



# Criminal Law Construction of Settlement Fine over Prosecutor's Authority in Economic Crime Cases

Suyanto Reksasumarta\*<sup>1</sup>, Hartiwiningsih Hartiwiningsih<sup>2</sup>,  
Kukuh Tejomurti<sup>3</sup>

<sup>123</sup>Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia  
[sreksasumarta\\_uns@student.uns.ac.id](mailto:sreksasumarta_uns@student.uns.ac.id)

**Abstract.** The authority granted to the Prosecutor's Office for terminating criminal cases through a Settlement Fine (*schikking*) as outlined in the Prosecutor's Office Law, a detailed explanation from the standpoint of criminal law and criminal procedure is necessary, otherwise the absence of such regulations may lead to abuses of power and misapplication of the law. This research aims to analyze the current issues surrounding the regulation of settlement fines in Indonesia and subsequently develop their application in economic crime cases to achieve restorative justice and fiscal recovery. This research is doctrinal legal research using a statute approach to designing the law to construct just economic crime law. This study shows, *first*, Settlement Fine is a non-litigative administrative mechanism outside the court that only applies to minor economic crimes that meet formal qualifications, based on effectiveness, restorative justice, and fiscal recovery, with the termination of the criminal process after compensation is paid, and is implemented by the Prosecutor's Office through transparent, fair, and accountable procedures. *Second*, it's important to construct Settlement Fine law. This perspective is related to normalizing the subject, object, authority of the institution, stages of the proceedings, methods, and conditions for using settlement fines. Thus, the first problem will be resolved by determining specific regulatory recommendations for the use of settlement fines so that legal benefits, certainty, and justice can be achieved.

**Keywords:** Construction; Criminal Law; Economic Crime; Fine; Settlement

## 1. Introduction

The Settlement Fine (*schikking*) is outlined in Article 35, Paragraph (1), Letter k of the Attorney General's Law, which gives the Attorney General the direct power to deal with crimes that cause financial losses to the state and to use criminal settlements in economic crimes [1]. Settlement fines are carried out by paying financial compensation to the state or victim without the need for a whole criminal trial process [2]. This means that the Settlement Fine also becomes the legal basis for attribution when used as an alternative to terminating the investigation or prosecution. This concept is based on the legal framework of the principle of opportunity, which allows the public prosecutor to exercise discretion not to continue the trial, even if the formal and material requirements have been met [3]. The practice of settlement fines is one manifestation of restorative justice, which aims to restore the situation to its original state [4]. Meanwhile, the concept of fines in resolving economic crime cases must also consider fiscal recovery in addition to restorative justice [5].

However, Article 35, Paragraph (1), Letter k of the Attorney General's Law still needs to clearly explain what types of criminal acts lead to economic losses for the state

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so that they can be treated the same as financial crimes [6]. Then, the truth of the use of settlement fines in economic crimes and their classification in Indonesian law. So, it's important to clarify who has the power to use settlement fines to ensure that Article 35, Paragraph (1), letter k of the Attorney General's Law supports restorative justice and financial recovery [7]. This is an interesting topic for discussion because the authority has not been implemented optimally, and there are no technical instructions regarding the implementation of the settlement pinalty.

The limited research and practice of *schikking* outside of taxation cases demonstrates a significant gap in knowledge and regulation. Most studies and implementations of settlement fines in Indonesia still focus on tax or excise cases. At the same time, their application to other economic crimes, such as violations in the trade, banking, or environmental sectors, has been underexplored. The lack of empirical research limits the evaluation of effectiveness, transparency, and potential abuse of authority by prosecutors. This opens excess discretion, particularly in the absence of objective parameters limiting law enforcement's latitude in determining the appropriateness of using settlement fines. Without adequate academic foundations and technical guidelines, the risk of legal uncertainty and inconsistent treatment between cases becomes even higher.

*Schikking* is closely related to the principle of restorative justice because both emphasize the restoration of losses and the settlement of cases outside the court, but with different emphases. In *schikking*, the primary focus lies on administrative resolution through payment of compensation or fines by the perpetrator to the state or victim. At the same time, restorative justice emphasizes restoring relationships, restoring the victim's condition, and reintegrating the perpetrator into society through dialogue, mutual agreements, and non-financial recovery measures. If integrated, *schikking* can be an effective instrument of restorative justice, provided it does not stop at monetary compensation but also opens up space for victim participation, transparency of the process, and more comprehensive recovery, so that the goals of legal effectiveness, fiscal recovery, and substantive justice can be achieved simultaneously. The table below displays the effectiveness percentages of criminal settlements, particularly in Java, for the years 2021 to 2023.

**Table 1. Percentage (%) of Criminal Cases Completed in Java (2021-2023)**

<b>Regional Police</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Metro Jaya	97,99	5,82	12,60
Jawa Barat	73,06	23,24	62,07
Jawa Tengah	70,78	81,88	91,53
Daerah Istimewa Yogyakarta	100,00	43,72	73,15
Jawa Timur	55,35	103,37	87,95
Banten	76,09	51,15	52,76
<b>Indonesia (National Average)</b>	<b>71,85</b>	<b>38,12</b>	<b>51,20</b>

Source: Operational Control Bureau, Headquarters of the Republic of Indonesia National Police, *Badan Pusat Statistik*, 2023

Table 1 shows that, in 2022, the police sector on Java Island generally experienced a decline in the resolution of criminal cases. The drastic decline in 2022 nationally resulted in only 38.12% of cases being resolved. The Metro Jaya Police recorded the most significant decrease, while Central Java was the most stable and increasing sector. In 2023, the percentage of national resolutions had increased, although it was still lower than in 2021. This data can be used to analyze and provide evidence of the effectiveness of criminal law enforcement in each region, serving as evaluation material for institutional capacity, case resolution mechanisms, and structural policies.

In the realm of economic criminal law, particularly in the context of fines, several terms, such as *afkoop* and *afdoening buiten process*, play a crucial role in clarifying the concept of settling fines. This concept refers to the settlement of cases outside the formal litigation path, aiming for efficiency and the recovery of losses. In economic criminal cases, *schikking* can be an agreement to pay a fine, compensation, or other form of settlement instead of going through the trial process. The existence of *Schikking* encourages the creation of restorative justice, where the focus is not only on punishment but also on restoring conditions resulting from damage to the criminal act and returning losses. *Afkoop*, or redemption, in the context of criminal law fines, refers to the payment of a fine by the perpetrator of a crime to the state or the victim as a substitute for criminal charges or as an exemption. This system allows the perpetrator to atone for his mistakes with financial payments. The amount of the ransom can be agreed upon or determined by regulations. The concept of *afkoop* is relevant to the idea of settlement fines, where payment of fines serves as a form of final settlement that concludes the legal process. Meanwhile, the opening bid process is a settlement outside the judicial process. The opening *afdoening buiten process* includes all forms of criminal case settlement outside of formal trials. Both *schikking* and *afkoop* can be categorized as forms of *afdoening buiten process*. The primary purpose of conducting a business process for economic crimes is to reduce the burden of justice, accelerate the resolution of cases, and recover losses effectively without undergoing a lengthy and complex trial process [8].

This research aims to demonstrate that using settlement fines as a tool for the attorney general can increase efficiency in handling criminal cases, based on the data collected. The background to this problem includes the ineffectiveness of the criminal justice system (seen by the low resolution of criminal cases), the need for rapid state financial recovery, and the application of the principles of opportunity and restorative justice in economic law [9]. However, the success of the Settlement Fine scheme can only be realized fairly if the state guarantees transparency, accountability, public participation, and the establishment of strict internal and external monitoring instruments for the Attorney General's Office of the Republic of Indonesia.

Previous research by Cahyani et al. explained that settlement fines in economic crimes and criminal fines in domestic violence crimes both reflect the shift in modern criminal law from a retributive approach to restorative justice, fiscal recovery in an economic context, and ultimate remedy. However, implementation in the field remains limited due to minimal legal awareness, conservative views among law enforcement officers, and the absence of adequate technical guidelines [10]. Meanwhile, previous

research by La Syarifuddin has confirmed that settling criminal cases through peaceful channels outside the court has strong historical, philosophical, and sociological legitimacy in the Indonesian legal system, primarily through customary law. This concept is relevant and can serve as a basis for strengthening formal instruments, such as settlement fines, in economic criminal cases. Settlement fines are a modern form of restorative justice values that have long existed in Indonesian customary law and are now given a legal framework by the state through the Law on Harmonization of Tax Regulations and the Law on the Prosecutor's Office [11]. This research aims to analyze the regulation of settlement fines related to the authority of the Attorney General's attribution, especially in cases of economic crimes. The current regulation can prove substantial truth about the intersection of the concept of a criminal act that causes state economic losses with a financial crime. The definition of settlement fines in the context of economic crimes, the use and handling of settlement fines, and recommendations for the legal construction of settlement fines in financial crimes that are just, namely fulfilling restorative justice and fiscal recovery.

## 2. Method

This research is normative legal research based on the analysis of primary and secondary legal materials [12]. It can produce new arguments, theories, or concepts as prescriptions for solving problems related to analyze the current state of Settlement Fine Regulations in Indonesia and then applying them in economic crime cases to fulfill restorative justice as well as fiscal recovery efforts. This research is doctrinal legal research, utilizing a statutory approach to design the law in the construction of fair economic crime law, such as the Attorney General's Law and Law Number 7 of 2021 concerning the Harmonization of Tax Regulations. This research employs the concept of restorative justice, specifically settlement fines, which focuses on recovery rather than punishment. Fiscal recovery is utilized to demonstrate that fines not only contain restorative value but must also fulfill the return of state financial losses [13]. The selection of legal sources is based on their direct relevance to the regulation and practice of implementing settlement fines in Indonesia, particularly in the context of economic crimes. The criteria for determining cases of economic crimes include categorization as economic crimes under Indonesian law, the existence of measurable state financial losses, and the potential for recovery of losses through non-litigation mechanisms. In addition, this research also develops the concepts of *schikking*, *afkoop*, and *afdoening buiten proces* in the context of criminal law on fines, especially in the construction of a just settlement fine. The data collection technique used in this study is a literature study [14]. Legal materials are obtained by collecting relevant laws and regulations, books, academic works, and international and national journals [15]. The analysis technique used is deductive logic, a way of thinking that starts with the understanding that something also applies to all events of that type.

### 3. Results and Discussion

#### 3.1 Settlement Fine Regulation as the Attorney General's Attribution Authority in Economic Crime Cases

Settlement Fine is regulated in Article 35, paragraph (1), letter k of the Attorney General's Law, namely the termination of a case outside the court by paying a fine approved by the attorney general. This means that this article serves as the legal basis for the practice of settling cases outside the court, with an orientation aimed at recovering losses, protecting the interests of victims, and enhancing the efficiency of law enforcement. Settlement fines typically involve paying financial compensation to the state or victim, bypassing the need for a full criminal trial process. This concept was adopted from Dutch legal practice within the framework of the principle of opportunity, or the public prosecutor's discretionary right not to continue prosecution, even though formal and material requirements have been met [16].

Initially, the Settlement Fine was regulated by Article 29 of Ordinance No. 240, which explained that it had a strong historical connection to the Dutch government. Initially, it was not a form of punishment but rather an administrative settlement in ordinary economic disputes. In addition, this authority was delegated by the Attorney General to the Minister of Finance to carry out a Settlement Fine, provided that the case did not fall into the category of "crime." Additionally, Article 44B of Law Number 7 of 2021 about the Harmonization of Tax Regulations shows a shift in how economic crimes are handled, moving from punishment to a focus on restoring and recovering finances. As a result, criminal law policy uses the Settlement Fine as an instrument to swiftly and efficiently recover state financial losses. Meanwhile, Article 64 of the Law on Harmonization of Tax Regulations says that if the Attorney General stops looking into criminal customs cases to help fix state finances, the offender has to pay an amount equal to four times the value of the excise. The provisions of this law represent a modern approach to economic law enforcement that prioritizes fiscal and restorative effectiveness [17]. Therefore, the above regulation serves as the basis for the authority of the attorney general, as stipulated in Article 35, paragraph (1), letter k, of the Attorney General's Law. In this discussion, the author outlines the rules for managing settlement fines as part of the prosecutor's responsibilities, particularly in economic crime cases, to establish legal reasons in the form of:

*First*, the application of the settlement fine, especially *schikking*, needs to be critically analyzed regarding the interests of justice, protection of the defendant's rights, potential moral hazard, and external oversight mechanisms. Moral hazard can arise if perpetrators of major economic crimes view fines as 'operational costs' that can be paid to avoid prison sentences, thereby diminishing the deterrent effect. For example, in the case of a customs violation by a multinational company that causes billions of rupiah in state losses, if the settlement is solely through payment of a fine, without a transparent legal process, there is a risk that the public will perceive the law as 'lenient' toward influential perpetrators. On the other hand, without strict regulations, settlement fines can become a loophole for non-transparent negotiations between law enforcement officials and perpetrators, potentially fueling corrupt practices. Therefore, strong oversight governance is essential, including independent audits of each case of *schikking*, mandatory publication of settlement decisions, and the involvement of external oversight bodies such as the Ombudsman or the Corruption Eradication Commission to minimize abuse of authority. With such arrangements, *schikking* can

remain an effective instrument in recovering state losses and implementing restorative justice, without sacrificing the principles of legal certainty, transparency, and accountability.

*Second*, the argument regarding criminal acts that cause state economic losses is similar to that of economic crimes. This understanding refers to criminal acts that result in state financial losses, which cannot always be classified as economic crimes unless the act is formally included in the classification and meets specific administrative requirements [18], then it can be used as an object of Settlement Fine as a form of legitimate attorney general's attribution authority based on Article 35, paragraph (1), letter k of the Attorney General's Law. It should be understood that to address this argumentative problem, the object of an economic crime must be clearly defined. What form does an economic crime take, and what constitutes a crime that harms the state economy? Therefore, the significance of the Settlement Fine lies in identifying the elements that fall under the purview of economic crimes. However, the emphasis is not on the state's financial losses but instead on restorative justice and fiscal recovery.

*Third*, the regulation of special settlement fines in economic crimes. Settlement fines in economic crimes are a mechanism for resolving criminal cases outside the judicial process, where the suspect pays a sum of money to the state as compensation or restitution for state financial losses in exchange for the termination of the criminal process by the state. Settlement fines in economic crimes can be identified by paying attention to the following characteristics: not a criminal fine, but a form of administrative settlement (Article 29 of the Ordinance), meaning that the Settlement Fine is an administrative mechanism for minor economic violations, not a criminal punishment, given by the prosecutor based on the attribution of authority, not discretion (Article 35, paragraph (1), letter k of the Prosecutor's Office Law), meaning that the authority for the Settlement Fine is a direct attribution, not unilaterally from the prosecutor; based on the principles of efficiency, restorative justice, and fiscal recovery; carried out outside the court; and only applies to certain types of criminal acts, not serious crimes. These five characteristics are clearly based on Indonesian positive law, showing that settlement fines are a type of modern legal agreement based on the ideas of effectiveness, financial recovery, and restorative justice in economic crime cases [19].

*Fourth*, this argument discusses the application of settlement fines to economic crimes that result in financial losses for the state. Normatively, not all economic crimes that cause state losses can be resolved with a Settlement Fine. So, a classification of the form of crime that is indeed included in the financial realm is needed. The basic comparison between settlement fines and crimes that harm the economy lies in their nature, namely that administrative fines can be calculated and recovered, and the fiscal recovery is significant [20]. Additionally, the social impact caused is low. Meanwhile, criminal acts that harm the economy are serious crimes and result in systemic losses; the aim is to deter such acts and impact the economic sector as a whole. Therefore, the use of settlement fines cannot be applied universally to all financial crimes. In the context of criminal acts that cause significant losses to the country's economy, settlement with fine payments is not appropriate in terms of law or justice unless the losses can be recovered, the impact is limited, and the process is carried out transparently [21].

*Fifth*, how to use settlement fines and the form of handling them. In general, settlement fines are regulated in Article 35, paragraph (1), letter k of the Indonesian Attorney General's Law, which states that the prosecutor's office has the authority to resolve cases outside the court through a restorative justice approach and other approaches. In addition, Article 44B and Article 64 of the Tax Regulation Harmonization Law state that the Attorney General may terminate an investigation at the request of the Minister of Finance in tax and excise cases if the perpetrator has settled financial obligations and paid certain administrative fines. So far, the use of settlement fines has been carried out through formal administrative procedures by the Prosecutor's Office, based on the request of the technical authority (Minister of Finance) [22], provided that the perpetrator has settled their financial obligations and paid administrative fines. The handling is non-litigious, swift, and efficient but must still adhere to the limits of justice, transparency, and legal accountability [23].

In the context of economic criminal law in Indonesia, the Attorney General's Office plays a central role in law enforcement, including in the settlement of fines. The concepts of *schikking*, *afkoop*, and *afdoening the buiten proces* are relevant within the framework of the Attorney General's attribution authority regarding settlement fines. This means that the concepts of *schikking*, *afkoop*, and *afdoening buiten proces* are fundamental instruments that enable the Attorney General's Office to apply settlement fines legally and effectively as part of its attribution authority. Without understanding and implementing these three concepts, the settlement fine mechanism will be unable to function optimally in achieving efficiency, promoting restorative justice, and recovering losses in economic crime cases. This concept, if implemented correctly, can increase efficiency, effectiveness, and justice in law enforcement [24].

Now, the regulation of settlement fines concerning prosecutors' authority remains normatively limited and is not yet rigid, except in tax and excise cases governed by the Law on Harmonization of Tax Regulations. There is no general, transparent, and accountable framework that regulates the limits of prosecutors' authority in all economic crime cases. Settlement fines in economic crime cases are a way to resolve issues quickly and fairly to recover money lost by the state, but they are mainly focused on tax and excise cases; there isn't a clear and strict set of rules for all economic cases, and government needs better legal guidelines to ensure fairness and certainty [25]. Recommendations for regulatory reform and reconstruction include encouraging the establishment of an Attorney General's Regulation on the procedures and limits of Settlement fines, revising the Attorney General's Law to be more stringent and limited, and implementing external supervision by an independent institution.

### **3.2 Legal Construction of Fair Settlement fines in Economic Crimes**

The paradigm shift in law enforcement of economic crimes has shifted from retributive to restorative, with the primary aim of restoring state financial losses. The Settlement Fine is a concrete form of the restorative justice approach, as well as a consideration of fiscal recovery, especially in tax and excise cases [26]. This refers to Article 44B and Article 64 of the Law on Harmonization of Tax Regulations, as well as Article 35, paragraph (1), letter k, of the Law on the Prosecutor's Office. The meaning of justice in this discussion refers to the basis of the Settlement Fine, which fulfills the values of restorative justice and fiscal recovery [27]. The state is a victim of economic losses,

with real compensation. Meanwhile, fiscal recovery ensures the swift and measurable return of state financial losses without incurring costs or lengthy trial times [20].

This discussion examines the legal framework for settlement fines in economic crimes, which positions these fines as an administrative tool in monetary cases. It emphasizes restoring state financial losses and promoting restorative justice instead of repressive punishment. Fairness is constructed as a form of structured legal thinking regarding how settlement fines in economic crime cases should be designed, regulated, and implemented, taking into account the reasonable balance between the interests of the state, the perpetrator, and the community. Regulation in the domain of procedural law must be written (*lex certa*), clear (*lex scripta*), and not open to multiple interpretations (*lex stricta*). With that, the table below shows legal construction recommendations in terms of implementing settlement fines, especially in economic crimes that are fair and have legal certainty:

**Table 2. Legal Construction of Fair Settlement fines in Economic Crimes**

About	Explanation	Current Condition	Legal Construction
Subject	The subjects are the parties involved in the implementation of the Settlement Fine.	Article 35 paragraph (1) letter k of the Attorney General's Law, namely the Attorney General's Office of the Republic of Indonesia. Then, it is necessary to clarify the roles and authorities of other parties.	The parties include the Attorney General, Deputy Attorney General for Special Crimes, Deputy Attorney General for Military Crimes, Deputy Attorney General for General Crimes, Public Prosecutor, Investigator, Civil Servant Investigator, suspect/defendant, and experts in the field of economics.
Object	The object is a specific type of economic crime, which is specifically regulated by law and can be resolved out of court through the payment of compensation and administrative fines.	Based on the Law on Harmonization of Tax Regulations, Article 38, Article 39, and Article 39A and Article 64 of the Law on Harmonization of Tax Regulations regarding Excise.	Classified more rigidly based on the fields: criminal acts of corruption, smuggling, taxation, customs, environment, forestry, fisheries and maritime affairs, trade, oil and gas, plantations, agriculture, investment, banking, capital markets, brands, shipping, industry, or other criminal acts, which have an impact on the country's economy.
Institutional Authority	Delegation of the attorney general to the prosecutor's office.	Based on Article 35 Paragraph (1) letter k of the Attorney General's Law.	The attorney general may delegate authority to the deputy attorney general for special crimes, the deputy attorney general for military crimes, and the deputy attorney general for general crimes.
Stages	The fine settlement process is implemented.	Special regulations are needed to enforce settlement fines in economic crime cases.	Starting from the request for payment of settlement fines to payment of fines to the state treasury.

Termination	Settlement fines are used as a basis for terminating investigations and prosecutions.	Implementation is still limited and selective, generally still in tax and excise matters, not involving serious crimes.	Settlement Fine as a condition for termination of investigation and prosecution is carried out with the following provisions: a. The maximum fine must be paid in accordance with statutory regulations. b. Payment of the fine is agreed upon between the suspect/defendant and the investigator/public prosecutor. c. Provisions a and b are carried out taking into account the interests of state revenue.
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Source: The table was compiled by the author

Table 2 presents five fair points regarding the legal construction of settlement fines for economic crimes. *First*, the subject of the Settlement Fine, namely all parties who are authorized and involved in the implementation of the Settlement Fine. The legal basis for the subject lies in Article 35, Paragraph (1), letter k of the Attorney General's Law, which states that the Attorney General has the authority to take other actions in the legal field. The meaning of different actions serves as the legal basis for attribution in the use of settlement fines as an alternative to halting investigations or prosecutions. However, in practice, there is still a need to clarify the roles of other actors in the implementation authority. The first point of legal construction clarifies that the prosecutor's authority is attributive (not discretionary), meaning that it is directly granted by law rather than a moral choice or personal policy. Law enforcement involving more than one actor requires internal technical arrangements (for example, in the form of an Attorney General's Regulation or a Memorandum of Understanding with other ministries or institutions) to ensure that there is no legal vacuum in its implementation. This approach aligns with modern legal principles that emphasize collaboration between law enforcement agencies and efficiency in case resolution [28].

*Second*, the object in question is a specific type of economic crime that is specifically regulated and can be resolved outside the court by paying state financial compensation and administrative sanctions [29]. This means that not all criminal acts can be the object of a settlement fine. Currently, the object of the Settlement Fine is regulated in the Law on Harmonization of Tax Regulations only about taxation and excise cases. In this legal construction, the object of the settlement can develop according to the existing economic case [30]. Therefore, it is crucial to classify and regulate regulations based on the field of economic crimes that have a significant impact on state financial losses. For example, the areas of economic crime include corruption, smuggling, taxation, customs, environmental violations, forestry, fisheries, maritime trade, oil and gas extraction, plantations, agriculture, investment activities, banking practices, capital markets, brand infringement, shipping operations, industry-related crimes, and other offenses that significantly impact the country's economy. This pattern shows a shift in the approach to law enforcement from mere deterrence to recovery and balancing between legal and state fiscal interests.

*Third*, the authority of the institution refers to the institutional authority held by the attorney general in delegating and implementing settlement fines in economic cases. The Prosecutor's Office Law serves as the fundamental basis for the institution's authority, which is not subject to discretion. However, in its development, the authority

has been expanded in its implementation, especially in terms of resolving economic crimes through an administrative approach, with delegation to other structural officials within the Prosecutor's Office [31]. In the current legal framework, the attorney general holds the position as the primary authority holder, but for technical matters, it can be delegated to internal institutions to enhance efficiency. The scope of the case determines the structural and formal delegation to the ranks below it. This aims to achieve efficiency, effectiveness, and continuity in the principles of restorative justice and fiscal recovery in economic crimes [32].

*Fourth*, the implementation stage of the Settlement Fine begins when the suspect/defendant submits a request for payment of a Settlement Fine, either during the investigation or prosecution stage. Then, the attorney general will conduct a trial examination by reading the charges. If approved using the Settlement Fine mechanism, the suspect/defendant will then have the legality of using a pure Settlement Fine. If the suspect or defendant has paid the Settlement Fine, then according to the principle of *dominus litis*, the public prosecutor, who owns the case, can cancel the prosecution request and stop the case by issuing a decree, as this is part of the process for handling the Settlement Fine after it has gone through the court. The Settlement Fine is paid to the state treasury as national non-tax revenue of the Prosecutor's Office; at the same time, the investigator or public prosecutor must carry out supervision. However, if the attorney general rejects the request for payment of the Settlement Fine, the investigator or public prosecutor will continue the investigation or prosecution process.

*Fifth*, the purpose of the Settlement Fine is as a basis for terminating the investigation or prosecution process in economic crimes. This means that if the perpetrator has fulfilled the administrative requirements, namely paying a fine or compensation, then the criminal process will not be continued to a further court. However, in practice, the Settlement Fine is still limited to tax and customs cases. Therefore, it has not been widely applied to all types of economic crimes and is not used for serious crimes, especially those that result in major losses, significant social impacts, or human rights violations [2]. In this legal construction, the Settlement Fine as the basis for terminating the criminal process must meet material and formal requirements in the form of payment of the maximum fine by law, the existence of a formal agreement between the suspect/defendant and the investigator/public prosecutor, and paying attention to the interests of state revenue, namely in the context of fiscal recovery.

Related to the concept of *schikking*, *afkoop*, and *afdoening buiten process*, these are inherently associated with the construction of criminal law fines that lead to a just settlement fine. These three concepts can create efficiency in law enforcement, namely reducing the backlog of cases in court and accelerating settlement; loss recovery, namely providing an opportunity for victims to get compensation directly without having to wait for a court decision that may take a long time; creating legal certainty, namely providing certainty for perpetrators of criminal acts regarding legal consequences and encouraging them to be responsible; and finally creating restorative justice, namely shifting the paradigm from retributive to restorative, where the settlement focuses on restoring losses and social harmony. To achieve a just settlement fine, the application of *schikking*, *afkoop*, and *afdoening buiten process* must be based on the principles of transparency, accountability, proportionality of fines to the level of loss and error, and protection of victims' rights [8].

Therefore, the Settlement Fine serves as a tool to halt the legal process, but only in instances that are administrative and have a limited impact on society. To halt the process, one must pay a fine and establish a formal agreement, taking into account the interests of state revenue. This regulation reflects a modern approach to economic criminal law, namely a restorative and fiscal one rather than merely a retributive one. So, the five recommended points on legal construction can be used as fresh ideas and reasons for law enforcement officials to explain how settlement fines work, helping to achieve both restorative justice and financial recovery. Thus, this system is not only effective in law enforcement but also ensures the achievement of justice for all parties involved in economic crime cases.

#### 4. Conclusion

This research concluded that settlement fines can serve as an alternative for resolving economic crimes, as long as a rigid classification of the crime is established and the requirements for these fines are met. This research integrates the concepts of *schikking*, *afkoop*, and *afdoening buiten proces* for the Attorney General in implementing settlement fines legally and effectively in economic crime cases. This research shows the empirical contribution of this research lies in the design of a just legal construction of the Settlement Fine by combining restorative justice and fiscal recovery in a real way. *First*, the legal arguments that the attorney general can use to categorize settlement fines as an alternative to resolving economic criminal cases include arguments related to criminal acts that cause state economic losses, Settlement Fine regulations in economic crimes, legal arguments regarding the use of settlement fines in economic crimes that can be carried out for criminal acts that cause state economic losses, how to use settlement fines, and the form of handling them. *Second*, the legal construction of settlement fines that are in economic crimes is compiled by considering the following recommendation points: regulation of Settlement Fine subjects, namely all parties who are authorized and involved in the implementation of settlement fines; regulation of the classification of objects of Settlement Fine; technical regulation of the authority to implement settlement fines for prosecutors; stages of implementation of settlement fines; and the purpose of settlement fines as a basis for terminating the investigation or prosecution process in economic crimes.

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