

## WORLDWIDE

Amsterdam Ankara Antwerpen Asti Athens Athens Auckland Bangkok Bangkok Belgrade	ESSAY ON OR PILLS OF RESTORATIVE JUSTICE PRACTICE IN INDONESIAN CRIMINAL JUSTICE SYSTEM AND ITALIAN CRIMINAL JUSTICE SYSTEM
문 문 <u></u> 목 목 목 문 목 문	<b>RESTORATIVE JUSTICE IN INDONESIA</b> , written by Prof Adv. STEPHAN HUTAGAOL
Berlin Birkirkara Bolgorià Bologna Brothslava Brighten Bruxelles Buchartest Buchartest	<ol> <li>In indonesia we don't have specific Law and Government Regulation regarding Restorative Justice;</li> </ol>
Casablarinca Castelo Branco Cleritulegos Curitula Daha Dubari Dubari Erpe-Nere Ferrara	<ol> <li>We do have direction and guidanceon how to apply Restorative Justiceprinciples on sectorial basis. (Meaning that basically it's sectorial basic regulation).</li> <li>FOR EXAMPLE:</li> </ol>
20	<ul> <li>a. the Chief Police of Indonesia regulated their own Restorative Justice direction and guidance <u>applied for the police investigation process.</u></li> </ul>
Ferrol Fukuoka Genova George Town Gorizia Guadalajara Guatemala Guatemala	<ul> <li>b. the Public Prosecutor also regulated their own Restorative Justice direction and guidance <u>applied for the prosecution process</u>.</li> <li>c. the General Court and the Supreme Court also regulated their own Restorative Justice</li> </ul>
Hanoi Hanoi Helsinkie Hong Kong Honolulu Istanbul Istanbul Istanbul Kampala Kaunas	direction and guidance applied for Court proceedings in their jurisdiction
	<b>3.</b> In Indonesia the Police investigation process is the entry for our Criminal Justice System. Therefore, the Police Regulations for Restorative Justice are likely to be applied in practice.
Kinshasa Klagenfurt Kuala Lum Lagos Lisbon Lisbon Lisbon Lisbon Lisban Lisban Lisban Lisban Lisban Lisban	4. The Police Regulations for Restorative Justice in Indonesia.
(inshasa (ingenfurt (ucia lumpur Jisbon Jisbon Jiubjana Jubjana Jubjana	<ul> <li>a. In year 2012, Restorative Justice applies for settlement of <u>minor criminal offences.</u></li> <li>b. In year 2015, in Child criminal justice System, we have " DIVERSI", which means settlement of <u>child cases</u>, transfer from the criminal justice process to the settlement outside criminal</li> </ul>
Lublin Malaga Manita Mantova Mantova Milan Milan Malan Monterrey	justice process. "DIVERSI" is quite similar to Restorative Justice approch. c. In year 2018 e 2019 Restorative Justice applies for settlment of general criminal acts, <u>except</u>
	<ul> <li>for drugs related criminal.</li> <li>d. In year 2021, Restorative Justice applies the same with 2018-2019, but there are additional requirements for criminl relted to:</li> </ul>
Montheal Mareila Mussow Munich Munich Nairobi Naples Naples Naples Naples	I. Terrorism; II. National Securuty; III. (iii) Corruption
Nuremberg Orange County Osaka Otsaka Paris Paris Pachuca Piolești Progue Progue	<ul> <li>IV. Criminal offences against people's lives.</li> <li>5. In practice for Account Receivable (AR) claim settlement , the creditos has options wheather to claim trough civil law ( court proceedings) or through criminal law ( police criminal report ) against the debtor through fraud and /or embezzlement criminal offences.</li> </ul>
Pula Puebla Quothe Bornes Rabat Riga Riga Rone Janeiro Rome Rame Rame Rame	<b>6.</b> Because of this Restorative Justice applies for settlement of general criminal acts including fraud and/or embezzlement criminal offences, many had chosen this criminal approach to "force" the Debtor to remit payment to the creditor as WIN WIN settlement solution, otherwise the Debtor potentially will likely to be arrested, detained and prisoned. The win win settlement
Secul Sherzhen Sichey Singapore Stockholm Strasbourg Talpei Talpei	solution is possible in our criminal justice system through Restorative Justice approach.
	<b>7.</b> Arrest, detain, and prison, are leverages in our criminal justice system, and Restorative Justice approach make these even more possible to settled legally.
Tel Avív Tenerife Torkýo Torký Tento Tuxtra G. Ucline Valencia	

Varna Venice Vicenza Vienna Viinius Windhoek Zagreb



## WORLDWIDE

Amsterdam Antwarpen Asti Athens Auckland Bangalore Bangalore Bangalore Bangalore	RESTORATIVE JUSTICE IN ITALY written by adv Paola Turello
de de	DEFINITION OF RESTORATIVE PROCESS ( from United Nations basic principles on the use of
	Restorative Justice problems in criminal matters 24.07.2002):
Berlín Birkírkara Bologna Bratislava Bratislava Brighton Bruxelles Bucharest Bucharest	Restorative process means any process in which the victim and the offender, and, where
Dest and a construction of the second of the	appropriate, any other individuals or community members affected by a crime, partecipate
	together actively in the resolution of matters arising from the crime, generally with the help of a facilitator.
Casablanca Castelo Bran Castelo Bran Curitiba Doha Doha Dubai Dubai Duban Erpe-Mere Ferrara	Restorative processes may include mediation, conciliation, conferencing and sentencing circles.
Casablanca Castelo Branco Clenfuegos Quibia Duban Erpe-Mere Errara	In italy we don't have a general BODY OF LAWS about Restorative Justice, so we follow indications
	of U.N PRINCIPLES and EU sources of law like DIRECTIVES and RECOMANDATIONS .
Ferrol Funchal Genrote Twin Georizia Guadalajarra Guatemala Guatemala	EUROPEAN COUNCIL RECOMANDATION n. 19/1999 : Restorative Justice is ALTERNATIVE DISPUTE
errol Lucchal George Town Soriza Suadalajara Suatemala	RESOLUTION instead of criminal trial.
la wh	In this form of ADR defendant/ offender and victim are active voluntary participants of
	the agreement to be settled with the support of an impartial and professional facilitator or
Hana Hana Hong Samp Kamp	mediator. The agreement is the result of mediation and it's not a criminal judgement.
Hanoi Harare Helsinki Heng Kong Honolulu Istanbul Jakarta Jakarta Kampala	
	UE DIRECTIVE n. 29/2012. This directive is focused on victim and his rights.
	In Italy with the recent LAW of reform of criminal proceeding LAW n.134/2021 the Parliament
Kinshasa Klagenturt Kuala Lump Lagos Lagos Lisbon Lisbon Lisbon Lisbon Lushana Lushana Los Angeles	asked the Goverment to choose the forms and methods to enforce the CRIMINAL MEDIATION. WORK OF GOVERNMENT IS IN PROGRESS!!!! (LOOK AT CARTABIA Reform law)
Kinshasa Kuaganturt Kuala Lumpur Lagos Lisbon Lisbon Lima Libljana Losi Angeles	WORK OF GOVERNMENT IS IN PROGRESS !!!! (LOOK AT CARTADIA REIOTHTIAW)
Ę	FEATURING CRIMINAL MEDIATION.
	- informing victim and offender about local programs of mediation, sponsored by local
ublin Manila Mantova Mantova Milam Milan Modena Monterrey	AUTHORITIES (Provinces and Municipalities and Regions through social services)
	- voluntary consent of victim and offender for the agreement of solving conflict
	- confidentiality on victim's and defender's affidavit
New Nation More	- self liability of the defender for his own actions ( apologies/ making amends)
Montreal Marelia Mumbai Mumbai Munich Nairobi Nariobi Nariobi Nariobi Nariobi Nariobi	<ul> <li>victim community impact panel involving groups of victims and defenders</li> <li>family group conferencing involving relatives of victims and defenders in the program</li> </ul>
	- choosing a Facilitator or Mediator, with high professional profile in criminal law, psychological
	and social subjects.
Nurer Orang Ottaw Pachu Ploies Pragu	Mediation is accessible anytime during the trial or after it in the execution of the sentence, and the
ia e tra de Ca	failure of mediation doesn't affect negatively the offender (FAVOR REI)
Nuremberg Orange County Osaka Ortowa Paris Paris Paris Proiești Proiești Proiești Proiești Proiești	Real examples of Reparative Justice in Italy are :
	<ul> <li>Juvenile Court trial at any stage of the proceeding - probation - and- voluntary services in favor of community (helping in homes, cleaning and gardening in public gardens and streets);</li> </ul>
ula luatre ulatre ga neszov Dieszov	- Low Courts for minor offenses (COMPETENZE PENALI DEL GIUDICE DI PACE) like waste, threat,
Pula Puebla Quatte Bornes Reizat Riga Rio de Janeiro Rome Resezow San Diego	killing or wounding pets , simple battery etc
80 6	5 51 / 1 /
et alities ses sind see	BENEFITS OF CRIMINAL MEDIATION :
Seoul Shenzhen Singapore Skopje Stockholm Strasbourg Taipei Tehran	- reduces proceedings costs
n n n	- self liability of offender
	- empower social security
Tel Aviv Ternetife Toruń Trento Tuxtla G. Udine Valuz Valencia	- dismissal of crime
in the a to the stiller	
Varna Venice Vicenza Vienna Vinnus Vilnius Windhoek Zagreb	
POEK N N N N N N N N N N N N N N N N N N N	



## WORLDWIDE

Amsterdam Ankara Antwerpen Asti Althens Auckland Bangalore Bangkok Belgrade Berlin Birkirkara Bogotà Bologna Bratislava Bratislava Bratislava Bratislava Bratislava Bratislava Bruxelles Buchares Casablanca Castelo Branco Clerifuegos Curitiba Doha Duban Durban Erpe-Mete Ferrara Ferrol Fukuoka Genova George Town Gorizia Guadalajara Guadalajara Guatemala Gzira Hanoi Harare Helsinki Honolulu Istanbul Jakarta Kampala Kinshasa Kuala Lumpur Lagos Lisbon Lima Lubijana Lodi Lodi Lublin Manila Manila Maxico City Miami Milam Modena Monterrey Montreal Morelia Moscow Munich Munich Nairobi Naples New Delh Nuremberg Orange County Osaka Ottawa Paris Pachuca Ploiești Pula Puebla Quatte Bornes Rabati Riga Rio de Janeiro Rome Rome Reszow San Diego Seoul Shenzhen Sidhey Singapore Skopje Stockholm Strasbourg Taipei Tehran Tel Aviv Tenerife Tokyo Toruń Tirento Tuxtta G Udine Vaduz Valenciz Varna Venice Vicenza Vienna Vinna Vinius Windhoel Zagreb

## CONCLUSIONS

Of course in ITALY THE APPLICATION OF RESTORATIVE JUSTICE IS VERY SLOW AND DIFFICULT because it's a COUNTRY OF CIVIL LAW and the mentality to RESTORE A CRIME OR AN OFFENCE NOT ONLY ECONOMICALLY BUT ALSO ETHICALLY takes a long time to be accepted. In this form of ADR the Community has a fundamental Role, and we need a change of mentality for finding a bridge between victim and offender. As LAWYERS we won't give up this hope (success of criminal mediation).