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Good Governance and Local Wisdom in Law Enforcement

Article

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Abstract

The legal certainty of out-of-court settlements through customary law is still questionable in the Indonesian legal system, even though restorative justice is an approach that aims to build a criminal justice system that is sensitive to the problems of victims. Restorative justice which means a glorification of relationships and making amends that the perpetrator of the crime (his family) wants to make to the victim of the crime outside the court with the intention and purpose that the legal problems arising from the criminal act can be resolved properly by reaching an agreement and agreement between the parties. how is the enforcement of good governance and local wisdom in law enforcement in the North Lampung resort police? This research uses qualitative research methods with a Socio Legal approach. Socio-legal is a legal research approach that uses the help of social sciences as a single approach. Because of this approach, the socio-legal goal is to integrate as a whole the knowledge, skills, and forms of research experience of two (or several) disciplines in an effort to overcome some of the theoretical and methodological limitations of the disciplines concerned. As in the case of Wari Gunawan bin Ngatimin as a suspect for allegedly committing the crime of Fraud Article 378 of the Criminal Code. The result of the research is that in solving problems in the community, the existence of *Ippun Aneq* is intended as a guideline in handling and/or resolving problems that arise in the community. The settlement of criminal offenses through restoration justice in this case cannot be carried out because the unfinished return of losses received by the victim is the main obstacle to the settlement of this case through restoration justice at the level of investigation and investigation even though peace has been made between the perpetrator and the victim. In addition, the letter of request from the perpetrator, victim and related parties has not been made and submitted, which is an obstacle to the settlement through restoration justice.

Keywords: *Good governance; local wisdom; law enforcement.*

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INTRODUCTION

Law enforcement is an activity to harmonize the relationship of values that are outlined in the rules, solid views and manifest them in attitudes, acts as a series of final stage value translations to

create peaceful social life. Law enforcement can only be implemented if the various dimensions of legal life always maintain harmony between social morality, institutional morality and civil morality of citizens based on actual values in society. The importance of law enforcement is needed Professional officers who are able to fulfill the obligations imposed on them by law, by serving the community and by protecting all people from illegal acts.¹

The mission and vision of the government are explained in Chapter III of Law No. 25 of 2000. In the National Development program, which specifically emphasizes the existence of efforts to realize good governance, one of the points is to realize the rule of law and good governance. Therefore, the duties and authorities given to the Indonesian National Police must all be carried out properly, which means maintaining public security and order, law enforcement, protection, shelter and service to the community properly as a good law enforcer.²

Good governance interpreted as ideals (ideas) because of the desire for the administration of government to be carried out cleanly, in the sense that it is free from deviations that can harm the community. The concept of good governance is realized if the government is carried out in a transparent, responsive, participatory, obedient to legal provisions, consensus-oriented, and has a strategic vision.³

The concept of Good governance to make good law enforcement, sometimes clashes with local local wisdom, North Lampung as one of the districts in Lampung Province, the people of North Lampung are very thick with Lampung In digenous culture. In the enforcement of minor criminal laws such as elopement cases in the indigenou people of Lampung Pepadun, as well as cases of domestic disputes, cases of misunderstanding, cases of theft, cases of persecution, cases of accident, cases of commotion, cases of land grabbing, cases of unpleasant acts, cases of embezzlement, mild maltreatment cases, obscene acts, fraud cases, Cases of cases are sometimes resolved in the corridor of customary law with the media of local wisdom, although many also do not go through the settlement route through customary law and enter formal justice.⁴

The presence of settlement of cases outside the court through customary law is a new dimension studied from theoretical and practical aspects. Examined from the practical dimension, customary law will be correlated with the achievement of the world of justice, but the legal certainty of settling cases outside the court through customary law is still being questioned in the Indonesian legal system, even though there is restorative justice.an approach that aims to build a criminal justice system that is sensitive to victim issues.

On March 21, 2021 the North Lampung Porlres of North Sungkai Sector issued an Arrest Wari against Wari Gunawan bin Ngatimin as a suspect for allegedly committing the crime of Fraud

¹ Damianus Agus Sido, Dalintang Ketut Dwi Saputri & Anita Trisiana, "Peningkatan Kesadaran Hukum Bagi Remaja Untuk Menanggulangi Pengaruh Globalisasi," *Jurnal Global Citizen : Jurnal Ilmiah Kajian Pendidikan Kewarganegaraan* 6, no. 2 (2019), <https://doi.org/10.33061/glc.v6i2.2552>.

² Edward Simamora and Muaz Zul, "Penerapan Prinsip Good Governance Dalam Perpolisian Masyarakat Di Wilayah Hukum Polresta Medan," *Jurnal Mercatoria* 5, no. 1 (2012): 1–11.

³ "Good Governance and Development - Brian Smith - Google Buku," accessed November 14, 2022, https://books.google.co.id/books?hl=id&lr=&id=TSNIEAAAQBAJ&oi=fnd&pg=PP1&dq=good+governance&ots=IfJq6wsijT&sig=5JfHTDnCbzo9qt5GIHWoKC1wwQ&redir_esc=y#v=onepage&q=good+governance&f=false.

⁴ Muhammad Ansori Lubis, Ria Sinta Dhevi, and Muhammad Yasid, "PENEGAKAN HUKUM TERHADAP APARAT SIPIL NEGARA YANG MELAKUKAN PELANGGARAN HUKUM DALAM MEWUJUDKAN GOOD GOVERNANCE," *Jurnal Darma Agung* 28, no. 2 (August 2, 2020): 269–85, <https://doi.org/10.46930/OJSUDA.V28I2.649>.

Article 378 of the Criminal Code. After the suspect was arrested, the suspect's family met with the victim to make peace. In short, the families of the suspect and the victim have made a peace letter and the investigator has given the letter. but Letters *restorative justice* from the North Lampung Police have not been issued.

The Lampung area, especially North Lampung, has local wisdom that is always guarded, which is called *Piil Pesenggiri*. *Piil Pesenggiri* is a tradition of the people of Lampung as a living foundation of the cultural activities of the Lampung people which are still ongoing today. The people of Lampung are famous for their philosophy of life called *Piil Pesenggiri*. The cultural values of *Piil Pesenggiri* are clearly included in the old books left by their ancestors, including the *Kutara Rajaniti* Book, the *Handak* Book which contains rules, norms and suggestions and sanctions that should become the basis of daily life. Lampung people day. The characteristics and character of the Lampung people written in the *Kutara Rajani* book include: (1) *Piil Pesenggiri*, a sense of shame to carry out an attitude that is insulted according to religion and socio-cultural environment, (2) *Juluk Adek*, which is a personality that is in accordance with the customary title it bears, (3) *Nemui Nyimah* is an attitude of mutual hospitality with guests, (4) *Nengah Nyappur* is active behavior in society and is not individualistic, and finally (5) *Sakai Sambayanya* is mutual cooperation and mutual assistance.

Several previous studies examined law enforcement good governance, including Kusnu Goesniadhie S.⁵, Edward Simamora and Muaz Zul⁶, and Bagus Rahmanda. Then Ahmad Ulil Aedi⁷ which discusses the resolution of minor crimes through local wisdom, Rosidin's debt⁸ Local Wisdom As a source of law in the development of national legislation. Rian Destami⁹ Application of the Principles of Restorative Justice to Criminal Offenders. Then Muhaimin¹⁰ Restorative Justice in the Settlement of Minor Crimes.

Previous studies have not yet conducted a study of the legal certainty of local wisdom in good governance law enforcement so that researchers are interested in conducting research in the North Lampung Porles with the title Good governance and Local Wisdom in Law Enforcement at the North Lampung Police and as a contribution of information in good law enforcement. The problem formulation of this research, how is the enforcement of good governance and local wisdom in law enforcement in North Lampung Porles?

RESEARCH METHODS

This study uses a qualitative research method with a Social Legal approach. Socio legal is a legal science research approach that uses the help of social sciences. be a single approach. Due to

⁵ Kusnu Goesniadhie S., "Perspektif Moral Penegakan Hukum Yang Baik," *Jurnal Hukum Ius Quia Iustum* 17, no. 2 (2010): 195–216, <https://doi.org/10.20885/iustum.vol17.iss2.art2>.

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⁷ Ahmadulil Ulil Ulil, "Penyelesaian Tindak Pidana Ringan Melalui Kearifan Lokal Dalam Pembangunan Sistem Hukum Nasional," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 1 (2019): 113, <https://doi.org/10.33331/rechtsvinding.v8i1.307>.

⁸ U Rosidin, A I Setiawan, and I Rusliana, "Kearifan Lokal Sebagai Sumber Hukum Dalam Pengembangan Perundang-Undangan Nasional (Local Wisdom As a Legal Resource in the Development of National Legislation)," *Conference Proceeding ICONIMAD, International Conference on Islam in Malay World IX, Krabi, Thailand, 2019*.

⁹ Prinsip Restorative Justice and Sistem Peradilan Pidana, "PENERAPAN PRINSIP RESTORATIVE JUSTICE TERHADAP," 2014, 26–46.

¹⁰ Muhaimin Muhaimin, "Restoratif Justice Dalam Penyelesaian Tindak Pidana Ringan," *Jurnal Penelitian Hukum De Jure* 19, no. 2 (2019): 185, <https://doi.org/10.30641/dejure.2019.v19.185-206>.

such an approach, the goal of socio-legal is to completely combine knowledge, skills, and forms of research experience from two (or several) disciplines in an effort to overcome some of the theoretical and methodological limitations of the disciplines concerned.¹¹ and create the basis for developing a new form of analysis.

ANALYSIS AND DISCUSSION

Lampung Local Wisdom

Development or development in customary law or local wisdom is very different because customary law and local wisdom are unwritten laws, unlike written law in the form of product legislation.¹² But after all, customary law is still part of national law, if local wisdom is still maintained and maintained in the community, efforts to foster it must still be carried out. Indonesia's efforts to realize the enforcement of human rights for the community are regulated in Article 18 D paragraph 2 of the 1945 Constitution that the State recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the unitary State. Republic of Indonesia which is regulated by law. In a few years Then with the formation of the Constitution and customs People who live in society (often called local wisdom) Consideration important in formation constitution In drafting laws and drafting local regulation.

North Lampung has a cultural philosophy called *Piil Pesenggiri*. *Piil Pesenggiri* are philosophical points that are sourced from traditional books adopted in *Ulun Lampung*, including the books of Kuntara Rajaniti, Cempala and Keterem. The teachings of these books are taught by word of mouth through the narratives of traditional stakeholders from generation to generation. In *Piil Pesenggiri* there are values and norms that regulate the way of life of the Lampung people as social beings. *Piil Pesenggiri* includes noble and essential values that show the personality and identity of the Lampung people themselves, because the noble values contained in the philosophy of life are in accordance with the realities of life for the people of Lampung. This can be referred to through Hadikusuma's opinion¹³ As follows:

“Tando nou ulun Lapping, wat pi'il pesenggiri, you balak pi'il are making a fuss about being delirious. Do nou bejulak you beadek, Iling Mewari ngejuk ngakuk you while you are cooking, nyubali jejamau, begawey balak, sakai sambaian.”

(the sign is a Lampung person, there is *piil pesenggiri*, he has a big heart, has shame and self-respect, has a big name and title, likes brothers, gives open arms, is smart, friendly, and likes to get along, manages a big job together with help)

Piil Pesenggiri literally means an act or human temperament that is great and sublime in its value and meaning, therefore it should be obeyed and should not be denied. Meanwhile, in official literature documents, *Piil Pesenggiri* is defined as everything related to self-esteem, behavior and life attitudes that must maintain and uphold the good name, personal and group dignity. In total, *Piil*

¹¹ Amiruddin dan H. Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: RajaGrafindo Persada, 2009).

¹² Hariyanto Hariyanto, “Implications of State Policy Through Village Funds Towards the Cultural Values of Mutual Cooperation in the Village,” *DE LEGA LATA: Jurnal Ilmu Hukum* 7, no. 1 (January 12, 2022): 46–64, <https://doi.org/10.30596/DELEGALATA.V7I1.8721>.

¹³ Hilma Hadikusuma, *Masyarakat Dan Adat Budaya Lampung*. (Bandung: Mandar Maju., 2004).

Pesenggiri has the meaning of having a big heart, having feelings of shame, a sense of self-worth, being friendly, sociable, helping and having a big name.

The character and personality of the Lampung indigenous people have coherence with legal awareness, namely, creating a harmonious, peaceful and dynamic pattern of life. Iranto and Margaretha¹⁴ that the values contained in the *Piil Pesenggiri* can be processed into cultural capital and symbolic capital in the realm of contestation with foreigners. However, according to him, the *Piil Pesenggiri* needs to be redefined and its values refreshed (invention). *Piil Pesenggiri's* values in relation to multiculturalism can be used as capital for inter-ethnic relations in Indonesia so that resistance can be carried out subtly and conflicts can be eliminated without realizing it. The culture of the people of Lampung is strongly colored by the principles of the *Piil Pesenggiri* philosophy which consists of:

1. *Pil Pesenggiri* is a Lampung people's philosophy of life or a value system (social value system) which has the meaning of self-esteem, meaning the attitude of life adopted so that a person has existence, self-esteem, maintains and upholds the good name of individuals and Lampung people in general. *Piil Pesenggiri* is a supporter of the philosophy of other Lampung people, namely *Nemui Nyimah*, *Nengah Nyappur*, *Bejuluk Beadeg*, and *Sakai Sambayan*.

The values in the *Piil Pesenggiri* are still relevant but in their translation into levels or scales (positive, neutral, negative) need to be actualized, and this is actually contained in norms that contain must, permissibility, and prohibitions (cepalo) such as self-esteem as Social value is not lost or changed, but the scale of what can be categorized as self-esteem and in the situations and conditions under which a self-esteem is maintained can be actualized.

2. *Nemui Nyimah*. *Nemui* means guest and *Nyimah* or *Simah* means polite or friendly. *Nemui Nyimah* can be described as the hospitality of the Lampung people in entertaining guests. Openness to all people who have a relationship. A polite and friendly attitude when visiting and receiving guests, this action is the application of the principle of fostering friendship with whom I am including immigrants from outside Lampung.

From the results of an interview with Hendri, who is one of the traditional shops in North Lampung, said that the Lampung traditional community is always open with anyone. We don't want to close ourselves off, even refuse guests who come. We want to have many relatives, friends, and friends. This attitude of hospitality and being willing to accept other people is proof that we always hold fast to the philosophical values passed down from our ancestors.

The character of *Nemui Nyimah* is a cultural independence from the local indigenous community, as a pattern of communication and interaction in the community. The realization of effective communication patterns and channels will open up opportunities for community members to be able to contribute to the development of their community. By using these effective communication patterns, problems that arise in the community can be discussed and resolved properly. On the other hand, if the existing communication channel is "clogged", the problems being faced can lead to potential disharmony, and

¹⁴ susistyowati dan Risma Margaretha. Iranto, "Piil Pesenggiri: Modal Budaya Dan Strategi Identitas Lampung," *Jurnal Makara Sosial Humaniora* 15, no. 2 (2011): 149.

seeds of division between community members will emerge, especially in heterogeneous societies.

3. *Nengah Nyappur*, is one of the efforts of Lampung people to equip themselves with the ability to carry themselves in relationships so that they have a broad experience. Not only limited to the association of fellow Lampung people but with anyone and wherever the person comes from. *Nengah nyappur* is the attitude and value system of Lampung indigenous people in interacting by opening up to the general public. The purpose of *Nengah Nyappur* is to be knowledgeable, participate in everything that is positive - both in social relations and community activities that can bring progress and can always adjust to the times "interview with hendri.

The description above *Nengah nyappur* describes the existence of Lampung indigenous people in interacting with other communities. The context of realizing a life that has legal awareness in a multicultural life, the noble values of *Nengah Nyappur* need to be translated and internalized massively across forums. Starting from formal, informal, and non-formal to the level of existing community structures. In the process of social interaction, *Nengah Nyappur* can be interpreted as a form and form of competition to achieve goodness, there are no opponents, but competing to work hard to achieve good achievements. Fachruddin emphasized that good competition requires three main abilities, namely: (a) the ability to formulate ideas; (b) the ability to express ideas in the form of strategic plans and operational plans, and (c) the ability to evaluate the strategies and operations referred to above. These three describe a teaching that is similar to modern management management theory.

4. *Juluk Adek/Adok*, is a customary title of honor given to an established adolescent or adult. The established context here is not only interpreted as a person who is capable or powerful in terms of money but more than that, namely if someone has been able to apply, embody, and internalize the pillars that support the previous one. *juluk adek/adok* can be said to be a pretense and nobility of character that makes a person after contributing significantly in social life. The process of obtaining a title (*adek/adok*) is not easy, but must pass certain stages and conditions after obtaining achievements. This means that a person has made irreversible changes in human life such as the proclamation of idealism or ideals and the achievement of lofty ideals in society. After these stages have been carried out, this kind of event cannot be left unattended, it must be commemorated and rewarded with an honorary title by custom.
5. *Sakai Sambayan*, containing the value of mutual assistance and mutual cooperation in neighboring and relatives, including affairs in holding traditional Lampung wedding ceremonies and so on. *Sakai sambayan* is a conception in the form of results (output) and its actions from the form of a high social spirit of the traditional community of Lampung. According to bukri, *sakai sambayan* is a form of a person's obligation to be social, to work together, to do good with fellow human beings, whether in return or not. *Sakai sambayan* is not only defined as something material but also in a moral sense, including contributions of energy, thought, legal awareness and others. Thus, *Sakai Sambayan* means understanding the meaning of togetherness or *guyub*. The existence of *Sakai sambayan*

essentially shows a high sense of participation and solidarity in various personal and social activities in general.

Local Wisdom-Based Law Enforcement Efforts and Good Governance

Ippun Aneg this is an effort carried out by traditional leaders, community leaders, religious leaders and other elements in the community to prevent conflicts and resolve problems that arise between local residents and migrants in North Lampung district or other problems. other social activities that have the potential to cause problems in the community by prioritizing the Nemui Nyimah principle.

Ippun Aneg (Rembug Village) is a combination of two syllables, namely the word *Ippun* which means gathering to hold a deliberation and the word *Aneg* means Village. Thus *Ippun Aneg* (Village Rembug) is a forum for consultation, deliberation and/or consensus to solve problems that could potentially lead to open conflict. *Ippun Aneg* (village and sub-district discussion) is not only carried out when a conflict occurs, but is also carried out to prevent the conflict itself from arising. The involvement of Lampung traditional leaders in this activity is very important to prevent or mitigate so that the potential for conflict or disputes in the community will be reduced.¹⁵ *Ippun Aneg* This is carried out on the basis of the following principles:

1. shelter; which implies that the implementation of the *Ippun Aneg* (village discussion) is inseparable from efforts to protect and respect human rights and raise the dignity of the community members proportionally. This means that it does not discriminate whether those conducting the discussion are natives or immigrants, because all are the same. So that those who attended this activity were from every tribe in North Lampung Regency;
2. *Sekelik* (Family); that the implementation of *Ippun Aneg* (village and sub-district meetings) puts forward the principle of deliberation in order to reach consensus in making decisions.
3. *Guno Kewawaian*(Usability and effectiveness); It is hoped that the implementation of *Ippun Aneg* (village and sub-district meetings) will improve order in the community by creating legal certainty.
4. Openness; is that the implementation of *Ippun Aneg* (village and sub-district meetings) must involve all elements from the process, planning, to monitoring activities. Elements here include village or sub-district government, security and other community elements.
5. Balance, Harmony and Harmony; that the implementation of *Ippun Aneg* (village and sub-district meetings) is required to prioritize local wisdom (regional values) that grows and develops in the midst of society. This principle is important considering that the people of North Lampung still adhere to the principles of customs, so they need to pay attention to local wisdom and regional values which are useful and capable of being an adhesive for every existing culture.
6. Security and order. that the implementation of *Ippun Aneg* (village and sub-district meetings) must be carried out periodically in order to create a sense of security, peace and peace in the midst of society whether there is conflict or not.

¹⁵ Results of Interview with Iwan Setiawan title of Sutan Rajo Puncak Mergo and R. Agus Riwanto

Ippun Aneg This (village discussion) it self is intended as a guide line in dealing with and/or resolving problems that arise in the community that have the potential to cause open conflict, not only conflicts between in digenous people and migrants but also conflicts that occur in the case of political, social, cultural and the resolution is carried out. by Lampung traditional leaders together with elements of the village government, kelurahan, government elements, cross-traditional leaders and other community elements.¹⁶

In general, the objectives of holding *Ippun Aneg* (village) are:

1. Gathering event for all elements of society, so as to create a sense of kinship;
2. accommodate the aspirations or wishes of each element of society in accordance with the deliberations that have been mutually agreed upon with the results of the deliberations to reach a consensus;
3. encourage community initiatives and participation to observe and resolve potential conflicts that exist in villages and sub-districts in order to prevent open conflicts from occurring;
4. increase the readiness of implementing elements of village and sub-district government for potential conflicts, in order to create comfort and peace in society;
5. increasing synergistic cooperation between traditional leaders, native peoples and immigrant communities, government implementing elements and the community.

Ippun Aneg (village) are carried out in villages which are facilitated by the village head and local traditional leaders. This activity was attended by elements of village government, government elements and community elements. What is meant by elements of village and output government here are the village/village head the Village/Kampung Representative Body (BPD/K), the Dusun Head (Kadus), the RW head, and the RT head. Meanwhile, the government element is represented by Bhayangkara, the Supervisor of Security and Order, or better known as the Babinkamtibmas (Polri) and the Bintara Pembina Desa or Babinsa (TNI). Meanwhile, the community elements are community leaders, traditional leaders, religious leaders, educational leaders, youth leaders, representatives from community groups and other people who have influence in the village, the village or sub-district. Traditional leaders are all traditional leaders of each tribe in the village or sub-district, so they are not limited to Lampung traditional leaders.

Ippun Aneg (village and sub-district meetings) are held at least once a month or when there are problems that have the potential to cause open conflict.¹⁷The mechanism of *Ippun Aneg* (village and sub-district consultations) is:

1. Preparation phase;
 - a. Traditional leaders together with the village head carry out coordination with the implementing elements of *Ippun Aneg* (village and urban village meetings) and schedule and deliver invitations to *Ippun Aneg* meetings (village and urban village meetings) in their territory;
 - b. Elements of the village and sub-district government, elements of the government and elements of the community are required to attend *Ippun Aneg* meetings (village and sub-district consultations) and elements of the government are required to report to

¹⁶ Ibid

¹⁷ Ibid

their respective leaders in stages, so that all parties can know about the results of the deliberations that were carried out.

2. The implementation phase includes:
 - a. Traditional leaders together with village and sub-district heads lead the *Ippun Aneg* (village) discussion meetings carried out in their territory;
 - b. Elements of village government, elements of government and elements of society convey social problems that occur in the midst of society such as (ideology, politics, economy, social, culture, defense, and security) and other problems, especially those that have the potential to cause problems. open conflict in the community;
 - c. Collect data and information on the causes and background of the social problems in question;
 - d. All *Ippun Aneg* participants (village and sub-district meetings) have the right to submit suggestions, input and responses to the problems discussed in the meeting so as to find a way out of these problems;
 - e. The implementation of *Ippun Aneg* (village and sub-district discussion) can be carried out based on customary rules and local wisdom but still involves all elements of traditional leaders in North Lampung;
 - f. The results of the *Ippun Aneg* meeting (village and sub-district discussion) were made in the form of an Minutes of Meeting of the Agreement which were signed by all participants of the *Ippun Aneg* (village and sub-district discussion);
 - g. Conduct socialization in the community on solving social problems and peace agreements approved by the conflicting parties. It is usually carried out by all the figures present at the *Ippun Aneg* (village and sub-district meetings) for each ethnic group, religion, family or surrounding community;

Implementers of *Ippun Aneg* (village consultations) from elements of the village government and government are required to record and report the implementation of *Ippun Aneg* (village and kelurahan consultations) to their respective leaders in stages, so if anyone needs information related to the problem being discussed the activities can be explained in detail, so that if there are other things that require assistance or solutions from other parties, they can be easily done.

The results of the agreement agreed upon in the *Ippun Aneg* (village and sub-district meetings) must be monitored by all elements involved in the intended activity such as elements of the village administration, government elements, as well as community elements with the aim of knowing how far the problems that occur in the community are resolved and preventing the emergence and recurrence of the same social problems that will trigger disputes/conflicts. After the *Ippun Aneg* activities (village and sub-district consultations), an evaluation is held annually as an effort to control *Ippun Aneg* activities (village and sub-district consultations) so that it can be useful for anticipatory purposes in the event of a conflict, and the most important thing is to find out the advantages and disadvantages of implementing the *Ippun Aneg* (village and sub-district discussion). It can also be used as evaluation material by community leaders, village or sub-district governments and other interested parties, so as to obtain a good method or way of solving problems that are the cause of conflicts/disputes.

The results of the *Ippun Aneq* (village discussion) can be in the form of conclusions, recommendations and social sanctions according to Lampung customs related to the conflicting parties. Especially for social sanctions, until now, Lampung traditional leaders have never done anything to conflict parties, both local residents and immigrants. This is done to consider the existence of immigrant communities so that if social sanctions are carried out using Lampung customs, it will burden the immigrant community, for example, they must be exiled, expelled from their homes,

Restorative Justice in Indonesian, restorative justice, which means a restoration of relations and amends for mistakes that the perpetrators of criminal acts (their families) want to carry out against victims of these crimes outside the court with the intent and purpose that legal problems arising as a result of the occurrence of these criminal acts can be resolved properly by achieving consent and agreement between the parties. Criminal acts in the perspective of restorative justice are violations against humans and human relations. Restorative justice can be carried out through mediation between victims and offenders; family group deliberations; community services that are remedial for both victims and perpetrators.

Wari Gunawan bin Ngatimin, on Monday 01 March 2021 at around 10.00 WIB, or at least at another time in March 2021, at the house of the witness Edy Waluyo bin Rikun (Alm) whose address is in Muara Blalak Hamlet, RT. 05RW. 05 Batu Nangkop Village, Sungkai Tengah District, North Lampung Regency or at least in a place that is still included in the jurisdiction of the Kotabumi District Court (which is authorized and adjudicates), with the intention of unlawfully benefiting oneself or others, by using a false name or false prestige, by means of deception, or a series of lies, inducing another person to hand over something to him, or to give him a debt or write off a debt, the act was carried out by the defendant in the following ways:

It started when the defendant saw in the PISEW (Regional Socio-Economic Infrastructure Program) book that there were the names of the target villages, namely Asri Village and Batu Nangkop Village, Kec. Central Sungkai Kab. North Lampung took the initiative to visit the two villages. Furthermore, on Monday 01 March 2021 at around 08.00 WIT, the defendant alone used a motorcycle carrying Secaning 1 (one) book of Decree of the Minister of Public Works and Public Housing Number 117/KPTS/M/2021 Regarding Determination of Locations and Amount of Activity Assistance Community-Based Infrastructure For the 2021 fiscal year, on behalf of the Lampung Provincial Public Works Service, he visited the witness Heri Putra Wijaya bin Ngatimin's house as the Head of Mekar Asri Village, Kec. Central Sungkai Kab. North Lampung. Arriving at the witness Heri Putra Wijaya's house,

Then the witness Heri Putra Wijaya together with the defendant immediately surveyed the location, the Neighborhood Road Connecting Mekar Asri Village and Batu Nangkop Village, while on the way the defendant said to the witness Heri Putra Wijaya "Where is the PISEW Program Leader Sir?" then the witness contacted the witness Andi Saputra bin Muslim as Head of Finance for Mekar Asri Village by saying "Where is Pak Andi?" answered the witness Andi Saputra "I am at home" then the witness Heri Putra Wijaya said again "We are going on a walk to survey the locations in hamlet I".

whether this program is realized or not depends on me "then the witness Andi Saputra asked the SK and SPT from the defendant then the defendant issued a scan of 1 (one) book of the Decree of the Minister of Public Works and Public Housing Number 117/KPTS/M/2021 concerning

Determining Locations and Amount of Assistance community-based infrastructure activities for the 2021 fiscal year after that the defendant together with witness Heri Putra Wijaya and witness Andi Saputra headed to the Location of the Neighborhood Road Connecting Mekar Asri and Batu Nangkop Villages in the Dusun I area of Mekar Asri Village, Kec. Central Sungkai Kab. North Lampung.

After arriving at the location, the defendant said “I went to the field to check whether these 2 villages were eligible for the PISEW Program (Regional Socio-Economic Infrastructure Program), then the defendant again said “Whether or not PISEW is up to me depends on me, if this program wants to run smoothly and can be realized giving a reward of Rp. 5,000,000.- (five million rupiah) per village head who will receive this program. After inspecting the location that will receive PISEW assistance, the defendant together with witness Heri Putra Wijaya and witness Andi Saputra headed to the house of witness Edi Waluyo bin Rikun (Alm) as the Head of Batu Nangkop Village.

Arriving at witness Edi Waluyo’s house, the defendant said to witness Edy Waluyo “I’m from the province, delivered SK, the SK has been issued for Batu Nangkap and Mekar Asri for PISEW assistance and I’ve surveyed it”, then witness Edi Waluyo asked the defendant “When is the survey Sir?” was answered by the defendant “Just this morning sir, the project has been ACC from the Center from the Provincial DPRD, what are the efforts of the village head to make this program realized?” , for now I do not have money “ .

Then witness Heri Putra Wijaya ordered witness Andi Saputra to take the Village Cash amounting to Rp. 10,000,000, - (ten million rupiahs) and at around 10.00 Wib Witness Andi Saputra came back with Rp. 10,000,000,- (ten million rupiah) and gave the money to witness Heri Putra Wijaya, after that witness Heri Putra Wijaya and witness Edi Waluyo gave each Rp. 5,000,000, - (five million rupiah) to the defendant, after giving the money witness Heri Putra Wijaya asked for the SPT and SK from the Provincial Public Works Service but the defendant could not show it, the defendant only showed a scan of 1 (one) decision book of the Minister of Public Works and Public Housing Number 117/KPTS/M/2021 concerning the Determination of the Location and Amount of Assistance for Community-Based Infrastructure Activities for the 2021 fiscal year.

On Sunday 07 March 2021 around 11.30 WIB at Bro’s house. Ali on Jalan Karimun Jawa Kel. Sukarame Bandar Lampung, the defendant was arrested by witness Suparjoni bin Saripudin (Alm) and witness Rahmat Pratama bin Untung (who is a member of the North Sungkai Police) based on Arrest Warrant Number: Sp.Kap/06/III/20201/Reskrim in accordance with Police Report Number :LP/124/III/2021/POLDA LAMPUNG/POLRES LAMPUNG UTARA/SPK Polsek North Sungkai on March 1, 2021 regarding the Crime of Fraud.

That due to the actions of the Defendant, witness Heri Putra Wijaya bin Rohan (late) and witness Edi Waluyo bin Rikun (late) suffered a loss in the form of cash amounting to Rp. 5.000.000,- (five million rupiah). The defendant’s actions are as regulated and subject to criminal penalties in Article 378 of the Criminal Code.

If you pay attention to the provisions as stipulated in the Regulation of the Head of the State Police of the Republic of Indonesia Number 6 of 2019 concerning Criminal Acts of Investigation, no crime suspected of Wari Gunawan bin Ngatimin meets the material requirements set out in article 5 of the Regulation of the Head of the State Police of the Republic of Indonesia Number 6 of 2019 .

Regarding the formal requirements set forth in article 6 paragraph 1 of the Regulation of the Head of the State Police of the Republic of Indonesia Number 6 of 2019, in the Wari Gunawan bin Ngatimin case only Article 6 paragraph 1 letter a 13 of the Regulation of the Head of the State Police of the Republic of Indonesia Number 6 of 2019 has been fulfilled, while the provisions of article 6 paragraph 1 letter b 13 Regulation of the Head of the State Police of the Republic of Indonesia Number 6 of 2019 has not been fulfilled by the suspect.

Peace between Wari Gunawan bin Ngatimin and Edy Waluyo bin Rikun (late) and Heri Putra Wijaya bin Ngatimin has been carried out and it is proven that there has been a peace agreement. However, the formal requirements in the form of fulfilling the rights of the victim and the responsibility of the perpetrator have not been carried out and there is only a promise to return.

Regarding the formal requirements set out in Article 13 of the Regulation of the Head of the State Police of the Republic of Indonesia Number 6 of 2019 by the suspect or the attorney of the suspect, the victim, the victim's family, or other related parties, no application was submitted to carry out a settlement in a way of restoring justice to the Head of Police where the crime was committed investigations and investigations are carried out.

After the case has been delegated by the investigator to the public prosecutor, in this case, it is also possible to re-settle the case out of court, this is stated in the Regulation of the Prosecutor's Office of the Republic of Indonesia Number: 15 of 2020. In this case, for the settlement of cases outside the court which can stop the prosecution, there are conditions. What must be considered is that the provisions stipulated in Article 4 paragraph 1 of the Regulation of the Prosecutor's Office of the Republic of Indonesia Number 15 of 2020, in this case are fulfilled.

There are things that must be fulfilled so that criminal cases can be closed for the sake of law and prosecution is stopped, against the conditions stipulated in Article 5 of the Regulation of the Attorney General of the Republic of Indonesia Number: 15 of 2020, in the case faced by the suspect Wari Gunawan bin Ngatimin there is one condition which is not fulfilled, namely in Article 5 paragraph 1 letter c of the Regulation of the Prosecutor's Office of the Republic of Indonesia Number: 15 of 2020 due to the value of the losses incurred as a result of a criminal act of Rp. 10,000,000, - (ten million rupiah) so that this case cannot be closed by law.

However, in fact in Article 5 paragraph 2 of the Attorney General's Regulations of the Republic of Indonesia Number: 15 of 2020, there is still an opportunity to settle this criminal case through Restoration Justice, because this crime is related to property and if it is based on the consideration of the Public Prosecutor and the approval of the Head of the District Attorney's Branch or The Head of the District Attorney's Office for the prosecution of this case can be terminated based on restorative justice.

Regarding the provisions of article 5 paragraph 6 of the Republic of Indonesia Prosecutor's Regulation Number: 15 of 2020, the suspect Wari Gunawan bin Ngatimin has complied because for the losses suffered by Edy Waluyo bin Rikun (late) and Heri Putra Wijaya bin Ngatimin, the suspect has entrusted the public prosecutor with a sum of money. Rp. 10,000,000, - (ten million rupiah), but because there were other conditions that were not met, therefore the public prosecutor did not settle this case in restorative justice and put the money in the amount of Rp. 10,000,000, - (ten million rupiah) as evidence.

Because the fulfillment of the requirements for terminating prosecution based on restorative justice on the consideration of the Public Prosecutor is not fulfilled, then based on Article 6 of

the Attorney General's Regulation of the Republic of Indonesia Number 15 of 2020, the public prosecutor shall transfer this case to court. After the case file is complete and the Public Prosecutor's consideration does not fulfill the conditions for the settlement of this criminal case, the prosecution is terminated based on restorative justice, the case file along with the suspect and evidence are transferred to the court. In consideration of the principle of restorative justice (restorative justice) is one of the principles of law enforcement in the settlement of cases that can be used as an instrument of recovery, the Supreme Court through the Decree of the Director General of the General Judiciary Agency Number: 1691/DJU/SK/PS.00/12/2020, December 22, 2020 Regarding Guidelines for the Implementation of Restorative Justice in the General Courts.

According to the Guidelines for the Implementation of Restorative Justice in the General Court environment, there are basic principles of restorative justice, namely restoration of victims who have suffered from crime by providing compensation to victims, peace, perpetrators doing social work and other agreements. Guidelines for the Implementation of Restorative Justice in the General Court environment are carried out against one of the minor crimes, namely crimes regulated in articles 364, 373, 379, 384, 407 and article 482 of the Criminal Code which are punishable by imprisonment for a maximum of 3 (three) months or a fine of Rp. 2,500,000 (two million five hundred thousand rupiah).

Regarding the provisions for the implementation of Restorative Justice in the General Court environment, the case faced by the defendant Wari Gunawan bin Ngatimin did not meet the guidelines for the Implementation of Restorative Justice in the General Court Environment Number: 1691/DJU/SK/PS.00/12/2020 because the defendant was not threatened with imprisonment a maximum of 3 (three) months or a fine of Rp. 2,500,000 (two million five hundred thousand rupiah) or with a loss value of not more than Rp. 2,500,000 (two million five hundred thousand rupiah). In addition, because since the beginning of the examination at the investigative level, it was continued with investigations and in the prosecution of restorative justice settlements that were not carried out, therefore there was no coordination between the Chairperson of the District Court and the Head of the District Prosecutor's Office and the Chief of Police in carrying out the transfer of files related to settlement through restoration justice.

Therefore, after receiving the delegation of cases the Panel of Judges immediately examined the case files for evidence and witnesses by not presenting the perpetrators, victims, families of the perpetrators, families of the victims and related parties on the day of the trial in advance, and there was no situation where the Head of Court appointed a single judge with pay attention to the value of goods or money that is the object of the case. If since the beginning of the investigation, investigation, prosecution efforts have been made to restore justice, based on the coordination of the Head of the Court with the Head of the District Attorney and the Head of the Criminal Investigation Police, of course the Head of the Court will appoint a single judge who within a period of time (1x 24 hours) to examine, try and decide the case with the rapid examination procedure regulated in Articles 205-210 of the Criminal Procedure Code does not stipulate that the Panel of Judges will examine and decide on the case. Although in the case of the defendant Wari Gunawan bin Ngatimin, efforts to settle out of court have begun with reconciliation between the perpetrator, the victim, the family of the perpetrator/victim, and related community leaders who are litigating with or without compensation, but the case was not resolved through restorative justice.

Case Number: 157/Pid.B/2021/PN Kbu. Settlement of cases through restoration of justice, which is an effort to settle cases outside the court, cannot be implemented. The failure to carry out the restoration of justice in the criminal case that was carried out by Wari Gunawan bin Ngatimin as a result of obstacles in the implementation of the restoration of justice. The obstacles at each level of case examination are as follows: Obstacles at the investigation and investigation level, the implementation of Restoration Justice is due to the lack of fulfillment of the victims' rights and the responsibilities of the perpetrators as stipulated in 6 paragraph 1 letter b Regulation of the Head of the State Police of the Republic of Indonesia Number 6 of 2019. This provision has not been fulfilled by the suspect. In this case, the perpetrator and/or his attorney, the victim, the perpetrator's family, the victim's family or other related parties do not submit a written application to the Head of the Resort Police and/or Sector Police Chief. By not making and submitting a written application for settlement of justice restoration, the provisions of Article 13 of the Regulation of the Head of the Indonesian National Police Number 6 of 2019 will not be fulfilled.

Wari Gunawan bin Ngatimin did not settle cases at the investigation and investigation level, this illustrates that returning losses received by victims is the main obstacle not resolving this case through restoration of justice at the investigation and investigation level even though peace between the perpetrators and the victims has been made. Apart from that, the failure to prepare and submit a letter of request from the perpetrator, victim and related parties is an obstacle to not carrying out a settlement through restoration of justice. There are obstacles in resolving this case at the investigation and investigation level as a result of a lack of understanding from the parties involved in this case both the suspect and/or legal counsel, the suspect's family, the victim, the victim's family and related parties as well as investigators and/or investigators regarding the terms and procedures for settling criminal acts through the restoration of justice at the investigation and investigation level.

Obstacles at the level of prosecution for the implementation of the Justice Restoration, which became an obstacle to not terminating the case according to the restoration of justice, were due to the value of the loss above Rp. 2.500.000,-. Even though in the Attorney General's Regulation of the Republic of Indonesia Number: 15 of 2020 there is a casuistic loophole in applying the losses suffered by the victim, the public prosecutor does not exercise his authority to consider and with the approval of the Head of the District Attorney's Office or the Head of the District Attorney's Office so that the prosecution of this case can be terminated based on restorative justice as regulated in Article 5 paragraph 2 Prosecutor's Office Regulation of the Republic of Indonesia Number: 15 of 2020.

Barriers to implementation at the prosecution level aside from the lack of understanding of the rules governing settlement at the prosecution level by suspects and/or legal advisors, families of suspects, victims, families of victims and related parties as well as investigators and/or investigators, there are also subjective factors from the Public Prosecutor, namely whether there is a desire or reluctance resolve this criminal case using the restoration of justice at the prosecution level. As for the obstacle not to carrying out the settlement of cases through the restoration of justice approach at the level of examination in court because, since the beginning of the case at the level of investigation and investigation and prosecution, efforts to restore justice have not been carried out. The obstacles to resolving this case through the restoration of justice at the court level are not even as a result of not being understood and/or there is no desire or reluctance from

the court to make a settlement through the restoration of justice, but in terms of settlement at the court level it is also influenced by previous efforts to resolve the restoration of justice at the investigation level. investigation and prosecution.

CONCLUSION

North Lampung has a cultural philosophy called *Piil Pesenggiri*. *Piil Pesenggiri* are philosophical items derived from the traditional books adopted in ulun lampung, including the Kuntara Rajaniti, Cempala and Keterem books. The teachings of the books are taught by word of mouth through the narratives of traditional leaders from generation to generation. In *Piil Pesenggiri*, there are values and norms that regulate the living system of the Lampung people as social beings. This *Piil Pesenggiri* includes noble and essential values that show the personality and identity of the Lampung community itself, because the noble values in the philosophy of life are in accordance with the living reality of the Lampung people. In solving problems in the community with the existence of *Ippun Aneg* is intended as a guide in dealing with and / or solving problems that arise in the community. *Ippun Aneg* is like a restoration of justice for this diera. Case number: 157/Pid.B/2021/PN. At the level of investigation and investigation, even though there has been peace between the perpetrator and the victim of the completion of criminal acts through restoration justice, it cannot be carried out. In addition to the letter of indemnity, compensation must also be fulfilled to the victim so that the original state of affairs is reborn which indicates that there is no more loss and resentment between the perpetrator, the victim, the family and the community.

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