

POPULATION DATA INTEGRATION MODEL AS THE EMBODIMENT OF RESTORATIVE JUSTICE IN ACCELING THE SETTLEMENT OF CRIMINAL ACTIONS

DIMAS SIGIT TANUGRAHA

Doctoral Student at Jenderal Sudirman University (Unsoed) Purwokerto. Email: Tanugrahad@gmail.com

TEDI SUDRAJAT

Dean at Jenderal Soedirman University.

Abstract

This study aims to find a model of population data integration as a manifestation of restorative justice in accelerating the settlement of criminal cases. The method used in this research is doctrinal or normative legal research with syllogistic deduction analysis using primary legal materials and secondary legal materials. The collection of legal materials uses a literature study with a statute approach and a case approach. The results of the study indicate that the principle of functional differentiation is one of the factors for not recording population data related to criminal acts that have been committed by the suspect. To avoid discrepancies between case settlement and restorative, it is found that there is a data integration model that must be considered and transparent, namely the recording of settlement actions on e-KTPs and certain applications.

Keywords: Model, Data Integration, Population, Restorative Justice.

INTRODUCTION

The process of resolving criminal cases can be carried out through 4 stages, namely the Police, the Prosecutor's Office, the Court, the Prosecutor's Office, and the Correctional Institution. The case settlement process begins with an investigation by the Police as regulated in Articles 8 to 12 of the Criminal Procedure Code. An investigation is carried out based on an allegation that a person has committed a criminal act, therefore investigators are looking for at least 2 pieces of evidence to ensnare a person as a suspect for a criminal act. Police Investigators who are conducting investigations, after an investigation warrant is available, the Investigators will send a Notice of Commencement of Investigation (SPDP) so that the Public Prosecutor can follow the progress of the investigation carried out by the police. A series of investigative activities carried out by the police will produce case files, The prosecutor studied and examined the completeness of the case file (Article 14 letter b of the Criminal Procedure Code and Article 30 Paragraph 1 letter an of the Prosecutor's Law), either monitor or provide instructions to the investigator to complete the case file and to state that the case file meets the formal and material requirements. P21 is a script code from the Prosecutor's Office that the investigation case file that has met at least 2 pieces of evidence is declared complete, therefore the Investigator must delegate the suspect along with the evidence to the Prosecutor's Office. The public prosecutor delegates the case file, the suspect, and the evidence he handles to the Court for proof of the indictment and decided by the judge at trial. Examination by judges is based on juridical and non-juridical considerations to produce a fair decision, whether criminal, acquitted, or

acquitted. The perpetrator of a crime who was sentenced to a criminal sentence by the judge is called a convict, therefore based on the decision of the inkrah the prosecutor as the executor carries out his obligation to execute the convict by the type of crime in the judge's decision. Convicts who are sentenced to confinement and/or imprisonment are sent to a correctional facility, while those sentenced to death will be executed in Nusakambangan.

Each agency in carrying out its duties must coordinate with other agencies, but in law enforcement in Indonesia, it is known as the principle of functional differentiation which separates the duties of the police, prosecutors, courts, and correctional institutions. Functional differentiation requires each agency to carry out its duties of authority according to its functions that have been regulated in their respective laws, meaning that in handling criminal cases the police are limited to the case files being P21 by the Prosecutor's Office, so it has logical consequences that investigators will not know the progress of the case. However, the principle of functional differentiation does not only apply to litigation but is also applied to non-litigation practice. Republic of Indonesia Prosecutor's Office Regulation (Perja) Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. After that, the Police also followed related policies by issuing the Regulation of the Head of the Indonesian Police (Perkapolri) Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice and was also followed by the General Court of Justice issuing the Decree of the Director General of Badilum Number 1691/DJU/SK/PS.00/ 12/2020 concerning Guidelines for the Application of restorative justice in the General Courts Environment. Although the three agencies both regulate the process of resolving cases through penal mediation with the concept of restorative justice, the conditions for the implementation of restorative justice have the same conditions, namely that the suspect first commits a crime or repeats it. MvT divides the definition of criminal acts into two categories, namely *rechts delichten* which is an act that is contrary to the law even though it has not been stipulated in the law, and *wets delichten* is an act that is contrary to the law). The requirement is not a repetition in the Decree of the Director General of Badilum concerning Guidelines for the Implementation of Restorative Justice and the National Police Chief on Handling Crimes Based on Restorative Justice, referring to *wets delichten*. Meanwhile, the provisions in the Perja concerning Termination of Prosecution Based on Restorative Justice may refer to the meanings of *rechts delichten* and *wets delichten*.

The law is enforced to obtain legal certainty, when there is a difference in the provisions of the terms, there must be a legal umbrella that accommodates the continuation of the legislation, and if the three agencies resolve the case individually then the clause is not a repetition or the first time committing a crime can be neglected because of the absence of a unified, centralized and accommodated system. Based on the problems above, the authors found a population data integration model as a manifestation of restorative justice in accelerating the settlement of criminal cases.

METHOD

The results of the research and discussion in this study are prescriptive, where primary legal materials and secondary legal materials as research legal materials are analyzed using the syllogistic deduction method which in this case is based on the case approach and the statute approach. This type of research is doctrinal or normative legal research which focuses on finding new concepts or arguments. Doctrinal research generally uses literature study techniques to study and find discrepancies or inconsistencies in the rule of law.

RESULT

a. Criminal law

Criminal or straf is a punishment given to the perpetrator for the existence of a decision that has permanent legal force¹, meaning that the person sentenced is proven guilty of committing a crime. In the Criminal Code, there are two types of perpetrators committing offenses, namely crimes and violations. The crime is referred to as *rechsdelichten*, the act that is committed is contrary and the act is not listed in the law. It can also be interpreted as a disgraceful act that violates the norms in society. Violation or *wetsdelichten* is the act of the perpetrator against the law, it can be known after the rules governing the act. In Dutch terms, legal actions are classified into *misdriffs* or better known as crimes that are more inclined to *rechtdelichten*, and *overtrading* or violations which are *wetsdelichten*. According to Eddy OS Hiariej,² there is a difference in terms of crime (*mala in se*) and offense (*mala prohibita*), namely felonies and misdemeanors.

In determining the type of crime committed by the perpetrator, it is necessary to have a criminal justice system, a process that is carried out to enforce the law. According to Muladi,² There is harmony in enforcing the law, namely:

1. Relations between law enforcers;
2. The order or level in the application of legal substance; and
3. Cultural harmony is related to the philosophy that is used as the basis and view in applying the rules.

This synchronization or harmony can support the implementation or enforcement of the law optimally, namely, the law will run or work well if it is supported by the existence of implementers as structures and materials as the basic substance and culture in determining the direction of view.

According to Satjipto Raharjo,³ The workings of the law in Seidman's statement include:

- 1) Executors as role holders in the rules are appointed to carry out their duties. Role holders in each regulation are expected to act by their objectives.
- 2) Actions of the executor in response to regulations are highly dependent and controlled by applicable legal regulations, from their sanctions, from the activities of the

implementing institutions, as well as from the entire complex of social, political, and other forces working on them;

- 3) Actions to respond to the law are highly dependent and controlled by the applicable legal regulations, from their sanctions, and the whole complex of social, political, and other forces operating on them, as well as from feedback coming from role holders and the bureaucracy;
- 4) The actions of law-making institutions are controlled by the entire complex of social, political, and other forces which are feedback from the bureaucracy and implementers.

⁴

The theory of the operation of the law is closely related to the success or failure of the law being implemented. There are 3 provisions in determining the effectiveness of the applicable law:⁵

- 1) The legal structure, namely the enforcement agencies that form and apply the law.
- 2) Legal substance includes the material or content of laws and regulations.
- 3) Legal culture consists of a direction or perspective that includes habits, behavior, and thoughts related to the values in the applicable law.

b. Restorative Justice

Angkasa ⁶argues that restorative justice or restorative justice has a close relationship with victimology as a science that studies victims in all aspects. Restorative justice is a model of settlement and value for victimization that highly respects the victim as a party experiencing loss and/or suffering as a result of victimization. There are three principles of restorative justice, namely:

- 1) Crime or victimization causes harm and to achieve justice one must focus on repairing the harm caused.
- 2) People who are victims must be able to participate in solving cases.
- 3) There is a government responsibility by maintaining order in society to build peace.

The position of the victim and the perpetrator must both be considered and have each other's rights. Therefore, victims and perpetrators must be reconciled⁷ and must be brought together to produce an agreement and all parties can forgive. According to Muladi,⁸ The dignity of the victim must be taken into account, in resolving cases with restorative justice, the restoration of the victim to his original state is an important focus. In addition, the rights of the perpetrators must also be aligned, where the perpetrators as the perpetrators of crimes need to be recognized and welcomed by the community. Perpetrators need recognition and treatment from the community which incidentally can avoid the perpetrators. Fulfillment of the rights of perpetrators and victims must be given in a balanced manner by keeping in mind the terms or conditions for the implementation of restorative justice based on Article 5 Paragraph (1) Perja Number 15 of 2020. First, the suspect is not a recidivist, the perpetrator has just committed an act that violates a norm or rule of law. Second, the threat of a fine or imprisonment with a maximum provision of 5 years. Third, the act resulted in a maximum loss of Rp. 2,500,000, -

(two million and five hundred thousand rupiahs). Fourth, if the crime involves property, the provisions for the implementation of restorative justice remain in the provisions of Paragraph (1) letter and are accompanied by either letter b or letter c.

c. Population Administration

Data management in the government is known as population administration, which focuses on managing and publishing population data for every citizen from birth to death of a person. Population administration includes population registration and registration activities, data collection on important events, civil registration, utilization of results for public services, and management of population administration information.⁹ This is in line with the provisions article 8 Paragraph (1) letter a that the government must register population events and record important events, including someone's disgrace.

This has a logical consequence that a person's criminal actions must be recorded in an orderly and neat manner, that it is not good if law enforcement agencies have their respective criminal records, this is in line with the principle of functional differentiation in law enforcement, which provides logical consequences that the police only have responsibility. Legal responsibility for suspects is limited to the extent that the case has been delegated to the Prosecutor's Office, the court has a legal responsibility to the extent that it has decided the case, and the correctional institution has special responsibility for fostering prisoners after the case has been executed by the Prosecutor's Office.

DISCUSSION

Inhibiting Factors That Caused the History of Population Data Not to Be Included in Supporting the Implementation of Criminal Case Settlement with a Restorative Justice Approach by the Prosecutor's Office of the Republic of Indonesia

The doctrine of prosecution recognizes the principle of dominos litis which is the monopoly of the Prosecutor because of the authority given to the Prosecutor to carry out the prosecution. Dominus litis or the case authority becomes an important point to determine whether a case from the results of the investigation can be continued in the trial process or not.⁹ The Prosecutor as the center that determines the direction of the settlement of the case, Article 30 C letter d of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor of the Republic of Indonesia confirms that the Attorney General's Office of the Republic of Indonesia as mandated by the Attorney General has the authority to resolve cases through penal mediation. The concept is systematically summarized by the prosecutor's regulations on restorative justice.

Restorative justice is the application of the Preamble to the 4th Alenia of the 1945 Constitution and Pancasila, specifically the second, third, fourth, and fifth precepts. Even before Indonesia's independence, restorative justice was carried out by the ancestors in the context of deliberation and consensus. Restorative justice prioritizes peace between victims and perpetrators by avoiding the prosecution of a criminal penalty. Settlement of cases with restorative justice is carried out by bringing together victims and perpetrators as well as related parties to seek

justice in a win-win solution. Although the settlement of cases outside the trial means that there is no judge's decision that has permanent legal force so that there is no transparent copy of the decision on the homepage of the Supreme Court's decision directory, The settlement of cases with restorative justice should also be systematic. This is intended so that the implementation of restorative justice is by existing legal considerations and ideals, namely that there is no repetition of case settlement with restorative justice.

The government has ordered executors in every existing agency to record important events that occur to a person, including disgrace⁹ or the evil that has been done. The policy certainly facilitates data integration and data transparency. The recording of important events has been regulated, therefore it needs firm control.

Soerjono Soekanto¹⁰ argues that the effectiveness of the law can be assessed by knowing the attitude of action or behavior that is directly related to the purpose of the rule of law. According to him, the law will be effective if the actions that occur in the field are by the objectives of the law that was formed. The preamble, article by article, and explanation of the article is the goal/direction of view of legal norms made. The law is considered effective if the objectives in the consideration are by the implementation in the field. Implicitly, the purpose of resolving cases with restorative justice is in the Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020, Regulation of the Chief of the Indonesian Police Number 8 of 2021, and Decree of the Director General of Badilum Number 1691/DJU/SK/PS.00/12/2020, essentially focuses on restoring to its original state. Meanwhile, to be able to find out whether the law has been effective in the field, it is necessary to have a legal trial in the community. According to Hans Kelsen¹⁰ law is effective when the existing legal norms are implemented seriously. A society with the law has a close relationship, the existence of events in the community can show the feasibility of a legal product and the law can make society more organized.

Law enforcement agencies in Indonesia each have regulations that regulate the settlement of cases with restorative justice, one of the conditions of which is that the first suspect commits a criminal act, in which each law enforcement agency does not have a binding obligation between law enforcement agencies. The incoherence in the implementation of restorative justice from the three institutions can cause legal uncertainty, because the implementation of restorative justice can be repeated for the same suspect, namely due to the absence of coordination of supervision between institutions in each region and the absence of records of suspects whose cases have been resolved with integrated restorative justice.

In addition, the principle of functional differentiation is also a factor in the undocumented history of the suspect's actions. The principle of functional differentiation is applied in Indonesia to divide or differentiate tasks and authorities between existing institutions or agencies. This principle makes the three institutions increasingly closed without serious coordination regarding the recording of suspects whose cases are resolved with restorative justice, they are even freer to make policies which in this case may have motives that benefit the institution only. Therefore, the overlapping regulations related to case settlement with restorative justice contain the egoism of each agency which can be an inhibiting factor for not

recording the population data of the criminal history of the perpetrator. The existence of the principle of functional differentiation in law enforcement, provides a logical consequence that the police only have legal responsibility for the suspect to the extent that the case has been delegated to the Prosecutor's Office, the court has a legal responsibility to the extent that it has decided the case, the correctional institution has special responsibilities for fostering prisoners after the case. has been executed by the Prosecutor's Office. In addition, the police offices in each region have not yet integrated data on case handling, this can be proven when an applicant will submit a certificate of good conduct, on the application form the applicant is required to fill in his criminal history whether he has been convicted or not.

According to Lawrence M Friedman,¹¹The operation of the law is influenced by several determining factors, namely by the legal structure, legal substance, and legal culture. The legal structure is a tool (law enforcement officers) that are expected to be able to implement legal products as well as possible. According to Seidman,¹⁴ the legal structure is the holder of a role in a rule, the implementer of either the maker or the enforcer becomes one of the determinants that the law is effective. A legal substance is a product or content contained in the product of legislation. The legal substance is considered to be able to determine whether or not the law can be implemented. Legal culture includes the perspective, habits, and mindset toward the determinants of values and attitudes. The law will be effective or not depending on the mindset and attitude of the community and law enforcement towards the substance of the law itself. Do the community and law enforcement know the existence of the norm and do they know their rights and obligations? Thus, several inhibiting factors can be grouped that cause the history of population data not to be included in supporting the implementation of the settlement of criminal cases with restorative justice, including:

1) Legal Structure

Each law enforcement agency regulates restorative justice individually. This is what makes the law overlap, there is a desire or ego for the legal structure that grows in the institution. Policies or regulations set by an institution of course have their own goals. Therefore, each agency has its inclination toward resolving cases with restorative justice. There are no reports from each party, for example, the Police have settled a case with restorative justice in a remote area with suspect A. Because through penal mediation, suspect A was released and not detained. However, in the District Attorney's Office in a city, A commits another crime and in this case, there is no track record of the suspect has committed a crime that was resolved with restorative justice, such a situation can occur because the suspect admits to having committed a crime for the first time, because the suspect's case meets the provisions in justice restorative so that case A is resolved by restorative justice. The suspect had previously committed a crime, this was not known by the Prosecutor because there was no definite and clear track record. The prosecutor only obtained the BAP and the suspect's confession. because the suspect's case meets the provisions of restorative justice, so case A is resolved by restorative justice. The suspect had previously committed a crime, this was not known by the Prosecutor because there was no definite and clear track record. The prosecutor only obtained the BAP and the suspect's confession. because the suspect's case meets the provisions of restorative justice, so case A is

resolved by restorative justice. The suspect had previously committed a crime, this was not known by the Prosecutor because there was no definite and clear track record. The prosecutor only obtained the BAP and the suspect's confession.

From this description, it is clear that the legal structure of both the Police, the Prosecutor's Office, and Badilum both have the authority to settle their cases with restorative justice, but that authority is regulated separately or in their sense that regulates, because the products they set are products that they make, so it can be said that the inhibiting factor of the legal structure is the ego of each institution.

2) Legal Substance

The meaning of the concept of restorative justice both in the Police, the Prosecutor's Office, and the Supreme Court have similarities to restoring to its original state, but in the provisions of each law enforcement agency, some conditions are certainly different from other enforcement agencies. The requirements in the Regulation of the Head of the Indonesian National Police Number 8 of 2021 include requirements that are grouped into Article 5 of Perpol No. 8/2021, namely that the act committed does not cause unrest; not break up groups; not radical; there is no rejection from the community; no impact on social conflict; not included in the crime of life, terrorism, corruption, or state security; and not a repetition of a criminal act based on a court decision; and Article 6 of Perpol No. 8/2021:

The Supreme Court also issued Guidelines for the application of restorative justice in the general court environment where the application of restorative justice can be carried out in four cases, namely crimes that are classified as minor with fast proceedings, cases committed by children conflict with the law, women conflict with the law and narcotics abuse. Only, and the defendant is not a repeat of the crime.¹² Restorative justice in the court environment is only to reduce sentences, which the application of restorative justice also aims to avoid the trial process in court.

Restorative justice in the Prosecutor's Office must meet the first requirements, the suspect is not a recidivist, and the perpetrator has just committed an act that violates a norm or rule of law. Second, the threat of a fine or imprisonment with a maximum provision of 5 years. Third, the act resulted in a maximum loss of Rp. 2.500.000, - (two million five hundred thousand rupiah). Fourth, if the crime involves property, the provisions for the implementation of restorative justice remain in the provisions of Paragraph (1) letter and are accompanied by either letter b or letter c.

The meaning of the first time or repetition of a crime in the three agencies is different, namely, there is no clear boundary between *rechtsdelicten* and *wetsdelicten*. *Rechtsdelicten* is an act that is contrary to justice, regardless of whether the act is threatened with a crime in law or not. *Wetsdelicten* is an act that the public has only just realized as a crime, because of the Law which states that the act is an offense and there is a court decision. This difference is one of the factors for not having a criminal history record.

3) Legal Culture

Migration population data which tends to be static are classified into inter-regional migration population data which includes population mobility, changes in population structure in general, or changes in socio-economic structure. Any change in the life of every citizen requires comprehensive data collection, either at the village or national level. Population data has a significant influence in supporting the implementation of laws in Indonesia. The government through the Department of Population and Civil Registration participates in supporting law enforcement¹³ fair and by the law. Implementing agencies are required to record changes in society, either from birth or until someone's death. Events that are attached to a person even though disgraceful must be recorded systematically. Population registration and data collection are carried out through an interrelated administrative system between government administration and state administration. The registration is generally recorded on the NIK, KTP, KK, Birth Certificates, and so on.

The legal culture in the settlement of restorative justice has not heeded the provisions of centralized recording. This is because cases that have been successfully resolved with restorative justice are registered internally by each agency. The recording appears to be confidential, and not disclosed transparently. The existing legal culture is still dominated by the central ego of each agency which causes data to be not centralized because there is no clear coordination and each agency wants to resolve the case independently.

Population Data Integration Model in Supporting the Implementation of Case Resolution Using a Restorative Justice Approach by the Prosecutor's Office of the Republic of Indonesia

The concept of restorative justice is an embodiment of the practice of penal mediation based on Pancasila. Restorative justice is a concept of resolving cases outside the court which emphasizes efforts to restore to their original state, the level of the original meaning of restorative justice has no clear and significant boundaries. Restorative justice is regulated in the regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020, Regulation of the Chief of the Indonesian Police Number 8 of 2021, Decree of the Director General of Badilum Number 1691/DJU/SK/PS.00/12/2020 concerning Guidelines for the Implementation of Restorative Justice in the General Courts.

The settlement of cases based on restorative justice is not recorded centrally and is not accommodated. The data integration model for suspects whose cases are resolved with restorative justice at the Police agency is recorded in the electronic investigation management system.¹⁴ Whereas in the Prosecutor's Office, it is recorded in the case register at the prosecution stage and in the register of termination of prosecution and the setting aside of cases in the public interest.¹⁵ the recording model is internal and cannot be known by the public. Thus, each law enforcement agency may not know whether it is true that the suspect has committed a crime for the first time and not as a repetition or not.

Law enforcers can find out whether a suspect has or has not committed a crime only based on the confession of the suspect/defendant and based on the minutes of the examination of the

suspect. Article 152 of the Criminal Procedure Code gives the suspect/defendant the right to provide information freely to investigators and judges, and Article 175 of the Criminal Procedure Code gives the defendant the right to refuse or not to answer questions put to him. If the suspect or defendant does not provide true information, then the suspect or defendant is considered to have committed a crime for the first time. This is because there is no data integration between agencies, and law enforcement does not have a record of a suspect committing a crime in a certain place or area.

For example, at the Banyumas District Prosecutor's Office in case Number B-1330/M.3.39/Eoh.2/09/2020, the Public Prosecutor resolved the case of suspect Irin based on restorative justice. Whereas the suspect Irin had previously carried out an attempted theft whose case was resolved amicably by the local village head. The absence of data showing suspect Irin committed a crime has made law enforcement in this case the Banyumas District Attorney fails to pass the case of suspect Irin with restorative justice. According to Gustav Radbruch¹⁵, the law is enforced to obtain: legal certainty, justice, and usability (doelmatigheid). According to him, legal certainty is the main point, with the implementation of legal certainty meaning having implemented and implemented the law.

The data integration model by the Police and the Prosecutor's Office is recaptured independently which leads to legal uncertainty because the data is not integrated and there is no coordination or cooperation between the AGO and the Police in resolving cases. It is possible that an incident committed by a defendant or suspect may not be known by law enforcement so an event that is not recorded centrally and transparently causes legal certainty to not be achieved. Article 8 Paragraph (1) letter a in conjunction with Article 58 Paragraph (1) letter ee The Law on Population Administration mandates that all important events must be recorded, but so far this has not been implemented. This means that the goal of law as stated by Gustav Radbruch has not been achieved, namely the existence of legal certainty. According to Aristotle, the law aims to achieve justice, and Gustav Radbruch in this case agrees that justice can be realized with legal certainty. Therefore, to reflect the rule of law, the ¹⁶a data integration model is needed as mandated by the population administration law aimed at supporting the implementation of case resolution with a restorative justice approach by the Attorney General's Office of the Republic of Indonesia. With the data integration model, it is possible to minimize the number of suspects/defendants who have been resolved with restorative justice more than once.

The data integration model can be carried out by reporting important events as stipulated in Article 8 Paragraph (1) letter a of the Population Administration Law, "The Implementing Agency carries out Population Administration affairs with the obligation to register Population Events and record Important Events, and Article 58 Paragraph (1) letter ee, "Individual data includes other data elements that constitute a person's disgrace. Thus, NIK as a single identity number can contain information on whether or not the owner of an ID card has conflicted with the law. Article 64 Paragraph (4) of the law states that in the e-KTP a chip is stored which contains an electronic record of individual data. Entering a person's criminal data into the E-KTP, also helps the police issue a more valid police record certificate (SKCK), and it is no

longer necessary to admit that the applicant has or has never committed a crime, because everything has been recorded in the e-KTP. Moreover, the determination of the suspect has committed a criminal act lies with the authority of the Prosecutor, who in this case examines the investigation file and the investigation file from the Investigator. The police cannot prove that the suspect or defendant has committed a crime not, because P21 is in the Prosecutor's Office. The determination if the suspect has committed a criminal act is under the authority of the Prosecutor, who in this case examines the investigation file and the investigation file from the Investigator. The police cannot prove that the suspect or defendant has committed a crime not, because P21 is in the Prosecutor's Office. The determination if the suspect has committed a criminal act is under the authority of the Prosecutor, who in this case examines the investigation file and the investigation file from the Investigator. The police cannot prove that the suspect or defendant has committed a crime not, because P21 is in the Prosecutor's Office.

The implementation of this data integration can be carried out by the Attorney General's Office, either the District Attorney's Office, the High Prosecutor's Office, or the Indonesian Attorney General's Office in coordination with the Police, Social Institutions, and other related agencies. In addition, it is necessary to have a special application that summarizes or records the actions taken by the suspect/defendant that contains personal identities such as name, TTL, nationality, gender, type of crime/type of violation and threats, and type of case settlement. This application is centralized, can be registered, and can be seen by various parties who need it, meaning that there is transparency or openness to facilitate information on whether or not there is a crime against legal subjects. The application is in the form of SIAK,

The Indonesian Prosecutor's Office as the case controller (Dominus Litits) strongly supports the settlement of cases with restorative justice, therefore the Indonesian Attorney General's Office issued a Circular Letter of the Deputy Attorney General for General Crimes No: B-913 /E/Ejp/03/2022 dated March 25, 2022, concerning the establishment house of restorative justice, so that case resolution with a restorative justice approach is more integrated. The spread of RJ's house in Indonesia supports a more transparent and certainly more comprehensive data integration system so that the Indonesian Attorney General's Office is the leading sector. Not only that, RJ's house can accommodate guidance and supervision that so far have not been in the settlement of cases based on restorative justice.

CONCLUSION

- 1) The inhibiting factor that causes the omission of the history of population data in supporting the implementation of the settlement of criminal cases with a restorative justice approach by the Prosecutor of the Republic of Indonesia, one of which is the principle of functional differentiation that distinguishes the duties and authorities between institutions or agencies as well as the existence of other factors in the legal structure, legal substance, and legal culture.
- 2) Population data integration model in supporting the implementation of case settlement with a restorative justice approach by the Prosecutor's Office of the Republic of Indonesia using the NIK in the electronic ID card, as a single identity number that can contain information

on whether or not the ID card holder has conflicted with the law. This is supported by the Junior Attorney General ST. Burhanuddin in his policy of distributing restorative justice houses according to the Circular Letter of the Deputy Attorney General for General Crimes No: B-913 /E/Ejp/03/2022 dated March 25, 2022.

ACKNOWLEDGMENTS

The author would like to thank the Attorney General of the Republic of Indonesia for financial assistance for the Doctoral Program in Law Education at Jenderal Soedirman University in 2022

References

a. Book

1. Angkasa. (2020). *Viktimologi*, Raja Grafindo Persada, Jakarta.
2. Friedman, Lawrence M. (2018). *Sistem Hukum : Prespektif Ilmu Sosial*, Penerjemah M. Khozim, Nusa Media, Bandung.
3. Hamzah, Andi. (2008). *Terminologi Hukum Pidana*, PT Sinar Grafika, Jakarta.
4. Hiariej, Eddy, O.S. (2014). *Prinsip-Prinsip Hukum Pidana*, Yogyakarta: Cahaya Atma Pustaka.
5. Kelsen, Hans. (2007). *Teori Umum Hukum dan Negara*, Alih Bahasa oleh Somardi, Bee Media Indonesia, Jakarta.
6. Muladi. (1995). *Kapita Selekta Sistem Peradilan Pidana*, Badan Penerbit UNDIP, Malang.
7. Notohamidjojo, O. (2011). *Soal-Soal pokok Filsafat Hukum*. Griya Media. Salatiga.
8. Rahardjo, Satjipto. (1980). *Hukum dan Masyarakat*, Angkasa, Bandung.
9. Soekanto, Soerjono. (1985). *Efektivikasi Hukum dan Sanksi-Sanksi*, Remadja Karya, Bandung.
10. Wahid, Eriyantouw. (2009). *Keadilan Restoratif dan Peradilan Konvensional Dalam Hukum Pidana*, Universitas Trisakti, Jakarta.
11. Waluyo, Bambang. (2020). *Penyelesaian Perkara Pidana, Penerapan Keadilan Restoratif dan Transformatif*, Sinar Grafika, Jakarta (cetakan pertama).
12. Warassih, Esmi. (2011). *Pranata Hukum Sebuah Telaah Sosiologis*, PT. Suryandaru Utama, Semarang.

b. Journal

1. Fatahillah Akbar, Fatahillah. (2017). *Pembaharuan Keadilan Restoratif Dalam Sistem Peradilan Pidana Indonesia*, Jurnal Masalah-Masalah Hukum Jilid 51 No.2.
2. Saeful, Eet. (2019). *Analisis Implementasi Kebijakan Administrasi Kependudukan Pada Dinas Kependudukan Dan Pencatatan Sipil Kabupaten Garut*, Jurnal Ilmiah Administrasi Negara Volume 5 Nomor 4.