

**PENERAPAN *RESTORATIVE JUSTICE* TERHADAP PEMBELI *HANDPHONE*
HASIL TINDAK PIDANA PENCURIAN BERDASARKAN PERATURAN
KEJAKSAAN REPUBLIK INDONESIA NOMOR 15 TAHUN 2020 TENTANG
PENGHENTIAN PENUNTUTAN BERDASARKAN KEADILAN RESTORATIF**

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INTISARI

Maraknya jual beli *handphone* bekas melalui platform digital membuka celah bagi peredaran barang hasil tindak pidana pencurian. Sering kali, pembeli tidak menyadari bahwa barang yang dibeli merupakan hasil kejahatan, sehingga berpotensi dijerat Pasal 480 KUHP tentang penadahan. Situasi ini memunculkan ketimpangan hukum, khususnya dalam pembuktian niat jahat pembeli yang sejatinya tidak berniat melanggar hukum. Penelitian ini bertujuan untuk menelaah efektivitas penerapan keadilan restoratif bagi pembeli *handphone* hasil pencurian yang tidak memiliki itikad buruk, dengan merujuk pada Peraturan Kejaksaan Republik Indonesia Nomor 15 Tahun 2020. Penelitian menggunakan pendekatan hukum normatif melalui studi kepustakaan terhadap peraturan perundang-undangan, teori hukum, dan doktrin keadilan restoratif. Hasil penelitian menunjukkan bahwa penerapan *restorative justice* dapat menjadi alternatif penyelesaian perkara yang lebih humanis dan berkeadilan, selama terpenuhi syarat seperti tidak adanya rekam jejak kriminal, tercapainya kesepakatan damai, serta restitusi terhadap korban. Kendati demikian, implementasi di lapangan masih menghadapi kendala struktural dan pemahaman yang terbatas dari aparat penegak hukum maupun masyarakat. Oleh karena itu, diperlukan formulasi kebijakan yang lebih inklusif guna memperluas cakupan keadilan restoratif bagi pihak ketiga yang tidak secara langsung terlibat dalam kejahatan, namun terdampak secara hukum.

Kata Kunci: *restorative justice, penadahan, pembeli barang curian, keadilan hukum, Perja No. 15 Tahun 2020.*

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**THE IMPLEMENTATION OF RESTORATIVE JUSTICE FOR BUYERS OF STOLEN
MOBILE PHONES BASED ON THE REGULATION OF THE PROSECUTOR'S OFFICE
OF THE REPUBLIC OF INDONESIA NUMBER 15 OF 2020 ON THE TERMINATION OF
PROSECUTION BASED ON RESTORATIVE JUSTICE**

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ABSTRACT

The widespread practice of second-hand smartphone transactions via digital platforms has inadvertently facilitated the circulation of stolen goods. In many cases, buyers are unaware that the items they purchase originate from criminal acts, thereby exposing them to prosecution under Article 480 of the Indonesian Criminal Code concerning the offense of fencing. This legal ambiguity particularly affects the burden of proving criminal intent (mens rea) on the part of the buyer, many of whom act in good faith. This study examines the applicability and effectiveness of restorative justice in addressing cases involving unsuspecting buyers of stolen mobile phones, using the framework of the Indonesian Prosecutorial Regulation No. 15 of 2020 on Termination of Prosecution Based on Restorative Justice. Employing a normative legal research method, the study analyzes statutory provisions, doctrinal theories, and restorative justice principles. The findings reveal that restorative justice can serve as a viable, humanistic alternative to conventional penal proceedings, provided that specific conditions are met—such as the absence of prior convictions, the existence of reparative actions, and mutual agreement between the parties involved. Nonetheless, the practical implementation of this approach remains limited due to structural constraints and a lack of awareness among law enforcement authorities and the public. This research underscores the need for a more inclusive policy framework that extends restorative justice principles to third-party actors who, despite lacking direct involvement in criminal acts, are inadvertently implicated under the current legal system.

Keywords: *restorative justice, fencing, criminal intent, stolen goods, Prosecutorial Regulation No. 15/2020*

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