

Conciliation among victim or criminal the criminal prosecution criminal

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Criminalization and how to respond to crime should be legally and the principle of legality of crime and penalties implies that Article 2 of the Code of Criminal Procedure refers to it. In addition, Article 13 of the Criminal Procedure Code states that If the prosecution was initiated to one of sides of Article 64 of the Code of Criminal Procedure, it cannot be stopped and this is nothing but the principle of obligatory that is derived the school of Absolute justice that is initiated by a man named Immanuel Kant that also called the German principle of absolute justice. But due to the unresponsiveness of this principle that should be punish anyone who commits a crime, Victimological school was raised and then restorative justice that will be explained in the text. Restorative justice said that we should not be passing in all crimes of highway of criminal justice. Because both cause congestion cases and also the victim does not own rights and it is the negative effects more than positive effects of it. So it is better that some petty crimes will not pass through. Both parties are what they deserve, it means His victim's losses to be compensated and to discipline offenders and restore public opinion. The agreements were raised in the context of mediation and peace between the parties and the victim's consent. All of this is contrary to the principle of the obligation. Because principle of obligation states that the parties cannot agree with each other. All of this is contrary to the principle of obligatory and in the event of a crime and judicial authorities to one side of 64 of the Code of Criminal Procedure. That by virtue of Article 13 of the Code of Criminal Procedure prosecution will not be stopped. But this agreement is contrary to the principle.

Keywords : Key words: Victim, guilty,Agreement between the parties, Pre-trial stage , the stage of trial (verdict) , The execution stage (after finalized)

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