiated the termination of prosecution through a restorative justice approach in a traffic accident case involving a suspect charged under Article 310 paragraph (4) of Law Number 22 of 2009. This process was carried out based on an official warrant to facilitate a reconciliation process grounded in restorative justice principles, as stipulated in Warrant Number: Print-6210/L.2.23/Eku.2/10/2023 dated October 5, 2023.

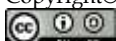
In light of the case described above, the parties were motivated to resolve the dispute through deliberation outside the formal court system (non-litigation). This approach is considered an effective and efficient means of reaching mutual agreement, offering a *win-win solution* for all parties involved. In contrast, litigation or court proceedings typically produce outcomes in which one party prevails while the other loses, often resulting in dissatisfaction for the unsuccessful party. (Abdul, 2023).

The rationale and necessity for adopting alternative dispute resolution mechanisms stem from the offender's sense of remorse and acknowledgment of wrongdoing, followed by mutual agreement between the offender and the victim to pursue reconciliation. In this context, the general grounds for the elimination of criminal liability can be categorized into two types: justifying grounds, which relate to the nature of the act itself, and excusing grounds, which are associated with the mental or subjective condition of the offender. (Muhammad, 2022).

In practice, however, the application of restorative justice in traffic accident cases resulting in death continues to generate legal debate. On the one hand, there is a strong demand for strict law enforcement to ensure public safety. On the other hand, there is a need to provide a fair and proportionate resolution for offenders who lack malicious intent and have demonstrated both moral and social responsibility.

Accordingly, the implementation of termination of prosecution by the District Prosecutor's Office based on restorative justice must take into account multiple considerations, including the interests of the victim, the victim's family, the offender, as well as the broader social impact of the case. This requires a high degree of professionalism and prudence on the part of prosecutors to ensure that such decisions do not conflict with the public's sense of justice.

Furthermore, the application of restorative justice in fatal traffic accident cases faces several challenges, including differing interpretations among law enforcement officials, public resistance to the discontinuation of prosecution, and concerns regarding potential abuse of authority. (Rochaeti, 2020). This study is therefore essential to evaluate the extent to which restorative justice contributes to the termination of prosecution within the framework of the principle of legality, the principle of opportunity, and the objectives of punishment in criminal law. Such analysis is also necessary to ensure that the policy does not undermine victims' rights or the broader public interest.



In conclusion, examining the role of the Asahan District Prosecutor's Office in terminating prosecution through a restorative justice approach in fatal traffic accident cases holds significant value, both academically and practically. This study is expected to contribute to the development of a criminal law system that better reflects substantive justice within society. Based on the background of the problem described above, the following issues will be discussed in this research:

1. How does the Asahan District Prosecutor's Office exercise its role in implementing the termination of prosecution based on restorative justice in traffic accident cases resulting in death?
2. What are the implications of applying termination of prosecution based on restorative justice on the protection of victims' rights, the interests of offenders, and the public sense of justice?

Methods Research

This study employs normative legal research, which focuses on the examination of applicable positive legal norms, particularly statutory regulations, legal principles, and legal doctrines, (Peter, 2017) related to the role of the Asahan District Prosecutor's Office in terminating prosecution based on restorative justice. This approach is utilized to analyze the juridical basis of prosecutorial authority in applying restorative justice in traffic accident cases resulting in loss of life.

This research is descriptive-analytical in nature, aiming to systematically and comprehensively describe legal provisions and normative practices concerning the termination of prosecution based on restorative justice, while also analyzing the role of the Asahan District Prosecutor's Office in its implementation. Through this approach, the study seeks to provide an in-depth understanding of the alignment between existing legal norms and the objectives of restorative justice within the criminal justice system.

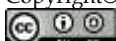
Data in this study are collected through library research. This method involves examining and analyzing various relevant legal materials, including statutory regulations, legal textbooks, academic journals, research findings, and official documents, (Johny, 2018) related to restorative justice and the authority of the Prosecutor's Office in terminating prosecutions.

The data are analyzed using a qualitative method, involving interpretation and systematic examination of the collected legal materials in a structured and logical manner. The analysis applies both the statute approach and the conceptual approach to evaluate the role of the Asahan District Prosecutor's Office in terminating prosecution based on restorative justice principles. The findings are then presented descriptively and argumentatively as a basis for drawing conclusions relevant to the research problems. (Amiruddin, 2020).

Results and Discussion

The Role of the Asahan District Prosecutor's Office in Implementing the Termination of Prosecution Based on Restorative Justice in Fatal Traffic Accident Cases

The implementation of termination of prosecution based on restorative justice by the Asahan District Prosecutor's Office reflects a significant paradigm shift within the criminal justice system. This approach is no longer solely oriented toward retribution against the offender but instead prioritizes the restoration of the victim's condition and the reestablishment of social balance within the community (Bagassalam, I., Harmono, H., & Fathurohman, D. T, 2026). In practice, the Asahan District Prosecutor's Office assumes the role



of a facilitator, bridging the interests of both the victim and the offender. This is consistent with the law enforcement policy promoted by the Prosecutor's Office of the Republic of Indonesia. Restorative justice thus emerges as an alternative mechanism for case resolution, providing space for reconciliation while also reducing the burden of cases brought before the courts. In this context, the Prosecutor's Office functions not only as a public prosecutor but also as a social mediator in resolving criminal cases, particularly in traffic accidents resulting in death.

The application of restorative justice in such cases presents distinct challenges due to the irreversible nature of the harm involved, namely the loss of human life. The Asahan District Prosecutor's Office must ensure that any reconciliation process is conducted voluntarily, without coercion from any party. Furthermore, the consent of the victim's family constitutes a fundamental prerequisite for the termination of prosecution. Prosecutors adopt a persuasive approach in engaging with the victim's family to create space for dialogue. This process requires a high degree of social sensitivity and empathy on the part of law enforcement officials, as the success of restorative justice largely depends on the communication skills of the prosecutor.

Based on the findings, it is evident that the Asahan District Prosecutor's Office implements procedures for terminating prosecution in accordance with the Regulation of the Attorney General concerning termination of prosecution. This regulation stipulates several requirements, including that the suspect is a first-time offender, the offense carries a penalty of no more than five years' imprisonment, and there is a reconciliation agreement between the offender and the victim. However, in cases involving fatal traffic accidents, the application of these provisions requires particular caution. Prosecutors must conduct a thorough assessment of the degree of fault and the resulting impact to ensure that the decision to terminate prosecution does not undermine the public's sense of justice.

The active role of the Asahan District Prosecutor's Office is also reflected in facilitating deliberations between the offender and the victim's family. In this process, the Prosecutor's Office acts as a neutral party that enables dialogue and ensures that any agreement reached is fair and proportionate. Typically, the offender is required to provide compensation or financial assistance to the victim's family as a form of moral responsibility. Additionally, the offender must demonstrate good faith through a direct apology. This process is not merely aimed at resolving the legal case but also at restoring social relationships through reconciliation. By achieving a peaceful agreement, conflicts arising from the accident can be minimized. In this regard, restorative justice offers a more constructive solution compared to a purely retributive approach. (Eva, 2019).

As illustrated in a traffic accident case within the jurisdiction of the Asahan District Prosecutor's Office, the Office acted as a Facilitating Prosecutor in terminating the prosecution through a restorative justice approach against a suspect alleged to have violated Article 310 paragraph (4) of Law Number 22 of 2009 on Road Traffic and Transportation. This process was carried out based on an official warrant authorizing the facilitation of reconciliation grounded in restorative justice principles, namely Warrant Number: Print-6210/L.2.23/Eku.2/10/2023 dated October 5, 2023, supported by an integrity pact concerning the termination of prosecution based on restorative justice.

The termination of prosecution based on restorative justice, facilitated by a prosecutorial mediator and attended by the victim's parents, the suspect, community leaders, and neutral parties, was conducted under the following principles:

1. The termination process was carried out in accordance with standard operating procedures and applicable laws and regulations.



2. The handling of the case through a restorative justice approach was conducted free from personal or vested interests.
3. The process was ensured to be free from corruption, collusion, and nepotism.

Based on an official legal opinion concerning the resolution of the case through a restorative justice approach by the Asahan District Prosecutor's Office, in relation to a traffic accident involving a suspect alleged to have violated Article 310 paragraph (4) of Law Number 22 of 2009 on Road Traffic and Transportation, it was determined that the case met the criteria for resolution through restorative justice. This conclusion was supported by several considerations, including the fact that the suspect was a first-time offender and that the applicable penalty fell within the threshold allowing the use of such an approach. Accordingly, the Prosecutor's Office concluded that the case was suitable for resolution through restorative justice mechanisms.

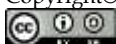
In its role as Facilitating Prosecutor, the Asahan District Prosecutor's Office formally summoned the suspect, the victim, and community representatives to participate in the reconciliation process. This process was further supported by an official memorandum of opinion and reports confirming that the reconciliation effort had been successfully conducted and implemented. As a result of these efforts, the case was deemed eligible for termination of prosecution based on restorative justice, as it fulfilled several requirements, including the suspect's status as a first-time offender, the nature of the offense, the existence of a reconciliation agreement between the parties, and active community support.

The reconciliation outcome was formalized in a peace agreement signed at the Office of the Village Head of Pulo Bandring. Both parties agreed to settle the matter amicably, whereby the first party requested the second party to undertake a charitable act (*amal jariyah*) in memory of the victim, specifically by repairing a damaged bridge in Dusun 7 of Pulo Bandring Village. This obligation was fulfilled by the second party at a cost of IDR 18,000,000 (eighteen million rupiah). The agreement further stipulated that both parties would not pursue legal claims against each other in the future and committed to maintaining harmonious social relations without resentment, fostering a sense of mutual respect within the community.

The application of restorative justice produces positive outcomes for the offender. The offender not only avoids imprisonment but is also given the opportunity to take responsibility and make amends for the wrongdoing. In this regard, the Asahan District Prosecutor's Office ensures that the offender genuinely acknowledges their actions. The mediation process serves as a reflective mechanism for the offender to understand the consequences of their conduct, thereby reducing the likelihood of reoffending. Furthermore, the offender is able to reintegrate into society without excessive social stigma.

From the victim's perspective, restorative justice provides a more personalized form of justice. Within conventional criminal justice systems, victims often receive limited attention; however, restorative justice actively involves victims in the resolution process. The Asahan District Prosecutor's Office ensures that victims' rights are upheld, including the right to express their views and to determine the form of resolution. This process enhances the victim's sense of justice. Additionally, compensation or financial assistance helps alleviate the burden experienced by the victim's family, thereby creating a balance between the interests of both parties.

In its implementation, the Asahan District Prosecutor's Office also coordinates with law enforcement agencies and community leaders. This collaboration aims to ensure transparency in the resolution process. Community leaders play a role in providing social legitimacy to the reconciliation agreement, while the involvement of the police ensures that



legal procedures are properly followed. Through effective cooperation, the potential for conflict escalation can be minimized.

The application of restorative justice also reflects the local wisdom embedded within Indonesian society. The cultural values of deliberation and consensus (*musyawarah dan mufakat*) align closely with restorative justice principles. The Asahan District Prosecutor's Office incorporates these values into the mediation process, making the resolution more acceptable to the community and enhancing communication among the parties involved.

Within the national legal framework, the application of restorative justice by the Asahan District Prosecutor's Office represents part of a broader reform of the criminal justice system. This approach is expected to create a more responsive legal system that addresses societal needs. Moreover, restorative justice aligns with the principle of substantive justice, which prioritizes fairness beyond mere legal certainty. This demonstrates that law must not only be normative but also adaptive to social dynamics.

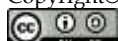
Furthermore, the findings indicate an increase in public trust toward the Asahan District Prosecutor's Office. This is attributed to the more humane approach adopted in law enforcement. The public perceives that justice is not solely measured by punishment but also by the fairness of the resolution process. In this regard, the Prosecutor's Office has demonstrated that law can function as an effective mechanism for conflict resolution.

In conclusion, the role of the Asahan District Prosecutor's Office in implementing termination of prosecution through a restorative justice approach is highly significant. The institution not only performs its function as a law enforcement body but also contributes to fostering social transformation within the community. This approach is capable of balancing the interests of the offender, the victim, and society in a more proportionate manner. Although challenges remain in its implementation, with proper management, restorative justice has strong potential to serve as an effective alternative in resolving criminal cases.

Implications of the Termination of Prosecution Based on Restorative Justice on the Protection of Victims' Rights, the Interests of Offenders, and the Public Sense of Justice

The application of termination of prosecution through a restorative justice approach in traffic accident cases resulting in death carries significant implications for the protection of victims' rights. Within the evolving framework of criminal law, victims are no longer positioned as passive parties but are recognized as subjects with the right to be heard and to participate actively in the resolution process. Through restorative justice, victims or their families are given the opportunity to directly express their feelings, expectations, and demands to the offender. This stands in contrast to conventional criminal justice systems, which often marginalize victims. Consequently, this approach strengthens the substantive protection of victims' rights. Moreover, the active involvement of victims fosters a more personalized sense of justice, demonstrating that the law is not solely offender-oriented but also concerned with victim restoration.

The protection of victims' rights through restorative justice is manifested in the form of dialogue and reconciliation facilitated by the prosecutor. Victims are provided with the opportunity to obtain compensation or restitution as a form of the offender's responsibility. This is particularly important given that losses resulting from fatal traffic accidents are not only material but also emotional in nature. Therefore, the recovery process must address both aspects. Additionally, restorative justice enables acknowledgment of wrongdoing by the offender, which can provide psychological satisfaction to the victim. (Damun, 2025).



The implications for the interests of offenders also constitute a significant aspect of restorative justice. Offenders are not merely viewed as individuals who must be punished but as persons with the capacity for reform. The termination of prosecution offers offenders an opportunity to avoid the social stigma associated with imprisonment, which is crucial for maintaining their social and economic continuity. Furthermore, offenders are encouraged to take direct responsibility toward the victim. This process fosters a deeper moral awareness compared to punitive sanctions alone. (Alif, 2026).

However, granting such opportunities to offenders through the termination of prosecution also generates debate within society. Some argue that this approach may weaken the deterrent effect of criminal punishment. In cases involving loss of life, the public often expects firm sanctions as a reflection of justice. Therefore, the Asahan District Prosecutor's Office must carefully balance the interests of offenders with societal demands for justice. In this regard, selectivity in applying restorative justice is essential. Not all cases are appropriate for resolution through restorative mechanisms; considerations such as the degree of culpability and the social impact must form the primary basis for decision-making.

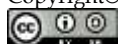
Another important implication is the enhancement of the public sense of justice. Restorative justice allows the involvement of various stakeholders, including the victim's family, the offender's family, and community leaders. This process creates a space for dialogue and peaceful conflict resolution. Justice is not solely determined by judicial authorities but is also achieved through mutual agreement among the parties. This reflects the cultural values of deliberation and consensus (*musyawarah dan mufakat*) inherent in Indonesian society. Furthermore, this approach reduces the potential for prolonged conflict arising from dissatisfaction with court decisions.

From a broader legal system perspective, the application of restorative justice signifies a shift in paradigm from retributive to restorative justice. The criminal justice system is no longer exclusively focused on punishment but also emphasizes restoration and reconciliation. This transformation forms part of a broader legal reform aimed at creating a justice system that is more responsive to humanitarian values. Restorative justice serves as an important instrument in achieving substantive justice, aligning with the development of Indonesian criminal law, which increasingly integrates various theories of punishment. (Sihombing, 2021).

Despite its many advantages, the implementation of restorative justice also faces several challenges. One of the primary concerns is the potential imbalance of power between the offender and the victim. In certain cases, victims or their families may feel pressured to accept reconciliation agreements, which undermines the voluntary nature of restorative justice. Therefore, the role of the prosecutor as a facilitator becomes crucial in ensuring a fair and balanced process. Prosecutors must be capable of safeguarding the interests of all parties involved while maintaining the integrity of the restorative justice framework.

Another implication that warrants attention is the potential for disparity in the application of restorative justice. The absence of uniform standards may result in inconsistent treatment across cases, thereby creating perceptions of injustice within society. In this regard, the Asahan District Prosecutor's Office must consistently adhere to applicable regulations and fundamental principles of justice to ensure fairness and consistency in decision-making.

In relation to the protection of victims' rights, restorative justice also provides space for psychological recovery. The dialogic process between the offender and the victim can assist victims in coping with trauma. The acknowledgment of wrongdoing by the offender constitutes a crucial element in the healing process. Furthermore, the existence of a



reconciliation agreement offers a sense of closure for the victim—an outcome that is often difficult to achieve within formal and rigid judicial proceedings.

From the offender's perspective, restorative justice facilitates a more rapid process of social reintegration. Offenders are not required to undergo prolonged judicial proceedings or endure extended social stigma. This is particularly important in preventing social marginalization, which may otherwise increase the risk of reoffending. Offenders are encouraged to engage in self-improvement and to resume their roles as productive members of society. This reflects the broader objective of law, which is not merely punitive but also rehabilitative in nature. (Ismawanto, 2026).

The implications for the public sense of justice are also evident in the increasing acceptance of out-of-court dispute resolution. Society is gradually recognizing that justice does not always have to be realized through imprisonment. In certain cases, as previously discussed, peaceful settlement is perceived as more just and effective. This indicates a shift in societal perspectives on law. In this context, the Asahan District Prosecutor's Office plays an important role in educating the public about the principles and benefits of restorative justice (Yosia Korintin Marpaung, Andry Syafrizal Tanjung, & Syahranuddin, 2024).

Nevertheless, it must be acknowledged that some segments of society remain skeptical regarding the effectiveness of restorative justice. Such skepticism is particularly pronounced in cases involving severe consequences, such as loss of life. Many people continue to associate justice with proportionate punishment. Therefore, a more comprehensive approach is required to communicate the benefits of restorative justice. The Asahan District Prosecutor's Office must demonstrate that this approach does not diminish justice, but rather broadens and deepens its meaning.

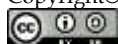
In addition, the application of restorative justice contributes to the efficiency of the criminal justice system. By allowing for the termination of prosecution, the caseload of courts can be reduced, enabling law enforcement authorities to focus on more serious offenses. The Asahan District Prosecutor's Office must ensure that every case resolved through restorative justice fully satisfies the established legal requirements.

From a sociological perspective, restorative justice also plays a role in maintaining social harmony. Conflicts arising from criminal acts can be resolved without generating prolonged hostility. This is particularly significant in communities characterized by strong social ties. The Asahan District Prosecutor's Office incorporates local values into the mediation process, thereby enhancing the acceptability of case resolutions within the community.

Overall, the application of termination of prosecution based on restorative justice carries broad implications for the protection of victims' rights, the interests of offenders, and the public sense of justice. This approach is capable of balancing these various interests in a more proportionate manner. Despite the challenges encountered in its implementation, restorative justice remains a relevant and effective alternative within the criminal justice system. In this regard, prosecutors play a crucial role in ensuring that restorative justice policies are implemented in a fair, transparent, and accountable manner.

Conclusion

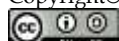
1. The role of the Asahan District Prosecutor's Office in implementing the termination of prosecution based on restorative justice in traffic accident cases resulting in death reflects a function that is not merely repressive but also solution-oriented. The Prosecutor's Office acts as a facilitator, bridging the interests of the offender and the victim's family through a reconciliation process grounded in deliberation and restoration. In its implementation, the



- Prosecutor's Office adheres to applicable legal provisions while taking into account both formal and substantive requirements, such as mutual agreement between the parties, restoration of losses, and the absence of ongoing conflict. However, the effectiveness of this role continues to face challenges, including differing public perceptions, the emotional condition of victims, and limited public awareness of restorative justice principles.
2. The application of termination of prosecution based on restorative justice has significant implications for the protection of victims' rights, the interests of offenders, and the public sense of justice. For victims or their families, this approach provides a more justice-oriented recovery process through compensation, apology, and the restoration of social relationships. For offenders, the termination of prosecution offers an opportunity to take responsibility without undergoing formal judicial proceedings, while also fostering legal awareness and facilitating social reintegration. From the perspective of society, the implementation of restorative justice contributes to achieving a balance between legal certainty and substantive justice. Therefore, optimizing the application of restorative justice is essential to ensure the realization of legal objectives that embody justice, utility, and certainty.

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