

Abstract

The implementation of restitution can be carried out by the defendant through the prosecutor or by the defendant through the prosecutor by involving the LPSK. Based on various mechanisms, in fact it is unable to guarantee payment of restitution by the perpetrators. Facing this phenomenon, the prosecutor approached the perpetrator so that the restitution was paid. Based on this approach, the defendant can pay restitution during the trial process. The restitution money is consigned and handed over to the victim after the decision is final and binding. After being analyzed using the legal effectiveness theory of Donald Black and Anthony Allot, it was found that restitution consignments made prior to prosecution were effective. However, there is no technical uniformity in the implementation of the restitution consignment. Moreover, its implementation is also influenced by social factors. Based on the analysis with the theory of the legal system, it was found that there were obstacles in the aspects of legal structure, legal substance and legal culture. This research is a sociological legal research with a qualitative research type. The primary data of this research are the results of interviews conducted with informants who handle restitution cases at the Karanganyar District Court, Wates District Court and Sleman District Court. Secondary data in the form of primary, secondary and tertiary legal materials are obtained through literature studies. Further research data are presented in the form of narrative descriptions with inductive thinking logic. This research provides recommendations for the formation of regulations regarding the technicalities of restitution consignment including institutions that receive deposits, the amount of payment, the time of deposit and the time of submission of restitution money.

Keywords: consignment;; effectiveness; restitution