Transparent Peace Fines for Economic Crimes Policy

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ABSTRACT

The peace fine mechanism has increasingly been applied as an alternative to formal judicial proceedings in resolving economic crimes in Indonesia. However, its growing use reveals significant juridical and conceptual problems, particularly the lack of an integrated legal framework and the fragmentation of regulation across sectoral laws. These conditions generate legal uncertainty and raise concerns regarding accountability and the potential abuse of discretionary power by law enforcement authorities. This study aims to examine the normative foundation, scope, and limitations of the peace fine mechanism by focusing on the boundaries of prosecutorial authority and the implications for the principle of legality. To achieve this objective, the research applies a normative legal method with a doctrinal approach, systematically analyzing statutory instruments, including the Economic Crime Law, the Prosecutor's Law, the Anti-Corruption Law, and relevant sectoral regulations. This study produces three principal findings. First, existing sectoral legislation implicitly recognizes non-judicial settlement mechanisms; however, the Indonesian legal system does not provide a comprehensive regulatory framework that clearly delineates the criteria, procedures, and legal consequences of the peace fine mechanism. Second, the absence of such regulation generates legal uncertainty and enables large corporations to circumvent criminal liability. Third, based on these findings, the study affirms the urgent necessity for the State to formulate and enact a comprehensive Economic Criminal Law to guarantee legal certainty, accountability, and coherence in the application of both judicial and non-judicial settlement mechanisms for economic crimes.

1. Introduction

Law serves a fundamental function as an instrument for regulating social life to ensure order, balance, and justice in the fulfillment of human needs.[1] In practice, human demand for goods and services constantly encounters issues of scarcity, making economic interactions inseparable from competitive mechanisms and the

[1] Ade Azharie, 'Pemanfaatan Hukum Sebagai Sarana Untuk Mencapai Keadilan Sosial', *Lex Aeterna Law Journal*, 1.2 (2023), 72–90 https://doi.org/10.69780/LEXAETERNALAWJOURNAL.V1I2.20

potential misuse of resources.[2] In this context, legislation is required to ensure that economic activities operate fairly, do not harm the public, and provide certainty for both businesses and consumers. The State therefore plays a crucial role in defining the permissible and prohibited boundaries of economic behavior.[3]

In the historical development of Indonesian criminal law, regulatory instruments governing conduct related to economic activities were initially very limited. The Indonesian Criminal Code (KUHP) contains only a few provisions concerning economic crimes, one of which is Article 382 bis, located under the chapter on Fraud (*bedrog*).[4] The limited scope of regulation prompted the Dutch colonial government to issue the *Wet op de Economische Delicten* (WED) in 1950. After Indonesia gained independence, this regulation was adopted through the principle of concordance and subsequently enacted as Emergency Law Number 7 of 1955 on the Investigation, Prosecution, and Adjudication of Economic Crimes (the Economic Crime Law).[5]

The Economic Crime Law was introduced based on the consideration that economic violations are complex and are often perceived by business actors as routine business risks (*bedrijfsrisico*), thereby requiring a more effective law enforcement mechanism.[6] The Law also affirms that economic crimes have the potential to cause substantial losses to the national economy while generating significant benefits for the offenders, thereby making a repressive approach through imprisonment and fines essential to create a deterrent effect.[7] Initially, the scope of economic crimes covered the supervision of goods, price control, rice distribution, rice milling, and foreign exchange.[8] However, over time, economic crimes have expanded to include offenses in the fields of trade, banking, capital

[2] Hani Riadho Nasution and Abd. Harris, 'Kedudukan Konsumen Dalam Hubungan Hukum Dengan Pelaku Usaha Di Indonesia', *Locus Journal of Academic Literature Review*, 4.6 (2025), 470–84 https://doi.org/10.56128/LJOALR.V4I6.572

[3] Iskandar Laka, 'Tindak Pidana Lingkungan Sebagai Tindak Pidana Ekonomi Dalam Sistem Hukum Pidana Indonesia', *Justice Pro: Jurnal Ilmu Hukum*, 4.2 (2020), 108–20 https://doi.org/10.53027/JP.V4I2.228

[4] Zaka Firma Aditya, 'Tindak Pidana Ekonomi Serta Pengaturannya Dalam Sistem Hukum Indonesia ', *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 8.1 (2019), 37 https://doi.org/10.33331/RECHTSVINDING.V8I1.305

[5] Daffa Abiyoga, Ivan Taffarel, and Donny Arjun, 'Studi Pemetaan Hukum Tindak Pidana Ekonomi Di Indonesia', *COURT REVIEW: Jurnal Penelitian Hukum (e-ISSN: 2776-1916)*, 1.1 (2021), 1–12 https://doi.org/10.69957/CR.V1I1.15

[6] Tinjauan Yuridis Terhadap Tindak Pidana Pencurian Aliran Listrik di Kota Makassar, 'Tinjauan Yuridis Terhadap Tindak Pidana Pencurian Aliran Listrik Di Kota Makassar', *Indonesian Journal of Intellectual Publication*, 5.3 (2025), 373–78 https://doi.org/10.51577/IJIPUBLICATION.V5I3.802

[7] Henry Afrillo and Hudi Yusuf, 'Analisis Peran Hukum Pidana Dalam Penanganan Tindak Pidana Ekonomi Melalui Evaluasi Regulasi Dan Praktik', *Jurnal Kajian Hukum Dan Kebijakan Publik | E-ISSN : 3031-8882* , 2.2 (2025), 799–804 https://doi.org/10.62379/PWZ1X297

[8] Hendy Sumadi, 'Kendala Dalam Menanggulangi Tindak Pidana Penipuan Transaksi Elektronik Di Indonesia', *Jurnal Wawasan Yuridika*, 33.2 (2015), 175–203 https://doi.org/10.25072/JWY.V33I2.102

markets, insurance, labor, environmental protection, mining, and even technology based crimes.[9] Nevertheless, debates have emerged regarding whether corruption offenses can be classified as economic crimes, given that corruption also involves losses to state finances and the national economy, and intersects with various sectoral statutes.[10]

This tension arises because Article 1 paragraph (3) letter e of the Economic Crime Law allows violations contained in other statutes to be categorized as economic crimes, insofar as those statutes explicitly designate them as such.[11] Conversely, the Anti-Corruption Law operates as a *lex specialis* that has absorbed several criminal provisions of the Criminal Code. This normative configuration generates ambiguity in the relationship between the Economic Crime Law and the Anti-Corruption Law, particularly with respect to the differentiation of protected legal interests and the delimitation of their respective sanctioning regimes.[12]

Another juridical issue emerged following the amendment of the Prosecutor's Law through Law Number 11 of 2021, which grants the Attorney General additional authority to employ the "peace fine " instrument in handling criminal offenses that cause losses to the national economy.[13] This provision generated new debates, particularly because the Economic Crime Law had already recognized an alternative settlement mechanism through fines and disciplinary measures.[14] However, the formulation in the Prosecutor's Law generates ambiguity regarding the limits and mechanisms of its application, and creates potential normative conflicts related to the use of the opportunity principle, its relationship with penal mediation, and the concept of *ultimum remedium* in various sectoral laws such as taxation, customs, and environmental protection.[15]

Several related studies have been conducted previously, including research by Ronal Hasudungan Sianturi. His study generally explains that the implementation

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[9] Vanya Quinta Husin and others, 'Analisis Faktor Yang Mempengaruhi Terjadinya Tindak Pidana Ekonomi: Studi Pada Tindak Pidana Korupsi Di Indonesia', *Jurnal Hukum Lex Generalis*, 6.7 (2025) https://doi.org/10.56370/JHLG.V6I7.1986

[10] Richard Tulus, Eko Soponyono, and Laila Mulasari, 'Rekonstruksi Kebijakan Hukum Pidana Dalam Upaya Penanggulangan Tindak Pidana Ekonomi (Studi Kasus Terhadap Tindak Pidana Penimbunan Pangan)', *Diponegoro Law Journal*, 5.2 (2016), 1–18 https://doi.org/10.14710/DLJ.2016.10753

[11] Muhammad Syuhada, 'Tinjauan Aspek Hukum Pidana Ekonomi, Administratif Dan Pendekatan Restoratif Pada Kasus Pt. Bank Lippo. Tbk', *Jurnal Impresi Indonesia*, 2.6 (2023), 505–17 https://doi.org/10.58344/JII.V2I6.2864

[12] Maulana Abdul Azis Lubis and others, 'Analisis Yuridis Penegakan Hukum Terhadap Tindak Pidana Ekonomi', *DIKTUM*, 2.1 (2023), 155–63 https://doi.org/10.46930/DIKTUM.V2I1.3845

[13] Manifestasi Kewenangan and others, 'Manifestasi Kewenangan Kejaksaan Dalam Penerapan Denda Damai Dalam Tindak Pidana Ekonomi Guna Mengubah Tatanan Sosial Masyaraka', *The Prosecutor Law Review*, 1.2 (2023), 20–35 https://doi.org/10.64843/PROLEV.V1I2.11

[14] Syuhada.

[15] Maulana Abdul Azis Lubis and others.

of *peace fine* for individuals suspected of committing corruption is inappropriate, contradicts Law Number 20 of 2001 concerning the Amendment to Law Number 31 of 1999 on the Eradication of Corruption, as well as Law Number 11 of 2021 on the Prosecutor's Office of the Republic of Indonesia, and ultimately generates legal uncertainty in law enforcement. [16] However, this study does not yet provide an in-depth explanation of the urgency to reformulate the regulatory norms governing peace fine and the settlement of economic crimes outside the judiciary in a manner that ensures legal certainty and fairness. Rolando Ritonga, in his research, examines the prosecutorial authority in implementing peace fine for economic crimes. His study generally argues that the application of peace fine in cases of economic crimes that harm the national economy does not constitute an abuse of authority, because such authority is inherently vested in the highest leadership of the prosecution service, namely the Attorney General.[17]

Baren Sipayung analyzes the urgency of implementing peace fine in economic crimes in Indonesia by examining reforms introduced by the new Criminal Code and relevant international practices. His study explains that a comprehensive and structured regulatory framework is needed to ensure legal certainty and prevent deviations in its application. However, these three prior studies do not offer a normative framework for reexamining the construction of economic crime norms, the relationship between the Economic Crime Law and other *lex specialis* statutes, or the implications of implementing peace fine.[18]

The regulation of economic crimes in Indonesia continues to encounter substantial conceptual and juridical challenges. The increasing complexity of inter-statutory relationships, the expanding scope of economic offenses, and the introduction of new settlement mechanisms such as the peace fine necessitate in-depth analysis to ensure systemic coherence within criminal law and legal certainty in its enforcement.[19] Therefore, it is essential to reexamine the normative construction of economic crimes, the relationship between the Economic Crime Law and other *lex specialis* statutes, and the implications of implementing peace

[16] Ronal Hasudungan Sianturi, Ahmad Feri Tanjung, and Rony Andre Christian Naldo, 'Kepastian Hukum Implementasi Denda Damai Untuk Perkara Tindak Pidana Korupsi: Legal Certainty in the Implementation of Peaceful Fines for Corruption Crime Cases', *Jurnal Ilmiah Penegakan Hukum*, 12.1 (2025), 41–47 https://doi.org/10.31289/JIPH.V12I1.14093

[17] Manifestasi Kewenangan and others, 'Manifestasi Kewenangan Kejaksaan Dalam Penerapan Denda Damai Dalam Tindak Pidana Ekonomi Guna Mengubah Tatanan Sosial Masyaraka', *The Prosecutor Law Review*, 1.2 (2023), 20–35 https://doi.org/10.64843/PROLEV.V1I2.11

[18] Baren Sipayung and others, 'Denda Damai Dalam Tindak Pidana Ekonomi: Perspektif KUHP Baru Dan Perkembangan Internasional', *JIIP - Jurnal Ilmiah Ilmu Pendidikan*, 8.2 (2025), 2014–21 https://doi.org/10.54371/JIIP.V8I2.7014

[19] Nakzim Khalid Siddiq and Lalu Panca Tresna D, 'Denda Damai: Hukuman Tanpa Pembuktian | Peace Fines: Punishment Without Proof', *Journal Of Community Engagement*, 6.2 (2025) https://doi.org/https://doi.org/10.47679/ib.20251130

fine for the effectiveness of law enforcement and the protection of the national economic interest.

2. Research Method

This study employs a normative (doctrinal) legal research method, focusing on the analysis of the normative construction of economic crimes, the interrelationship among sectoral statutes, and the position of the *peace fine* concept within Indonesia's criminal law system.[20] This study employs a doctrinal approach to examine primary legal sources, particularly Emergency Law Number 7 of 1955 on Economic Crimes, the Anti-Corruption Law, and Law Number 11 of 2021 on the Prosecutor's Office. The analysis identifies governing principles, the scope of economic offenses, enforcement authorities, and potential normative conflicts in the regulation of economic crimes and the *peace fine* mechanism. In addition, the study reviews secondary legal materials, including academic literature, scholarly journals, and prior research on economic crimes and the development of the WED and the Economic Crime Law. These sources enable the mapping of historical dynamics and doctrinal evolution of economic offenses and the assessment of the *peace fine* as a case-resolution instrument. Through an interpretive and comparative framework, the study formulates conceptual and policy recommendations to strengthen regulatory integration, clarify the limits of prosecutorial authority, and ensure legal certainty and fairness in the non-judicial settlement of economic crimes.[21]

3. Results and Discussion

The Concept of Peace Fine in Criminal Law

The new Criminal Code (KUHP), enacted in 2023, introduces substantial reforms to Indonesia's criminal law, particularly in the regulation of peace fine for economic crimes.[22] These reforms not only expand the types of offenses that may be resolved through peace fine , such as fraud, corruption, and intellectual property violations, but also increase the amount of fines and clarify the procedures for their application.[23] The application of peace fine within Indonesia's criminal law system, which coincides with the reform of the death penalty in the new Criminal Code, reflects an effort to reduce reliance on the most severe forms

[20] Aristo Marisi Adiputra Pangaribuan, 'Metode Wawancara Dalam Penelitian Hukum Doktrinal Dan Sosio-Legal', *Undang: Jurnal Hukum*, 6.2 (2023), 351–83 https://doi.org/10.22437/UJH.6.2.351-383
[21] Matthew Mitchell, 'Analyzing the Law Qualitatively', *Qualitative Research Journal*, 23.1 (2022), 102–13 https://doi.org/https://doi.org/10.1108/QRJ-04-2022-0061
[22] Diaz Jorge Pratama, Nuraliah Ali, and Satriya Nugraha, 'Studi Tentang Implikasi Pertanggungjawaban Pidana Korporasi Sebagai Pelaku Kejahatan Ekonomi', *MORALITY: Jurnal Ilmu Hukum*, 11.1 (2025), 158–71 https://doi.org/10.52947/MORALITY.V11I1.937
[23] Rodliyah Rodliyah, Any Suryani, and Lalu Husni, 'Konsep Pertanggungjawaban Pidana Korporasi (Corporate Crime) Dalam Sistem Hukum Pidana Indonesia', *Journal Kompilasi Hukum*, 5.1 (2021), 191–206 https://doi.org/10.29303/JKH.V5I1.43

of punishment.[24] This mechanism offers a more humane, efficient, and recovery oriented alternative that emphasizes restoration, reconciliation, and respect for human rights by resolving cases through the payment of fines and internal corrective measures.[25] This approach becomes part of a more selective legal process capable of responding to evolving social dynamics.

In general, peace fine is understood as the payment of a sum of money to the state as a means of resolving the losses caused by the offender's conduct, without undergoing a judicial process.[26] In the context of economic crimes, this mechanism constitutes a form of non-judicial settlement aimed at efficiency, recovery of state losses, and avoidance of lengthy litigation processes.[27] The concept of peace fine is rooted in Alternative Dispute Resolution (ADR) within modern economic law systems, where administrative settlements or financial negotiations serve as alternatives to conventional criminal penalties.[28] The implementation of the peace fine is intrinsically connected to the principle of *opportunitas,* which forms an inherent component of the Attorney General's prosecutorial authority.[29] This principle grants the Attorney General the authority to set aside cases in the public interest, including through out of court settlements. Accordingly, peace fine is implemented through an agreement between the Prosecutor's Office and the offender, without bringing the case to court.[30]

In practice, this authority may be delegated to the High Prosecutor or the Head of the District Prosecutor's Office.[31] The principle of *opportunitas* serves as the basis

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[24] M. M.Naeser Seldal and Ellen K. Nyhus, 'Financial Vulnerability, Financial Literacy, and the Use of Digital Payment Technologies', *Journal of Consumer Policy*, 45.2 (2022), 281–306 https://doi.org/10.1007/S10603-022-09512-9

[25] Gita Ayu Ajeng Septianingrum, Putri Nabila, and Siti Nurhayati, 'Teknologi Dan Kepatuhan Hukum (Tantangan Dan Strategi Dalam Sosiologi Hukum)', *Jurnal Humaya: Jurnal Hukum, Humaniora, Masyarakat, Dan Budaya*, 4.1 (2024), 47–62 https://doi.org/10.33830/HUMAYA.V4I1.8156

[26] Andi Marlina and others, 'The Urgency of Reformulating the Handling of Petty Corruption through a Peaceful Fine Scheme in Indonesia', *Al-Jinayah : Jurnal Hukum Pidana Islam*, 11.1 (2025), 62–76 https://doi.org/10.15642/AJ.2025.11.1.62-76

[27] Safitri Wikan, 'Penegakan Hukum Pidana Berbasis Sustainable Ecological Development Dengan Plea Bargaining Terhadap Tindak Pidana Perusakan Lahan Tambang Di Kalimantan Selatan', *DE LEGA LATA: Jurnal Ilmu Hukum*, 6.1 (2021), 49–64 https://doi.org/10.30596/DLL.V6I1.4659

[28] Mutia Aulia Apriadi and others, 'Peranan Alternative Dispute Resolution (ADR) Dalam Arbitrase Internasional Terhadap Kepastian Hukum Penyelesaian Sengketa Bisnis', *Jurnal Kajian Hukum Dan Kebijakan Publik*, 3.1 (2025), 73–80 https://doi.org/10.62379/GV7ND577

[29] Baharuddin Badaru and Corresponding Author, 'Kepentingan Umum Dalam Asas Oportunitas Pada Sistem Peradilan Pidana', *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5.2 (2023), 1737–54 https://doi.org/10.37680/ALMANHAJ.V5I2.3715

[30] Siti Mujiana Anggreani, Muhammad Mashuri, and Wiwin Ariesta, 'Asas Oportunitas Pada Kewenangan Kejaksaan Dalam Penghentian Penuntutan Perkara Pidana Umum', *Yurijaya : Jurnal Ilmiah Hukum*, 7.1 (2025), 70–86 https://doi.org/10.51213/YURIJAYA.V7I1.150

[31] Pande Komang Surya Mahesa and Ayu Putu Laksmi Danyathi, 'Penerapan Prinsip Ultimum Remedium Dalam Kebijakan Kriminalisasi Di Indonesia: Tinjauan Teoritis Dan Praktis', *Jurnal Media Akademik (JMA)*, 3.9 (2025), 3031–5220 https://doi.org/10.62281/AX2D1F19

for considering the agreed upon fine as a form of settlement, so that the offender no longer needs to receive a judicial verdict. Nevertheless, the Criminal Code (KUHP) does not explicitly regulate *peace fine* .[32] However, several provisions provide space for out-of-court settlements, including: the principle of Restorative Justice, which encourages resolution through agreements between the offender and the victim; Regulation of the Indonesian Prosecutor's Office No. 15 of 2020, which governs the discontinuation of prosecution based on restorative justice; and administrative provisions in sectoral laws that impose financial sanctions as alternatives to criminal penalties.[33]

Thus, the legal framework for peace fine remains fragmented and has not yet been fully codified.[34] In the context of Indonesian criminal law, the existence of peace fine generates a complex discourse as it intersects with the interests of criminal sanctions, law enforcement effectiveness, public protection, and the principle of substantive justice. From a normative perspective, peace fine requires clarity regarding its legal basis, limitations on its use, and accountability mechanisms to prevent deviations such as abuse of authority, legal uncertainty, and transactional practices that undermine public trust in the criminal justice system.[35] Historically, the concept of peace fine has been recognized in various sectoral regulations, one of which is Emergency Law Number 7 of 1955 on Economic Crimes (the Economic Crime Law).[36] This law provides law enforcement authorities with the discretion to impose specific fines as a form of case resolution without undergoing a full judicial process. These provisions arose from a pragmatic need to address economic violations quickly and efficiently, without necessarily resorting to imprisonment.[37] However, the flexibility afforded by the Economic Crime Law is often viewed as potentially creating broad interpretive gaps, so that the peace fine mechanism is frequently considered to lack a solid normative standard, both procedurally and substantively.[38]

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[32] Nenden Herawati Suleman, 'Perbandingan Pertanggungan Jawab Dalam Tindak Pidana Indonesia Dan Jerman', *Jurnal Ilmiah Al-Syir'ah*, 10.2 (2012), 240299 https://doi.org/10.30984/AS.V10I2.262

[33] Wikan.

[34] Dauh Puri Kelod and Putu Gede Arya Sumerta Yasa, 'Prospek Deferred Prosecution Agreement Untuk Preferensi Penegakan Hukum Administrasi Mengingat Karakteristik Administrative Penal Law Bidang Perpajakan', *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara*, 2.1 (2024), 203–40 https://doi.org/10.55292/Y090B678

[35] Eko Setiawan and Ifrani Ifrani, 'Putusan Pemidanaan Sebagai Pengganti Denda Yang Tidak Dibayar Oleh Korporasi Dalam Tindak Pidana Lingkungan Hidup', *Badamai Law Journal*, 4.1 (2019), 49–68 https://doi.org/10.32801/DAMAI.V4I1.8287

[36] Pratama, Ali, and Nugraha.

[37] Rodliyah, Suryani, and Husni.

[38] Lucia Zedner, 'Penal Subversions: When Is a Punishment Not Punishment, Who Decides and on What Grounds?', *Theoretical Criminology*, 20.1 (2016), 3–20 https://doi.org/10.1177/1362480615598830;JOURNAL:JOURNAL:TCRA;WGROUP:STRING:PUBLICATION

Regulations on peace fine are not only found in the Economic Crime Law but also in several other statutes. For example, the Forestry Law provides the option of paying administrative fines for certain violations as an alternative to criminal sanctions.[39] Under the Environmental Law, administrative settlements through fines and environmental restoration can take precedence over criminal sanctions, although they cannot fully replace criminal penalties if the violation causes severe damage.[40] The Job Creation Law also reinforces the paradigm of administrative sanctions and fines as a resolution mechanism considered more adaptive in the context of business oversight. Meanwhile, the Traffic Law provides space for fine based enforcement for minor violations as a form of limited decriminalization.[41] Although each law has distinct characteristics and objectives, they share the common feature that peace fine is positioned as a more efficient, responsive, and cost effective mechanism compared to formal criminal proceedings.[42] The Attorney General's Office affirms that Article 35 paragraph (1) letter k of Law Number 11 of 2021 on the Prosecutor's Office authorizes the use of the peace fine as an alternative mechanism for resolving economic crimes that harm the national economy. However, this authority does not extend to corruption offenses, which remain exclusively governed by the Anti-Corruption Law.[43]

Normatively, the application of peace fine across these various laws still demonstrates regulatory disparities. Some regulations provide clear limits on the types of violations that can be resolved through peace fine , the amount of fines, and oversight mechanisms, while others grant broad authority to administrative officials or law enforcement officers.[44] The absence of uniform normative standards has the potential to create inconsistencies in implementation, overlapping authorities, and the misuse of the peace fine mechanism as a form of "negotiation" outside the legal framework. From the perspective of the principle of legal certainty, this situation necessitates regulatory harmonization to ensure

[39] Faizah Anindita and Trubus Rahardiansyah, 'Analisis Yuridis Terhadap Dampak Ekonomi Dan Lingkungan Dari Tindak Pidana Korupsi Dalam Kasus Harvey Moeis', *Al-Zayn : Jurnal Ilmu Sosial & Hukum*, 3.3 (2025), 1345–52 https://doi.org/10.61104/ALZ.V3I3.1365

[40] Septianingrum, Putri Nabila, and Siti Nurhayati.

[41] Dini Ramdania, 'Eksistensi Undang-Undang Drt Nomor 7/1955 Dalam Penegakan Hukum Di Bidang Ekonomi (Economic Crimes)', *Wacana Paramarta: Jurnal Ilmu Hukum*, 20.1 (2021), 1–14 https://doi.org/10.32816/PARAMARTA.V20I1.95

[42] Muhammad Fatahillah Akbar, 'The Urgency of Law Reforms on Economic Crimes in Indonesia', *Cogent Social Sciences*, 9.1 (2023) https://doi.org/10.1080/23311886.2023.2175487;JOURNAL:JOURNAL:OASS20;WGROUP:STRING:PUBLICATION

[43] Eddy Rifai, 'Perspektif Pertanggungjawaban Pidana Korporasi Sebagai Pelaku Tindak Pidana Korupsi', *OLD WEBSITE OF JURNAL MIMBAR HUKUM*, 26.1 (2014), 87–101 https://doi.org/10.22146/JMH.16056

[44] Muhammad Rafly Chan and others, 'Pertanggung Jawaban Pidana Korporasi Dalam Kejahatan Ekonomi', *PUAN INDONESIA*, 5.2 (2024), 693–700 https://doi.org/10.37296/JPI.V5I2.306

that the application of peace fine avoids practices that contradict the principles of justice, proportionality, and public accountability.[45]

Analysis of Peace Fine Regulation in Non-Judicial Economic Crime Settlements

The essence of peace fine and out of court settlements (non-judicial settlements) in the context of economic crimes fundamentally represents an alternative legal resolution that prioritizes efficiency, the recovery of state losses, and the avoidance of lengthy litigation processes.[46] This practice is commonly found in modern economic law, such as competition law, taxation, forestry, and corporate crime. The legal basis for resolving cases outside the judicial process is the principle of *opportunitas*, which falls under the authority of the Attorney General.[47] This means that only the Attorney General can decide on out of court settlements, except when this authority is delegated to the High Prosecutor or the Head of the District Prosecutor's Office. Peace fine represents a form of resolution outside the judicial process, where cases are settled without going to trial through the payment of an agreed upon fine between the Prosecutor's Office and the offender.[48]

The regulation of *peace fine* in economic crimes represents a development in criminal procedural law that emphasizes the effective recovery of state losses through out of court settlement mechanisms.[49] This concept is rooted in the tradition of *schikking* or *strafbeschikking*, a settlement model that grants the prosecutor the authority to discontinue prosecution once the offender pays a sum of money as a substitute for criminal penalties.[50] In the Indonesian context, the normative basis of this mechanism is reflected in Article 35 paragraph (1) letter k of the Prosecutor's Law, which affirms the authority of the Attorney General to resolve criminal cases that cause losses to the national economy through the *peace*

[45] Marfuatul Latifah, 'Legalitas Kewenangan Jaksa Dalam Penyidikan Tindak Pidana Korupsi (Legal Authoriy Of Prosecutor In The Investigation Of Corruption)', *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 3.1 (2016), 97–114 https://doi.org/10.22212/JNH.V3I1.226

[46] Ellyana Herawati and others, 'Analisis Yuridis Terhadap Tanggung Jawab Korporasi Dalam Tindak Pidana Kejahatan Luar Biasa Di Bidang Ekonomi', *Jurnal Sosial Teknologi*, 5.7 (2025), 2819–31 https://doi.org/10.59188/JURNALSOSTECH.V5I7.32225

[47] Christopher J. Boudreaux, Boris N. Nikolaev, and Randall G. Holcombe, 'Corruption and Destructive Entrepreneurship', *Small Business Economics*, 51.1 (2018), 181–202 https://doi.org/10.1007/S11187-017-9927-X

[48] Yoserwan Hamzah, 'Penerapan Fungsi Sekunder Hukum Pidana Oleh Aparatur Penegak Hukum Dalam Hukum Pidana Ekonomi', *Nagari Law Review*, 1.1 (2017) https://doi.org/https://doi.org/10.25077/nalrev.v.1.i.1.p.16-24.2017

[49] Syaiful Bakhri, Jl K H Ahmad, and Dahlan Jakarta, 'Kebijakan Legislatif Tentang Pidana Denda Dan Penerapannya Dalam Upaya Penanggulangan Tindak Korupsi', *Jurnal Hukum IUS QUIA IUSTUM*, 17.2 (2010), 317–34 https://doi.org/10.20885/IUSTUM.VOL17.ISS2.ART8

[50] Maarten Knol, 'Toezicht Op de OM-Strafbeschikking', 2025 https://doi.org/10.33612/DISS.1430829607

fine mechanism.[51] This concept is not entirely new, as similar settlement patterns have long been recognized in the taxation and customs regimes, particularly under the Tax Regulation Harmonization Law (HPP), which allows the discontinuation of tax and customs investigations once the taxpayer settles the state's losses along with administrative sanctions.[52] Thus, the authority to implement *peace fine* under the Prosecutor's Law represents a reaffirmation and expansion of practices that are already well established in the fiscal sector.[53]

In the study of economic crimes, the scope of offenses that can be resolved through peace fine needs to be understood broadly and adaptively. The Economic Crime Law (Emergency Law No. 7 of 1955), which initially regulated price deviations, staple goods distribution, rice trade, and foreign exchange supervision, can no longer accommodate the complexity of modern economic crimes.[54] Economic development, globalization, digital technology, and financial systems have led to an increasing number of offenses that directly impact the stability of the national economy, including corruption, taxation, capital markets, banking, international trade, environmental protection, oil and gas, customs, and digital transactions.[55] Therefore, the phrase "criminal acts causing losses to the national economy" in the Prosecutor's Law should be interpreted extensively using a functional economic approach, meaning that any act that disrupts market stability, reduces state revenue, or interferes with the distribution of goods and services can be categorized as an economic crime.[56] This extensive interpretation aligns with the state's need to protect the economy amid global crises, market fluctuations, and the rising incidence of corporate crimes.[57]

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[51] Rizana Rizana, 'Reformasi Kejaksaan Dalam Penegakan Hukum Melalui Undang-Undang Nomor 11 Tahun 2021', *Jotika Research in Business Law*, 4.2 (2025), 52–56 https://doi.org/10.56445/JRBL.V4I2.232

[52] Aulia Aulia, Muhammad Nur, and Sulaiman Sulaiman, 'Penghentian Penyidikan Perkara Tindak Pidana Korupsi Oleh Kejaksaan Terhadap Pengembalian Kerugian Keuangan Negara', *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh*, 13.1 (2025), 41–66 https://doi.org/10.29103/SJP.V13I1.19122

[53] Melfa Emirsya, Joelman Subaidi, and Ferdy Saputra, 'Penerapan Asas Dominus Litis Oleh Jaksa Penuntut Umum Dalam Tindak Pidana Umum Berdasarkan Undang-Undang Republik Indonesia Nomor 11 Tahun 2021 Tentang Perubahan Atas Undang-Undang Nomor 16 Tahun 2004 Tentang Kejaksaan Republik Indonesia', *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh*, 8.3 (2025) https://doi.org/10.29103/JIMFH.V8I3.22997

[54] Chan and others.

[55] Akbar.

[56] Irgi Setiawan and others, 'Juridical Study of Customary Law In The Indonesian National Legal System', *Asian Journal of Social and Humanities*, 2.8 (2024), 1824–31 https://doi.org/10.59888/AJOSH.V2I8.317

[57] Ahwan and Nunung Rahmania, 'Upaya Paksa Dalam Ruu Kuhap: Perspektif Model Sistem Peradilan Pidana', *Jurnal Kompilasi Hukum*, 10.2 (2025), 375–92 https://doi.org/10.29303/JKH.V10I2.274

As part of criminal procedural law, peace fine must remain subject to the principles of prosecution as a branch of judicial authority.[58] The authority of the Attorney General in this mechanism is semi-judicial, as the decision to discontinue prosecution is made without a judicial verdict, yet remains based on legal, economic, and public interest considerations.[59] Its implementation must also observe the principle of *dominus litis*, which positions the public prosecutor as the controller of the case, the principle of public interest to ensure that the resolution benefits the state and society, and the principle of proportionality to prevent the use of peace fine from becoming a form of commodification of law enforcement.[60] Furthermore, the principle of delegated authority allows the Attorney General to delegate approval of peace fine to the Deputy Attorney General, provided that full control is maintained to ensure uniformity of policy.[61] From a procedural perspective, peace fine should ideally be regulated as a mechanism that can be initiated during the investigation or prosecution stage, either through the offender's initiative or at the suggestion of the investigator or public prosecutor, provided that the offender admits the act, reimburses the state's losses, and pays a fine according to an objective and transparent formula.[62]

The use of peace fine differs from plea bargaining, Deferred Prosecution Agreements (DPA), and penal mediation. Specifically, the application of peace fine is distinct from plea bargaining.[63] In plea bargaining and DPAs, although the agreement is reached outside of court, it still requires approval from a judge. In contrast, the application of peace fine results in a final decision made by the Attorney General or an official designated by the Attorney General.[64] Next, the distinction between the use of peace fine and penal mediation. Although both are conducted outside the court and do not require a judicial decision, in peace fine there is no mediator acting as a third party to facilitate between the offender and

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[58] Sara Sun Beale, 'Prosecutorial Discretion in Three Systems: Balancing Conflicting Goals and Providing Mechanisms for Control', *SSRN Electronic Journal*, 2014 https://doi.org/10.2139/SSRN.2433732

[59] Knol.

[60] Adam Graycar, 'Corruption and Public Administration', *Handbook on Corruption, Ethics and Integrity in Public Administration*, 2020, 1–8 https://doi.org/10.4337/9781789900910.00006

[61] Muhammad Kurniawan Budi Wibowo and others, 'The Oportunitas Principle in Corruption Law Enforcement: A Juridical Study on the Authority of Prosecutors', *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 24.1 (2025), 4974–88 https://doi.org/10.31941/PJ.V24I2.6410

[62] Sugiatno Migano and others, 'Prosecutor's Office Intelligence Actions in Solving Corruption Crimes Through Types of Intelligence Difference', *Journal of Law and Sustainable Development*, 12.1 (2024), e2899 https://doi.org/10.55908/SDGS.V12I1.2899

[63] Muhammad Ramzan Kasuri, Ata Ullah Khan Mahmood, and Sheer Abbas, 'Globalization of Prosecutorial Justice: An Appraisal', *Global Political Review*, VI.II (2021), 67–78 https://doi.org/10.31703/GPR.2021(VI-II).08

[64] Baharuddin Badaru, 'Kepentingan Umum Dalam Asas Oportunitas Pada Sistem Peradilan Pidana', *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5.2 (2023), 1737–54 https://doi.org/10.37680/ALMANHAJ.V5I2.3715

the victim. Instead, the legal relationship occurs directly between the offender and the Attorney General.[65] The use of peace fine in economic crimes falls within the domain of procedural law and possesses three characteristics: it must be written (*lex certa*), clear (*lex scripta*), and unambiguous (*lex stricta*), while also adhering to the principles of prosecution related to the application of peace fine.[66]

Therefore, ideally, Ideally, procedural law governing the application of the peace fine in economic crimes should explicitly regulate several key aspects, namely the legal subjects involved, the object of settlement, the delegation of authority, and the applicable procedural stages. Within this framework, a suspect or defendant may submit a peace fine request during the investigation, prosecution, or trial stages through the competent officers, who subsequently forward the request to the Attorney General. Approval at the investigation or prosecution stage constitutes a pure application of the peace fine, whereas submission at the trial stage represents an impure application because the process has entered the judicial domain. Upon payment of the fine and fulfillment of the prescribed obligations, the public prosecutor may withdraw the charges and terminate the case by issuing an SKP2. All peace fine payments are recorded as non-tax state revenue for the Prosecutor's Office, while investigators or public prosecutors remain responsible for supervising compliance. If the Attorney General rejects the request, law enforcement authorities continue the investigation or prosecution in accordance with applicable procedures.[67]

Procedural law authorizes a suspect or defendant to submit an application for a peace fine to the Attorney General or an authorized official through the investigator or public prosecutor, while also permitting investigators or public prosecutors to initiate the process by informing the suspect or defendant of this right. The procedure allows submission from the investigation stage until the trial stage, provided that the court has not yet read the indictment. The application of the peace fine further requires compliance with specific conditions, under which law enforcement authorities may terminate the investigation or prosecution if the suspect or defendant admits the conduct and provides information that reveals the criminal act. In this context, investigators or public prosecutors bear the

[65] Muhammad Kenan Lubis, Gunarto Gunarto, and Anis Mashdurohatun, 'Legal Reconstruction of the Authority of Deponering Implementation by the Prosecution Office Based on Justice Value', *Scholars International Journal of Law, Crime and Justice*, 6.03 (2023), 171–76 https://doi.org/10.36348/SIJLCJ.2023.V06I03.006

[66] Rina Melati Sitompul and Juniarti Canceria Pasaribu, 'The Position of the Principle of Legality vs the Principle of Opportunity in the Accemination of the Prosecutor's Demands in the Replic Agenda (Valencya Case Study at the Karawang State Attorney)', *Mahadi: Indonesia Journal of Law*, 3.01 (2024), 79–85 https://doi.org/10.32734/MAH.V3I01.15454

[67] Hussein Alaydrus, 'Penerapan Deferred Prosecution Agreement (DPA) Sebagai Alternatif Penegakan Hukum Pada Tindak Pidana Korporasi Di Indonesia', *Al-Zayn : Jurnal Ilmu Sosial & Hukum*, 3.5 (2025), 8036–50 https://doi.org/10.61104/ALZ.V3I5.2472

responsibility to assess the truthfulness and relevance of such admissions.[68] The peace fine subsequently serves as the legal basis for terminating a case under several conditions, namely the payment of fines within the statutory maximum limit, the payment of fines based on an agreement between the suspect or defendant and the investigator or public prosecutor, or the combined application of both mechanisms, while consistently taking into account the interests of state revenue.[69]

Comprehensively, the regulation of the peace fine reflects a paradigm shift in law enforcement from a purely deterrence-based approach toward a framework that prioritizes restoration, procedural efficiency, and the protection of national economic interests.[70] The implementation of the peace fine mechanism enables faster case resolution, reduces judicial workloads, and expedites the recovery of state losses, particularly in complex economic cases with extensive impacts. Nevertheless, regulators must design this mechanism with caution to prevent moral hazard and to avoid the perception that economic offenders may purchase immunity from criminal liability. Accordingly, harmonization among the Economic Crime Law, the Prosecutor's Law, the Anti-Corruption Law, and other sectoral statutes constitutes a fundamental prerequisite to ensure that the peace fine operates as an effective and accountable law enforcement instrument while preserving legal certainty within a democratic rule-of-law framework.[71]

Effectiveness of Integrated Regulation of Peace Fine in Economic Crimes

The mechanism for resolving economic crimes outside the court requires a design grounded in legal certainty, the principle of justice, and the protection of public interest.[72] These efforts must begin with the establishment of a comprehensive legal framework, including the need for the codification of national economic criminal law that clearly defines the types of offenses that can be resolved through administrative mechanisms or peace fine , the limits of their

[68] Sudrajat Sudrajat and Hudi Yusuf, 'Sistem Peradilan Tindak Pidana Ekonomi: Rekonstruksi Mekanisme Penegakan Hukum Dalam Menangani Kejahatan Ekonomi Terorisme Finansial Dan Korporasi Di Era Globalisasi', *Jurnal Intelek Insan Cendikia*, 2.1 (2025), 312–19 https://jicnusantara.com/index.php/jiic/article/view/2180

[69] Yogi Mardiansyah, Harmaini Harmaini, and Ruwaiza Sasmita, 'Lahirnya Mediasi Penal Dilihat Dari KUHP Lama Dan KUHP Baru', *Adagium: Jurnal Ilmiah Hukum*, 2.1 (2024), 23–38 https://doi.org/10.70308/ADAGIUM.V2I1.25

[70] Siti Marlina and others, 'Pengembangan Sistematika Hukum Pidana Dalam Kuhp Baru:Ditinjau Dari Hukum Pidana Islam', *Jurnal Inovasi Hukum*, 6.1 (2025), 23–38 https://ejurnals.com/ojs/index.php/jih/article/view/902

[71] Muhammad Arafat, 'Paradigma Pemidanaan Baru Dalam KUHP 2023: Alternatif Sanksi Dan Transformasi Sistem Peradilan Pidana Indonesia', *Jurnal Ilmu Hukum* , 2.1 (2025), 33–46 https://doi.org/10.58540/JIH.V2I1.1047

[72] Junaidi Abdillah and Nurul Huda, 'Dari Divine Law Hingga Man-Made Law; Transformasi Pidana Islam Dalam KUHP Baru Aspek Sanksi Pidana', *Al Maqashidi : Jurnal Hukum Islam Nusantara*, 7.1 (2024), 1–26 https://doi.org/10.32665/ALMAQASHIDI.V7I1.3006

application, and the standards of treatment for both individual and corporate offenders.[73] In addition, an independent non judicial resolution body is required to handle serious economic violations through accountable and transparent procedures, aligned with the principles of good governance, such as transparency, accountability, proportionality, victim loss recovery, and deterrent effect.[74] The mechanism must also allow for the participation of victims and civil society to ensure that loss recovery is effective and that the resolution process remains aligned with public justice.[75]

Economic crimes have broad impacts on national economic stability, public trust, and the business climate, so their resolution through the peace fine mechanism must not create legal uncertainty or allow room for injustice.[76] The absence of standardized regulation has often led to the perception that this mechanism serves as a way to circumvent criminal proceedings. Therefore, the formulation of a clear regulatory system is necessary to ensure that the peace fine mechanism remains within a legal framework that is clear, fair, and accountable.[77] Such regulation must include an explicit legal basis in legislation, define limits on the types of economic crimes that can be resolved amicably particularly administrative violations in taxation, customs, or business licensing and establish restrictions on the authority of implementing agencies, which must be overseen through mechanisms of public accountability, parliamentary oversight, and judicial review.[78]

The dimension of justice is an essential aspect in designing the peace fine mechanism.[79] Resolution should not serve as a shortcut to evade criminal proceedings, but rather promote the restoration of losses to the public or the state, the open acknowledgment of wrongdoing, and the involvement of victims and the

[73] Abdurrakhman Alhakim and Eko Soponyono, 'Kebijakan Pertanggungjawaban Pidana Korporasi Terhadap Pemberantasan Tindak Pidana Korupsi', *Jurnal Pembangunan Hukum Indonesia*, 1.3 (2019), 322–36 https://doi.org/10.14710/JPHI.V1I3.322-336

[74] Herawati and others.

[75] John Braithwaite, 'Restorative Justice: Assessing Optimistic and Pessimistic Accounts', *Crime and Justice*, 25 (1999), 1–127 https://doi.org/10.1086/449287

[76] Carolyn Hoyle and Fernanda Fonseca Rosenblatt, 'Looking Back to the Future: Threats to the Success of Restorative Justice in the United Kingdom', *Victims and Offenders*, 11.1 (2016), 30–49 https://doi.org/10.1080/15564886.2015.1095830

[77] Moh Iqra Syabani Korompot, Sholahuddin Al-Fatih, and David Pradhan, 'The Principle of Equality Before the Law in Indonesian Corruption Case: Is It Relevant?', *Journal of Human Rights, Culture and Legal System*, 1.3 (2021), 135–46 https://doi.org/10.53955/JHCLS.V1I3.13

[78] Riskyanti Juniver Siburian and Denny Wijaya, 'Korupsi Dan Birokrasi: Non-Conviction Based Asset Forfeiture Sebagai Upaya Penanggulangan Yang Lebih Berdayaguna', *Jurnal Penegakan Hukum Dan Keadilan*, 3.1 (2022), 1–16 https://doi.org/10.18196/JPHK.V3I1.12233

[79] Kent Roach, 'Four Models of the Criminal Process', *Journal of Criminal Law and Criminology*, 89.2 (1999), 671 https://doi.org/10.2307/1144140

public to prevent closed door agreements.[80] Within this framework, the drafting of an integrated economic criminal law, the establishment of a specialized independent agency, the regulation of standardized settlement procedures, and oversight by public authorities are complementary elements that collectively ensure accountability.[81]

The criminal sanctions in Indonesian positive law indicate that out of court settlements have long been recognized in the Criminal Code (KUHP), particularly for offenses punishable solely by fines.[82] This mechanism essentially serves as a means to forfeit the right to prosecute through the payment of the maximum fine.[83] In judicial practice, judges continue to play a central role in determining the type of penalty imposed, taking into account the offender's circumstances, the impact of the act, the victim's losses, and the potential for restitution. In certain cases, judges may choose a fine as an alternative to imprisonment, considering the objectives of punishment and the principle of utility.[84]

Developments in Emergency Law Number 8 of 1958, which categorized certain violations under the customs ordinance as economic crimes, further underscore the importance of a proportional sanctioning structure.[85] The provisions on smuggling in the ordinance, which impose obligations on ship captains and related parties to comply with customs procedures, illustrate how administrative violations can have serious consequences and require effective resolution instruments. Out of court settlements in this context are known by various terms such as *schikking, transactie, or afdoening buiten proces*, essentially representing a written agreement between the offender and the authorities to conclude the case through the payment of a fine without a judicial verdict, provided the act is punishable only by a fine. This practice is often employed when formal evidence is difficult to obtain or when the state has an interest in promptly recovering losses.[86]

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[80] Orin Gusta Andini, Nilasari, and Andreas Avelino Eurian, 'Restorative Justice in Indonesia Corruption Crime: A Utopia', *Legality : Jurnal Ilmiah Hukum*, 31.1 (2023), 72–90 https://doi.org/10.22219/LJIH.V31I1.24247

[81] Orin Gusta Andini, Fitrah Marinda, and Khulaifi Hamdani, 'Pertanggungjawaban Tindak Pidana Korupsi Yang Dilakukan Oleh Aparatur Sipil Negara', *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam*, 9.1 (2022), 56–67 https://doi.org/10.24252/AL-QADAU.V9I1.29188

[82] Akbar.

[83] Ahmad Mukhlish Fariduddin and Nicolaus Yudistira Dwi Tetono, 'Penjatuhan Pidana Mati Bagi Koruptor Di Indonesia Dalam Perspektif Utilitarianisme', *Integritas : Jurnal Antikorupsi*, 8.1 (2022), 1–12 https://doi.org/10.32697/INTEGRITAS.V8I1.903

[84] Giuseppe Maglione, 'Restorative Justice, Crime Victims and Penal Welfarism. Mapping and Contextualising Restorative Justice Policy in Scotland', *Social and Legal Studies*, 30.5 (2021), 745–67 https://doi.org/10.1177/0964663920965669

[85] Daniel Němec and others, 'Corruption, Taxation and the Impact on the Shadow Economy', *Economies*, 9.1 (2021) https://doi.org/10.3390/ECONOMIES9010018

[86] Miriam Northcutt Bohmert, Grant Duwe, and Natalie Kroovand Hipple, 'Evaluating Restorative Justice Circles of Support and Accountability: Can Social Support Overcome Structural Barriers?',

Thus, the formulation of an ideal peace fine mechanism must be able to integrate the principle of legality, the principles of restorative justice, public accountability, and strict substantive limits on the types of cases that can be settled amicably.[87] A systematic and comprehensive approach not only prevents potential impunity but also ensures that the mechanism genuinely serves as a means of restitution and justice, rather than merely a pragmatic administrative solution that risks eroding public trust in the legal system.[88] In this regard, the state needs to promptly draft and enact a National Economic Criminal Code that provides comprehensive regulations on criminal norms, the classification of economic crimes, forms of corporate liability, and mechanisms for case resolution through both judicial and non-judicial channels.[89] This codification must be designed coherently with the provisions of the Criminal Code (KUHP) and the Anti-Corruption Law, be comprehensive by covering both substantive and procedural aspects, and be constructive in balancing the need for legal certainty with the flexibility of case resolution.[90]

Another key component is the establishment of an independent non judicial resolution body, such as a National Commission for Non-Judicial Economic Settlements.[91] This institution functions to assess whether a case is suitable for resolution through administrative settlement, to formulate proportional loss recovery schemes and sanctions, and to ensure public accountability and civil society participation throughout the process.[92] However, the settlement mechanism must be strictly limited so that it applies only to administrative violations, such as late tax payments or noncompliance with licensing

International Journal of Offender Therapy and Comparative Criminology, 62.3 (2018), 739–58 https://doi.org/10.1177/0306624X16652627

[87] Jonathan Hobson and others, 'Restorative Justice, Youth Violence, and Policing: A Review of the Evidence', *Laws*, 11.4 (2022) https://doi.org/10.3390/LAWS11040062

[88] Anupriya Khan, Satish Krishnan, and Amandeep Dhir, 'Electronic Government and Corruption: Systematic Literature Review, Framework, and Agenda for Future Research', *Technological Forecasting and Social Change*, 167 (2021) https://doi.org/10.1016/J.TECHFORE.2021.120737

[89] Theo Gavrielides and Vasso Artinopoulou, 'Restorative Justice and Violence Against Women: Comparing Greece and The United Kingdom', *Asian Journal of Criminology*, 8.1 (2013), 25–40 https://doi.org/10.1007/S11417-011-9123-X

[90] Risnawati Br Ginting and others, 'Penghentian Penuntutan Melalui Penerapan Restorative Justice Di Tingkat Kejaksaan', *Locus Journal of Academic Literature Review*, 2 (2023), 789–806 https://doi.org/10.56128/LJOALR.V2I10.233

[91] Ruhut Siringoringo and Herlina Manullang, 'Penerapan Penyidikan Tindak Pidana Ringan Pada Tingkat Kejaksaan', *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana*, 7.1 (2025), 71–78 https://doi.org/10.46930/JURNALRECTUM.V7I1.5329

[92] Hasan Muhammad, Muhammad Nurman, and Yudhistira Nugroho, 'Kepastian Hukum Deponering Berdasarkan Undang-Undang Nomor 11 Tahun 2021 Tentang Perubahan Atas Undang-Undang Nomor 16 Tahun 2004 Tentang Kejaksaan', *Jurnal Ilmiah AKSES*, 3.2 (2025) https://doi.org/10.36841/AKSES.V3I2.7131

requirements.[93] Meanwhile, systemic and large scale economic crimes that undermine public trust, including corruption, money laundering, and market manipulation, must still be resolved through criminal proceedings and cannot be settled through fines.[94]

To ensure justice and prevent the abuse of authority, every amicable settlement must be publicly disclosed.[95] Information on the amount of losses, the value of fines or compensation, the rationale for using the non-judicial mechanism, and the form of acknowledgment of responsibility by the offender must be made transparently accessible.[96] Such regulation simultaneously serves as a means to integrate the principles of restorative justice, emphasizing loss recovery and moral accountability, with the deterrent effect necessary to maintain order and the integrity of the economic criminal justice system.[97]

4. Conclusion

This study demonstrates that law enforcement authorities' use of the peace fine mechanism in resolving economic crimes reflects a substantive shift from a retributive orientation toward a restorative and efficiency-based approach. Although this mechanism enhances the speed of case resolution and supports the recovery of state losses, its implementation remains limited by the absence of a comprehensive and unified legal framework. The lack of general regulation produces legal uncertainty, unequal treatment between large and small economic actors, weak transparency and accountability, and the risk of implicit decriminalization of serious economic offenses. Furthermore, despite the recognition of administrative settlement models in several sectoral statutes, the regulatory framework fails to define clear limits regarding authority, scope, and procedural safeguards. Consequently, the peace fine mechanism may enable large corporations to avoid criminal prosecution, thereby undermining the principles of justice and weakening the integrity of economic crime enforcement.

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[93] Binsar Zaroha Ritonga and Eko Soponyono, 'Pembentukan Lembaga Pelaksana Pidana Sebagai Wujud Sistem Peradilan Pidana Integral', *Jurnal Pembangunan Hukum Indonesia*, 5.1 (2023), 136–53 https://doi.org/10.14710/JPHI.V5I1.136-153

[94] Fathur Rohman Fajri, R. Ardini Rakhmania Ardan, and Haris Djoko Saputro, 'Tinjauan Yuridis Terhadap Sanksi Pidana Bagi Gelandangan Dan Pengemis', *Rechtswetenschap : Jurnal Mahasiswa Hukum*, 2.2 (2025) https://doi.org/10.36859/RECHTSWETENSCHAP.V2I2.4083

[95] Eka Ayu Safitri, Ratih Damayanti, and Tri Sulistiyono, 'Batasan Dan Mekanisme Penerapan Sanksi Pidana Perpajakan Di Indonesia Dalam Perspektif Asas Ultimum Remedium', *Jurnal Hukum Statuta*, 4.3 (2025), 144–58 https://doi.org/10.35586/JHS.V4I3.11160

[96] Lani Dharmasetya, 'Upaya Ultimum Remedium Sebagai Upaya Kepastian Hukum Pidana Pajak', *POSTULAT*, 1.1 (2023), 128–30 https://doi.org/10.37010/POSTULAT.V1I1.1646

[97] Sri Wahyuni S. Moha and others, 'Relevansi Sanksi Pidana Dan Denda Administratif Dalam Penindakan Tax Evasion Di Indonesia', *Judge : Jurnal Hukum* , 6.01 (2025), 202–17 https://doi.org/10.54209/JUDGE.V6I01.1199

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