



JILS (JOURNAL *of* INDONESIAN LEGAL STUDIES)

Human Rights Issue in Various Context: National and Global Perspective

Published by Faculty of Law, Universitas Negeri Semarang, Indonesia
Volume 6 Issue 1, May 2021 ■ ISSN (Print) 2548-1584 ISSN (Online) 2548-1592

BOOK REVIEW

LOOKING FOR JUSTICE FOR THE PEOPLE: A BOOK REVIEW "*KEADILAN RESTORATIVE*", YOACHIM AGUS TRIDIATMO, 2016, 83 PAGES, CAHAYA ATMA PUSAKA ISBN 9786027821491

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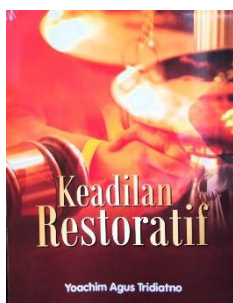
Submitted: Nov 19, 2019 Revised: January 20, 2020 Accepted: Dec 9, 2020

ABSTRACT

In the first chapter of this book the author presents a summary of several cases that intersect with justice that have occurred in Indonesia. One summary of a case of justice that has occurred and has received a lot of attention is the case of the father of the senses who travelled 900 kilometers which took 22 days to go to the Indonesian capital, Jakarta to meet with President Susilo Bambang Yudhoyono. He decided to meet with President Susilo Bambang Yudhoyono

because he wanted to present the case of injustice, he had received for 15 years.

Keywords: Restorative Justice, Law



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ON THIS OCCASION, I will review a book with the title "*Keadilan Restoratif*" written by Mr. Yoachim Agus Tridiatmo. He is a lecturer in personality development at Yogyakarta Atmajaya University. Basically, this book discusses justice and focuses on restorative justice. When I first read and studied this book, I was very impressed because in the first chapter this book is different from most books. In the first chapter of this book the author presents a summary of several cases that intersect with justice that have occurred in Indonesia. One summary of a case of justice that has occurred and has received a lot of attention is the case of the father of the senses who traveled 900 kilometers which took 22 days to go to the Indonesian capital, Jakarta to meet with President Susilo Bambang Yudhoyono. He decided to meet with President Susilo Bambang Yudhoyono because he wanted to present the case of injustice, he had received for 15 years. This case began in the accident that befell her child. Because his goal was questioned by the president, he expressed his disappointment by expressing his complaints in front of the gorilla statue in the Ragunan which then captured the public's attention and was highlighted by the mass media. This chapter presents a large collection of other stories that have also captured the attention of the public and the mass media. Enter the second chapter of this book. The author describes the

theory of justice. In this chapter there is a definition of justice according to Karl Pseck (1994: 131-235) cited in this book. Justice is a condition where a person or community gets what is rightfully theirs or theirs. From this definition explains that there is justice that is individual or individual and group justice or communitarian justice. Later in this chapter also explains the kinds of justice, as following:

1. *Attributive justice*, which is a condition where a person gets whatever is inherent in himself as his attribute, including attributes as a human being.
2. *Commutative justice*, namely justice which states that the exchange of goods and services must follow the principle of equal value of the goods and services exchanged.
3. *Distributive justice*, namely justice which argues that the advantages and burdens of organizations, communities, and social groups must be distributed proportionally to all members of the organization, community, and social groups.

Some types of justice above are only a small part that I quoted from this book. And in chapter 2 this book also explains the retributive justice and some of the concepts outlined.

In the next chapter, chapter 3 explains *Restructive justice*, which is a form of justice centered on the needs of victims, perpetrators of crime, and the community. In this section, it also explains when the emergence of the term *restorative justice*, in the writings of Colson and Van Ness (1990), Mackey (1981, 1992) and several other figures, is also mentioned in this book. Later in this chapter also explains the basic principles of alternative justice. First, *restorative justice* prioritizes recovery or restoration for all parties affected by the crime. The second principle relates to the ideals of recovery. The third principle says *restorative justice* pays attention to obligations and responsibilities. In this third chapter it also explains the new paradigm and the four pillars of *restorative justice* in this chapter. I feel that the author describes it with uncomplicated language so that it is easily understood by beginner readers, although with language that is easily understood, the writer describes it very

fully so that it can expand knowledge the reader without having to examine it so deeply.

In the next chapter, the fourth chapter, the writer explains about restorative justice in carrying out its activities. In the initial part the author explains that the principles of restorative justice are based on the view that human life in society is relational which means it always has a relationship. Continues to the next sub-chapter where the author tries to convey about the three differences in the procedure of practicing restorative justice. First there is a meeting between victims and families, perpetrators of crime, and facilitators as community representatives. Second, in restrictive justice the perpetrators are not required to pay for criminal acts in the form of punishment and suffering from illness. Third, the decisions relating to the way the perpetrators of crime provide accountability or compensation and restitution are determined together. This chapter also explains justice for all parties from the perspective of the author.

In this chapter the author also explains about justice for all parties. Where the author states that countries with a system of law and justice that have not been able to run fairly, restorative justice should be more appropriate to be applied than retributive. According to him restorative justice will easily teach people to easily forgive those who are guilty and commit violence. The community, community and community also play a role. Crimes must not be taken over by the State through a judicial process which then gives the punishment to the perpetrators, while the victims and the community are ignored. So, the community, community, and community must be actively involved in solving the problems of crime that exist. The author, Yoachim also clarifies that recently there has been a deterioration in the use of *Adat* and local wisdom in resolving social cases, according to him small cases that should be resolved by deliberation do not have to be resolved in court which creates social rifts. According to the author of this book, training is also important for activists, volunteers, community leaders, communities, and communities about the principles and practices of restorative justice. Even in this section the author adds several scenarios about

restorative approaches and justice. According to him training must be done because in real life there are many cases that need to be restored and confirmed. In fact, he also argues that if the choice of diction of the spoken words needs to be trained so that it is always to restore and strengthen relations, rather than being provocative and igniting arguments, this can also be said as advice for millennials in speaking so as not to cause something that refers towards division.

This section is one of the interesting parts for the reader because it alludes to one of the sensitive things that is related to religion. At the beginning of this chapter the author explains about restorative justice in a cultural perspective which is divided into several sections. The first discussion discussed the inspiration of aboriginal practice. The concept of restorative justice received various inspirations from the practices of aboriginal justice (indigenous people) such as New Zealand, North America, Canada, Australia, which he quoted from a 1999 Hudson's book. this was eliminated and sometime later it was dug up and revived and developed into restorative justice. What is interesting in this sub-chapter the author gives several examples of the application of cases of restorative justice in various countries such as one of the Maori populations in New Zealand. And according to the writer's writings that have been described quite long and clear, he draws a common thread if it is from the practices of the aboriginal people or indigenous tribes that the principles of restorative justice were born.

Then in the next sub-chapter the writer re-explains the practices related to the culture of restorative justice but the context in Indonesian customs. He believes that restorative justice practices are not only found abroad but can also be found in Indonesia. As in the previous section the writer always gives examples of cases to deepen the understanding of the reader. One of them is the customary dispute practice that applies the restorative principles found in the Lamaholot community, Nusa Tenggara Timur (Karolus Kopong medan, 2012). Indonesia is rich in customary law which is still widely applied in many places. According to him, one of the strong features of the customary law in adjusting disputes is to prioritize deliberation and

consensus in order to maintain harmony. In most cases the disputing parties forgive one another and are not in a hurry to bring the dispute to the State court. Therefore the relationship between the parties to the dispute remains good and harmony in the community is maintained. From the writings of this writer, I have captured the meaning of restorative justice, which so far has apparently grown and developed and carried out by the previous community in handling existing cases without the interference of government justice. Even in this book, several regional terms that describe the existence of restorative justice principles such as "*rukun agawe sentosa*", "*sepikul seghendongan*" and many others, in my opinion are very complete and clear even though [unexplained using language that is easily understood and very short without having to translation and long and wordy.

Then the most anticipated sub-chapter is restorative justice in a religious perspective. In the beginning I said that this is one of the sensitive things, why would I say that? Because every religion has a conflicting understanding which often becomes a fight between religions that often happens in Indonesia lately. But in this book the author emphasizes more on the point of view of Christianity, in my opinion this is very unfortunate because many religions in Indonesia that I believe must understand restorative justice or at least there are principles of restorative justice in it that need to be examined in detail and in depth. He mentions (Clarence Jordan, 1992; 32-34) writes that religions show how God continually encourages his increasingly civilized people in responding to violence and crime. Because in this sub-chapter emphasizes Christianity again the author includes several examples in the form of verses in the Bible which can be used as a reference. But there are several authors' writings that discuss this from an Islamic point of view. In Islam, forgiveness is also an important virtue, which flows from the power of God. The Prophet Muhammad is one of the figures who deserves to be emulated because he succeeded in manifesting the spirit of forgiveness or forgiveness. In Islam the principle of restorative justice is demonstrated in the celebration of the Eid al-Fitr which is required to

forgive one another, this shows that the Islamic religion has a restorative principle that has been going very well in its application.

In Hinduism there is indeed no special attention to the spirit of forgiveness, but there are stern warnings about the circle of retribution. But the word forgiveness is often found in the Hindu religious books themselves. In summary, it can be said that the restorative principle, according to the author, emphasizes the recovery of victims, perpetrators, and the community has become a concern for religions because its principles tend to be in harmony with religious zeal.

Finally, we come to the last chapter of this book, which is chapter 6. In this chapter the author discusses restorative justice in the future. On the first page of this chapter the author writes about the case of justice that occurred in 2015. In this chapter the author says if the paradigm needs to be changed in addressing the existing problems. The emergence of restorative justice that is rapidly developing is expected to be a milestone to get rid of distributive justice. After reading this book I can conclude that this book does not explain the restorative justice entirely but also discusses other justice. The advantage of this book is that this book includes many cases of judicial cases that have existed and explained in language that is very easy for ordinary people to understand when reading in addition to explanations that are not so long and long-winded but subject to the core points of the discussion.

DATA of BOOK

Author	: Yoachim Agus Tridiatmo
Published Year	: 2016
Title	: Keadilan Restoratif
Language	: Indonesia, <i>Bahasa</i>
Publisher	: Cahaya Atma Pustaka
ISBN	: 978-602-7821-49-1
Page	: 83pages

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