

CRIMINAL POLICY ON INDONESIAN POLICE RESTORATIVE JUSTICE IMPLEMENTATION PERIOD 2021-2023

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Abstract:

Criminal policy or criminal politics as an effort to prevent and control crime is essentially an integral part of efforts to protect society (social defense) and efforts to achieve social welfare, both of which are an integral part of social politics (social policy). This is related to the criminal justice system is carried out by the police as the front guard in maintaining security and social order in society and law enforcement. Legal reform carried out by the Police through Restorative Justice is a new instrument in realizing social justice. Therefore, the first formulation of the problem in this paper is a) What is the regulatory framework of Indonesian Police Restorative Justice in Indonesia? b) How is the implementation of Indonesian Police Policy of Restorative Justice in Indonesia period 2021 – 2023? Methodologically, this research uses a qualitative approach, with a qualitative research design and literature study. The research results show a number of findings: First, there are still very few cases that use alternative dispute resolution for criminal acts. Second, the importance of a legal and regulatory policy framework that is based on restorative justice that is fair and has legal certainty.

Keywords: Restorative Justice; Crime Prevention; Criminal Justice System

Abstrak:

Kebijakan kriminal atau politik kriminal sebagai upaya untuk mencegah dan mengendalikan kejahatan pada dasarnya merupakan bagian integral dari upaya perlindungan masyarakat (pertahanan sosial) dan upaya mencapai kesejahteraan sosial, yang keduanya merupakan bagian integral dari politik sosial (kebijakan sosial). Hal ini terkait dengan sistem peradilan pidana yang dilaksanakan oleh polisi sebagai garda terdepan dalam menjaga keamanan dan ketertiban sosial dalam masyarakat serta penegakan hukum. Reformasi hukum yang dilakukan oleh Kepolisian melalui Keadilan Restoratif adalah instrumen baru dalam mewujudkan keadilan sosial. Oleh karena itu, rumusan pertama masalah dalam makalah ini adalah a) Apa kerangka regulasi Keadilan Restoratif Polri di Indonesia? b) Bagaimana implementasi Kebijakan Keadilan Restoratif Polri di Indonesia periode 2021-2023? Secara metodologis, penelitian ini menggunakan pendekatan kualitatif, dengan desain penelitian kualitatif dan studi literatur. Hasil penelitian menunjukkan sejumlah temuan: Pertama, masih sangat sedikit kasus yang menggunakan penyelesaian sengketa alternatif untuk tindak pidana. Kedua, pentingnya kerangka kebijakan hukum dan regulasi yang didasarkan pada keadilan restoratif yang adil dan memiliki kepastian hukum.

Kata Kunci: Keadilan Restoratif; Pencegahan Kejahatan; Sistem Peradilan Pidana;

A. Introduction

In the preamble to the 1945 Constitution of the Republic of Indonesia, in the 4th paragraph, the state's objectives are stated, namely to protect the entire Indonesian nation and to promote general welfare based on Pancasila. All state affairs must be based on and aim at these ideals, including all efforts to enforce national to achieve the social welfare of the nation. This will include the criminal law specifically crime prevention policies in Indonesia. According to National Program 2020 – 2024 or the National Medium Term Development Plan (RPJMN) to strengthening the Stability of political, legal and security affairs can be achieved though improving criminal and civil legal system using restorative justice principle. It can optimize laws and regulations that support restorative justice. Including but not limited as the role of traditional institutions, alternative dispute settlement, provide rehabilitation, compensation and restitution victims.

Criminal policy as an effort to prevent and control crime is an essential integrated part to protect the society (social defense) to achieve the nation social welfare. According to Reksodiputro, the criminal justice system as a system to “overcome crime” to control the society within the limits of tolerance that can be accepted by the society itself. Criminal law / policy can be seen as a reaction to people / action who have violated moral and legal norms therefore have threatened the foundation of government, law, order, and social welfare.(Tak, 1999)

The criminal justice system preventing people from becoming victims of crime, resolving crimes that occur so people can satisfy over justice that has been served and the guilty are punished and to ensure that those who have committed crimes do not repeat their actions.(Perrin, 2023) Based on Police regulation (Perpol) Number 8 Year 2021 concerning the handling of criminal acts based on restorative Justice, is given to members of the State Police of the Republic of Indonesia in carrying out law enforcement duties carried out by the Criminal Investigation Function together with Regulation of the State Police of the Republic of Indonesia Number 1 Year 2021, (Amin et al., 2020) regarding the community policing through crime prevention duties by Sabhara and Patrol function and preemptive duties by Binmas through Bhabinkamtibmas function as the actor.

Based on this, the core issue of this research will essentially analyze the legal framework and implementation of the restorative justice process in the police force. Related to this theme, previous research has been conducted by other researchers, such as a study conducted by Dessi Perdani Yuris Puspita Sari, Handri Wirastuti Sawitri, and Siti Muflichah, titled "Implementation of Restorative Justice Principles in the Criminal Justice System in Indonesia," published in the Sudirman Law Review, Vol 4, No 2 (2022). This research focuses on the general discussion of the implementation of Restorative Justice, unlike the author's study which specifically focuses on the implementation of Restorative Justice at the police level.(Arief & Ambarsari, 2018)

Secondly, there is a study written by Eko Syaputra, titled "Implementation of the Restorative Justice Concept in the Criminal Justice System in the Future," published in the Lex Lata journal, Volume 3 Number 2, July 2021. In the discussion, the author discusses the ideal concept of implementing restorative justice that needs to be included in the drafting of the Criminal Code. This is clearly different from the author's research, which only focuses on the issue of implementing and implementing restorative justice based on existing legal regulations in the police force.(Syahputra, 2021)

Lastly, there is a study conducted by Jo Lauren Weaver titled "A Case Study of the Implementation of Restorative Justice in a Middle School," published in *RMLE Online*—Volume 43, No. 4, where this study attempts to provide an analysis of the implementation of restorative justice in schools. This is clearly different from the researcher's study which examines the implementation of restorative justice at the police level or law enforcement institutions from a legal perspective in Indonesia. (Weaver & Swank, 2020)

The focus of the study serves to provide boundaries so that the researcher knows exactly which data must be obtained and which is not necessary. The focus of the study is the focus of the problem chosen to be researched so that the accuracy of determining the focus of the study will influence the research results. The focus of the study in this research is the implementation of crime prevention policies in the Indonesian National Police through a restorative justice approach of implementation period 2021 – 2023.

Based on the background above, the problem that will be studied in this paper can be formulated as follows What is the regulatory framework of Indonesian Police of restorative justice in Indonesia? And How is the implementation of Indonesian Police Policy of Restorative Justice in Indonesia period 2021 – 2023?

B. Research Method

According to Indarti, (Indarti, 2010) paradigm as an umbrella philosophical system which affect the methodology or as a series of basic beliefs / world views that cannot simply be interchanged with basic beliefs or world views or other paradigm methodologies. We choose the post-positivism paradigm as an integrated part of this article and writing because we believe that impossible for humans to get the truth from reality if researchers distance themselves from reality or are not involved directly with the reality. The relationship between researchers and reality must be interactive. As an empirical legal research approach / socio-legal studies, according to Irwansyah, it is a function to be able to see the law in it real terms and examin how the law works within the society. According to Bogdan and Taylor define qualitative methodology as a research procedure that produces descriptive data in the form written or spoken words from people and observable behavior. (Indarti, 2010) This approach is directed at the setting and the individual in a holistic (whole) manner. In this term it is not permissible to isolate individuals or organizations into variables or hypotheses to view them as part of a whole. Qualitative data analysis is an effort used by working with data, organizing data, sorting it into a manageable unit, synthesizing, looking for and finding patterns, finding what is important and what to learn and decid what to tell to others. In this writing, we also complemented the study through literature study.

C. Discussion

In accordance with crime statistics (2021-2023), the number of crime incidents (crime total) in 2019 was 269,324 incidents, in 2020 and 2021 there were 247,218 incidents and 239,481 incidents. In 2022 there will be 372,965 incidents. This increase clearly implies the importance of new approaches in crime prevention policies adopted by the Criminal Justice System in Indonesia. Then, the overcapacity of Correctional Institutions (Lapas) increases every year, reaching 111% in percentage. So strategies are needed to reduce the influx of some convicts for narcotics crimes and general crimes. Empirically, here are the basis of the urgency of restorative justice implementation in Indonesia.

Research conducted by the Department of Criminology, Faculty of Social and Political Sciences (FISIP), University of Indonesia in 2023. In carrying out quantitative data collection activities carried out through surveys using interview techniques with 1,220 respondents in 33 provinces throughout Indonesia. The survey was conducted taking into account demographic differences such as gender, age, social class, with an estimated margin of error of approximately 2.9% and a confidence level of 95%. In general, the tendency of the public's attitudes is still to support the provision of imprisonment (retributive) for perpetrators of criminal acts. However, when explored further, this community view turns out to be relative or not dichotomous. Both values of justice (restorative and retributive) can be accepted and believed by individuals simultaneously, depending on their experience and perception of criminal acts and certain social situations. The majority of the public (94.4%) agree with imprisonment where support and approval will decrease when the public knows that there are alternative forms of punishment (approval of imprisonment falls to 50%) and when victims receive compensation (approval of imprisonment falls to 46%). The community's attitude which tends to be punitive is also in line with the findings of a minimal level of knowledge regarding restorative justice. Almost 90% of people have never heard of the terms restorative and retributive justice. However, when society is faced with the existence of alternative criminal solutions that prioritize the victims' recovery needs, society shifts its understanding. Here are the perception of society regarding the restorative justice implementation in Indonesia. (Utomo, 2018)

This is part of the duties and authority of the Indonesian National Police as part of the crime prevention policy, both through penal and non-penal measures. (Humas Polri, 2020) These duties and authorities are usually also complemented by police discretionary authority as regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia in accordance with Article 16 Paragraph (2) in the form of investigations and investigative actions carried out if they meet the following requirements: a) do not conflict with a legal rule; b) is consistent with the legal obligations that require the Action to be carried out; c) must be appropriate, reasonable and within the scope of the position; d) reasonable considerations based on compelling circumstances; e) respect human rights. It is also stated in Article 18 Paragraph (1) that in the public interest, officials of the Indonesian National Police in carrying out their duties and authority act according to their own judgment. ((Universitas Islam Kalimantan), 2021)

So far, Police Discretion as stated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Article 16 Paragraph (2) and Article 18 Paragraph (1) has often been used as a basis for carrying out duties to overcome crime in society, and as The derivative implementation regulations are contained in Police Regulation (Perpol) Number 8 of 2021 concerning Handling of Criminal Acts based on Restorative Justice which is given to members of the Indonesian National Police in carrying out law enforcement duties carried out by the Criminal Investigation function and Police Regulation Number 1 of 2021 concerning Community Policing which given to Sabhara with Patrol functions and preemptive duties through the Binmas function through Bhabinkamtibmas. (Haqqani, 2020)

Providing information and counselling on the importance of security and public order for the smooth running of national development, information and education about the swakarsa security system. This is expressed in the duties and authority of the Indonesian National Police through Law Number 2 of 2002 concerning the Indonesian

National Police Article 16 Paragraph (2) and Article 18 Paragraph (1). Apart from that, this must also be done so that it does not conflict with legal regulations, is in line with legal obligations, is proper, reasonable and appropriate considerations based on compelling circumstances and respects human rights.

Police Regulation (Perpol) Number 8 of 2021 concerning the handling of criminal acts based on Restorative Justice which is given to members of the State Police of the Republic of Indonesia in carrying out law enforcement duties is carried out by the Criminal Investigation function and Regulation of the State Police of the Republic of Indonesia Number 1 of 2021 concerning Community Policing which is given to members The National Police of the Republic of Indonesia in carrying out crime prevention duties by Sabhara with the Patrol function and preemptive duties by Binmas with the Bhabinkamtibmas function.

Restorative Justice is a new legal philosophy which is a combination of old theories of punishment, but is oriented towards resolving cases that focus on the perpetrator, victim and society.(Nocella II, 2012) Here restorative justice contains the value of classical criminal theory focused on efforts to restore victims contained in the theories of retributive punishment, deterrence, rehabilitation and resocialization.(Naudé, 2006)

The National Police of the Republic of Indonesia in carrying out its duties and authority functions depends on Law Number 1 of 1946 concerning Criminal Law Regulations which was updated with Law Number 73 of 1958 concerning declaring the enactment of Law Number 1 of 1946 concerning Criminal Law Regulations for All Regions. Republic of Indonesia and amend the Criminal Code (State Gazette of the Republic of Indonesia of 1958 number 127, which is currently known as the Criminal Code (KUHP), Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP), Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code which will come into force on January 1 2026. From here the restorative justice model has not been clearly explained.

The spirit of restorative justice is already stated in Law Number 1 of 1946 concerning Criminal Law Regulations, namely Article 81 of the Criminal Code which reads: "postponement of criminal prosecution is related to judicial disputes, delaying the expiration date". Then Article 82 Paragraph (1) of the Criminal Code which states that the authority to prosecute violations is punishable by a fine is only abolished, if the maximum fine and costs incurred when the prosecution has been initiated are voluntarily paid, with the authority of the official appointed for that purpose by the regulations. general and within the time specified by him. Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP), namely Article 7 Paragraph (1) letter J of the Criminal Procedure Code, reads, "carrying out other responsible actions according to law". Article 98 Paragraph (1) of the Criminal Procedure Code which reads: "if an act which is the basis of an indictment in a criminal case examination by a district court, causes harm to another person, then the Chief Judge of the Session at the request of that person may determine the consolidation of the case for compensation to criminal case." Article 109 Paragraph (2) of the Criminal Procedure Code reads: "In the event that the investigator stops the investigation because there is not enough evidence or the incident turns out not to be a criminal act or the investigation is stopped by law, then the investigator notifies this matter to the public prosecutor, suspect or family." Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia,

Article 15 Paragraph (1) letter b which reads: "to help resolve disputes between members of the public that can disturb public order". Article 16 Paragraph (1) letter 1 reads: "In order to carry out the duties of the National Police of the Republic of Indonesia, it is authorized to carry out other responsible actions according to law." Then Article 18 Paragraph (1) which reads: "In the public interest, officials of the Indonesian National Police in carrying out their duties and authority can act according to their own judgment." Likewise in Law Number 1 of 2023 concerning the Criminal Code (KUHP) in article 132 Paragraph 1 letter g which reads: "there has been a settlement outside the judicial process as regulated in the Law"

In cases such as the theft of cocoa by Grandma Minah (55 years) in Banyumas, Central Java, who had picked 3 cocoa pods on a plantation owned by PT. Rumpun Sari Antan (RSA) was subsequently sentenced by the court to 1 month and 15 days in prison with a probation period of 3 months. It started with Minah's grandmother harvesting soybeans on her land in Sidoarjo Hamlet, Darmakradenan Village, Ajibarang District, Banyumas, Central Java on August 2 2010. Minah's land is also managed by PT. RSA for growing cocoa. Next, Minah's grandmother saw 3 cocoa pods and picked them to sow as seeds in the land she cultivated. After being picked, the 3 cocoa pods were not hidden but simply placed under the cocoa tree. Likewise, in the case of banana theft by two (2) handicapped youths in Cilacap who were mentally retarded and had not graduated from elementary school, they were jailed because they were caught stealing nine (9) bunches of bananas on November 11 2011 in the names of Kuatno (22 years old) and Topan. (25 years old), a resident of Mertasinga Village, North Cilacap District, Cilacap Regency, Central Java, who is being processed by the Kesugihan Police, Cilacap Police and the perpetrator has been languishing at the Cilacap Correctional Institution (LP). Table below will describe the urgency of restorative justice in Indonesia and why do we need the case to be resolved through restorative justice. (Murdoko, 2017)

Table 2 List of cases that can be resolved through restorative justice

No	Case	Issues Related	Follow-up
1.	Ariel's case, Thamrin Amal Tamagola (Central Kalimantan Dayak Traditional Council Session)	Reported by Professor Thamrin Amal Tomagola, a community reporter in the Dayak traditional council of West Kalimantan, the problems resulting from bad mouthing and harassment of the Dayak community resulted in demonstrations.	The Kalimantan Dayak traditional council was subject to punishment in the form of an apology, a fine of handing over 5 pikul (equivalent to 500 kg) of gerantong (gong), covering customary fees of Rp. 77,777,700, withdrawing testimony, destroying research results regarding the Dayak indigenous community.
2.	Case of embezzlement and fraud with victim A.N. Mrs. Emiwati (in-law), and suspect an. Ismayawati (daughter-	The reason is that the son-in-law asked his father-in-law for financial assistance for business development	RI Supreme Court Decision No.1600k/Pid.B/2009 Defendant Ismayawati implemented

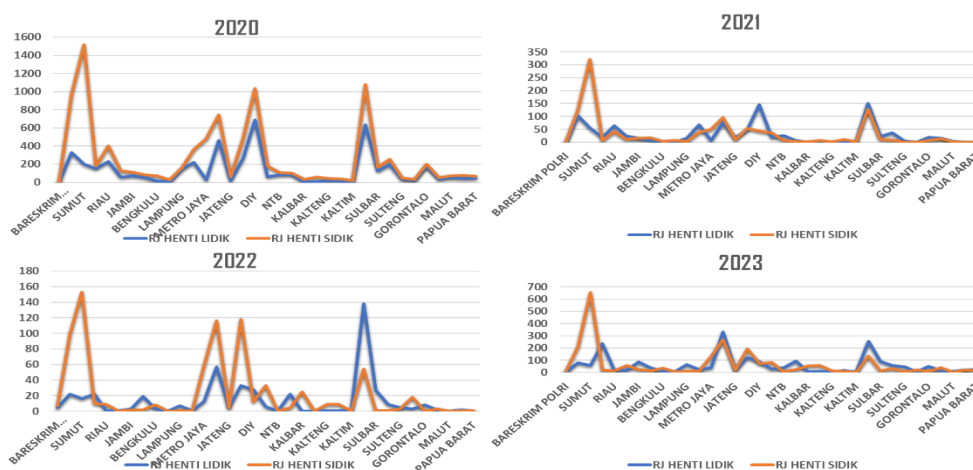
	in-law). With the incident in Yogyakarta.	with an agreement that he would return the capital and profits. The son-in-law handed over the giro bill and the check turned out the funds were empty.	RJ by the Supreme Court in the form of canceling the PT Jogja decision and supporting the Jogja District Court decision.
3.	Extortion case involving suspect Bibit-Chandra (KPK) and victim Anggoro Widjojo.	The suspect extorted the victim in a corruption case in the procurement of an Integrated Radio Communication System at the Forestry Department. Anti-corruption activists believe that the naming of Bibit-Chandra as a suspect is an attempt at criminalization to weaken the Corruption Eradication Commission.	The South Jakarta District Court won the pretrial lawsuit by Anggoro, who is now in prison. Single judge Nugroho Setiadji ordered the Attorney General's Office to reopen the Bibit-Chandra case and hand it over to court. The AGO carries out deponeering or setting aside cases in the public interest.
4.	Case of theft of 3 cocoa pods, suspect A.N. mbok Minah in Banyumas, Central Java.	case of cocoa theft by Grandma Minah in Banyumas, Central Java. Grandma Minah (55) has picked 3 cocoa pods on a plantation owned by PT. Rumpun Sari Antan (RSA) was then prosecuted.	The court sentenced him to 1 month and 15 days in prison with a probation period of 3 months
5.	Theft of sandals pinned the suspect, AAL, a student at SMKN 3 Palu and the victim, A.N. Brigadier Ahmad Rusdi Harahap in Palu.	The suspect stole flip-flops worth IDR 30 thousand in the complainant's boarding house in November 2010, then the legal process was submitted to the Panel of Judges at the Palu District Court, Central Sulawesi.	Found guilty by the judge, and the judge did not impose a sentence on the defendant. The judge handed down the action by returning AAL to his parents to receive guidance.
6.	Case of theft of 15 banana bunches by suspect Two young people with disabilities who could not graduate from elementary school a.n. Kuatno (22 Years)	The two suspects were caught stealing 9 bunches of bananas on November 11 2011, and were prosecuted at the Kesugihan Police, Cilacap Police.	Found guilty and languishing at the Cilacap Penitentiary (LP).

	and Typhoon (25 Years) in Cilacap.		
7.	The case of distribution/transmission of moral content under the ITE Law with the suspect a.n. Baiq Nuril and victim a.n. initials M in NTB.	The suspect distributed a recording of a conversation with his school principal with the initials M regarding immoral acts.	The suspect was found guilty in accordance with Article 27 paragraph (1) in conjunction with Article 45 paragraph (1) of the ITE Law
8.	Case of conflict over agrarian (land) issues between residents and companies in Mesuji Lampung.	The conflict in Mesuji was triggered by agrarian (land) issues that started since reform, where the state was seen as often seizing land from local communities, then giving forest land management concessions to entrepreneurs.	The case dragged on.
9.	Case of citizen protest against the Regent of Bima NTB regarding gold mining permits.	Residents protest against the gold mining permit issued by the Regent of Bima. Protests included occupying Sape Harbor in Bima, Nusa Tenggara Bara.	As a result, clashes between residents and police resulted in two residents being killed and dozens of others injured.
10.	Case of demand for wage suitability between PT Freeport and company employees.	In this case, there were previous demands by workers who demanded appropriate wages and justice that was oriented towards the welfare of workers and their families.	This results in a disharmonious work situation that is prone to riots.
11.	Case background Socio-cultural and religious aspects between the Ahmadiyah congregation and the residents of Cikesik Banten.	On February 6 2011 there was an act of violence against the Ahmadiyah congregation in Cikeusik District, Padegelang Regency, Banten which resulted in 6 (six) people died and there were injuries.	This has an impact on the emergence of criminal acts of destruction and loss of life and legal proceedings.
12.	Case of cultural clash between Dayak and Bugis tribes and Madura	There was a clash of cultures between the Dayak tribe and the	The impact of this incident is material and mental loss which will

	in Kalimantan.	Madurese tribe in Sampit, East Kotawaringin, Central Kalimantan in February 2001. As many as 600 people were reported killed and thousands of people were displaced. The government increased security, evacuated residents and arrested a number of provocateurs, building a peace monument.	affect the security and disintegration of the nation if it is not handled properly.
13.	The social case is inter-tribal war in Papua.	The Papua region consists of many tribes and wars often occur between tribes with the root of the problem being land grabbing and other social problems. The result was loss of life and property.	The impact of this incident was material and life losses which would affect security in the Papua region.

Source: Secondary Data, 2024.

Table 1 Data on Settlements through Restorative Justice 2020 to. 2023



Source: National Police Criminal Investigation Unit, 2023

The National Police of the Republic of Indonesia and its staff have been carrying out investigations through restorative justice implementations, the achievements of each Regional Police vary according to the type of crime. By looking at this data, investigators from the Indonesian National Police from the upper units of the National Police Headquarters down to the lower front line police units have not been optimal in implementing restorative justice at the investigation (non-penal) stage as stated in Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Justice.

The progress of Restorative Justice Implementation in Indonesian Police can be described as follows:

Table 1 Restorative Justice in Indonesia Police 2021

No.	SATKER	CT	RJ	% RJ	No.	SATKER	CT	RJ	% RJ
1.	POLDA SUMATERA UTARA	39.822	1.930	4.8%	19.	POLDA GORONTALO	2.528	197	7.8%
2.	POLDA JAWA TIMUR	29.826	1.403	4.7%	20.	POLDA SULAWESI TENGAH	4.639	197	4.2%
3.	POLDA JAWA BARAT	23.112	1.400	6.1%	21.	POLDA SULAWESI BARAT	1.628	191	11.7%
4.	POLDA ACEH	8.005	1.148	14.3%	22.	POLDA KEPULAUAN RIAU	2.662	171	6.4%
5.	POLDA SULAWESI SELATAN	16.933	1.087	6.4%	23.	POLDA NUSA TENGGARA TIMUR	5.695	133	2.3%
6.	POLDA D.I. YOGYAKARTA	5.277	885	16.8%	24.	POLDA MALUKU	2.287	117	5.1%
7.	POLDA SUMATERA SELATAN	12.130	700	5.8%	25.	POLDA MALUKU UTARA	1.126	99	8.8%
8.	POLDA BANTEN	4.411	487	11.0%	26.	POLDA KEP. BANGKA BELITUNG	1.579	94	6.0%
9.	POLDA RIAU	12.796	479	3.7%	27.	POLDA KALIMANTAN SELATAN	4.538	91	2.0%
10.	POLDA NUSA TENGGARA BARAT	5.174	441	8.5%	28.	POLDA KALIMANTAN TENGAH	2.626	78	3.0%
11.	POLDA SUMATERA BARAT	6.354	403	6.3%	29.	POLDA KALIMANTAN UTARA	1.022	75	7.3%
12.	POLDA BALI	2.984	351	11.8%	30.	POLDA PAPUA BARAT	2.456	69	2.8%
13.	POLDA LAMPUNG	9.384	321	3.4%	31.	POLDA PAPUA	3.883	53	1.4%
14.	POLDA METRO JAYA	25.660	319	1.2%	32.	POLDA KALIMANTAN BARAT	3.611	43	1.2%
15.	POLDA SULAWESI UTARA	8.629	317	3.7%	33.	POLDA BENGKULU	2.943	36	1.2%
16.	POLDA SULAWESI TENGGARA	3.384	311	9.2%	34.	POLDA KALIMANTAN TIMUR	3.525	19	0.5%
17.	POLDA JAWA TENGAH	9.395	262	2.8%	35.	BARESKRIM POLRI	758	3	0.4%
18.	POLDA JAMBI	4.361	227	5.2%		JUMLAH	275.143	14.137	5.1%

Source: Indonesian National Police Criminal Investigation Unit, 2021

Table 2 Restorative Justice Implementation in Indonesian Police 2022

No.	SATKER	LP	RJ	% RJ	No.	SATKER	LP	RJ	% RJ
1.	POLDA JAWA TIMUR	36027	2511	7,0%	19.	POLDA SULAWESI TENGGARA	3420	231	6,8%
2.	POLDA SUMATERA UTARA	44747	2169	4,8%	20.	POLDA GORONTALO	2530	181	7,2%
3.	POLDA SULAWESI SELATAN	27224	1639	6,0%	21.	POLDA KALIMANTAN SELATAN	5158	163	3,2%
4.	POLDA ACEH	8687	1432	16,5%	22.	POLDA MALUKU	2483	155	6,2%
5.	POLDA JAWA BARAT	26095	1240	4,8%	23.	POLDA NUSA TENGGARA TIMUR	5832	150	2,6%
6.	POLDA D.I. YOGYAKARTA	6026	861	14,3%	24.	POLDA SULAWESI BARAT	1667	139	8,3%
7.	POLDA JAWA TENGAH	10118	858	8,5%	25.	POLDA PAPUA BARAT	3957	138	3,5%
8.	POLDA NUSA TENGGARA BARAT	4889	625	12,8%	26.	POLDA MALUKU UTARA	1258	132	10,5%
9.	POLDA SUMATERA SELATAN	11804	605	5,1%	27.	POLDA KALIMANTAN UTARA	1218	124	10,2%
10.	POLDA METRO JAYA	30826	567	1,8%	28.	POLDA SULAWESI TENGAH	5418	117	2,2%
11.	POLDA BALI	4143	537	13,0%	29.	POLDA KALIMANTAN TENGAH	2904	100	3,4%
12.	POLDA RIAU	12973	511	3,9%	30.	POLDA BENGKULU	3376	94	2,8%
13.	POLDA SULAWESI UTARA	9766	508	5,2%	31.	POLDA PAPUA	6293	79	1,3%
14.	POLDA LAMPUNG	11241	490	4,4%	32.	POLDA KALIMANTAN TIMUR	4131	61	1,5%
15.	POLDA SUMATERA BARAT	6512	411	6,3%	33.	POLDA KALIMANTAN BARAT	3564	49	1,4%
16.	POLDA JAMBI	4989	317	6,4%	34.	POLDA KEP. BANGKA BELITUNG	1890	43	2,3%
17.	POLDA BANTEN	4701	311	6,6%	35.	BARESKRIM POLRI	700	2	0,3%
18.	POLDA KEPULAUAN RIAU	3039	294	9,7%		JUMLAH	319.606	17.844	5,6%

Source: Indonesian National Police Criminal Investigation Unit, 2022

Table 3 Restorative Justice Implementation in Indonesian Police 2023

No.	SATKER	LP	RJ	% RJ	No.	SATKER	LP	RJ	% RJ
1.	POLDA SULAWESI SELATAN	33.274	4.334	13,03%	19.	POLDA SULAWESI TENGAH	7.813	252	3,23%
2.	POLDA SUMATERA UTARA	55.687	2.602	4,67%	20.	POLDA PAPUA BARAT	5.576	232	4,16%
3.	POLDA JAWA TIMUR	35.132	2.157	6,14%	21.	POLDA KALIMANTAN TIMUR	5.721	230	4,02%
4.	POLDA JAWA BARAT	36.585	1.683	4,60%	22.	POLDA SULAWESI BARAT	1.572	207	13,17%
5.	POLDA ACEH	8.934	1.204	13,48%	23.	POLDA BANTEN	5.774	198	3,43%
6.	POLDA JAWA TENGAH	10.992	1.057	9,62%	24.	POLDA PAPUA	11.070	193	1,74%
7.	POLDA SULAWESI UTARA	11.396	944	8,28%	25.	POLDA MALUKU	4.331	183	4,23%
8.	POLDA METRO JAYA	73.443	770	1,05%	26.	POLDA KALIMANTAN TENGAH	3.265	179	5,48%
9.	POLDA LAMPUNG	14.822	765	5,16%	27.	POLDA KALIMANTAN SELATAN	5.388	171	3,17%
10.	POLDA BALI	4.526	709	15,67%	28.	POLDA KEPULAUAN RIAU	3.799	163	4,29%
11.	POLDA SUMATERA SELATAN	19.014	442	2,32%	29.	POLDA SULAWESI TENGGARA	4.677	107	2,29%
12.	POLDA RIAU	13.652	419	3,07%	30.	POLDA MALUKU UTARA	2.068	79	3,82%
13.	POLDA JAMBI	5.881	394	6,70%	31.	POLDA KALIMANTAN UTARA	1.417	71	5,01%
14.	POLDA NUSA TENGGARA TIMUR	11.142	394	3,54%	32.	POLDA KEP BANGKA BELITUNG	1.721	64	3,72%
15.	POLDA DI YOGYAKARTA	5.339	369	6,91%	33.	POLDA BENGKULU	4.601	55	1,20%
16.	POLDA SUMATERA BARAT	9.002	354	3,93%	34.	POLDA KALIMANTAN BARAT	4.903	48	0,98%
17.	POLDA NUSA TENGGARA BARAT	5.638	352	6,24%	35.	BARESKRIM POLRI	778	0	0,00%
18.	POLDA GORONTALO	3.068	263	8,57%		JUMLAH	432.001	21.644	5,01%

Source: Indonesian National Police Criminal Investigation Unit, 2023

The practices of Indonesian Police Restorative Justice are still very low, approximately around 5-6%. Meanwhile, the practice of restorative justice in several states such as the Netherlands, is very effective where almost all prisons are empty (less occupied) because alternative (non-prison) punishments for criminals are more dominant as regulated in Article 167 of the wetboek van straf vordering (Dutch Criminal Procedure Code). Then, China has also implemented the principle of restorative justice through reconciliation which can be implemented at every stage of the process of handling criminal cases, both during the investigation, prosecution and trial stages. This also includes mediation carried out by mediation committees, public security institutions, prosecutors and courts. New Zealand also implements consistent restorative justice through social work, sentence supervision, and house arrest. (Schmid, 2001)

In Indonesia itself, the investigation process carried out by the National Police of the Republic of Indonesia includes, among other things, constructing the criminal case that occurred so that it is clear what the case is about, the roles and responsibilities of each party in the case. Second, determine who the perpetrator or suspect in the case is, how the action was carried out and its relationship to the loss and damage caused. The next step is to formulate proportionally the loss and damage caused by the actions carried out by the perpetrator or suspect in the criminal incident. Formulate who is the victim, how much loss they are entitled to and how much compensation must be given to restore the loss and damage caused. Identify competent community members to be involved in the mediation process between victims and perpetrators. Preparing mediation forums and conferences between parties. Become a mediator in the mediation or conference process between victims, perpetrators and the community, providing criteria for the position of the case and offering solutions. Prepare all administration related to resolving problems between parties. (Alia Maerani, 2015)

The table below are also describe the juridical basis for restorative justice in Indonesia.

Table 1 Juridical Basis for Restorative Justice

No	Peraturan Perundang-undangan	Tentang	Pasal (Keterangan)
1.	1945 State Constitution	1945 State Constitution	Article 24 Paragraph (1), concerning the power of the Judiciary to Uphold Law and Justice;
2.	Law Number 1 of 1946	Criminal Law Regulations	Article 81 of the Criminal Code reads: Postponement of criminal prosecution is related to judicial disputes, delaying the expiration date. (Perma No. 1/1956; Article 82 Paragraph (1) of the Criminal Code states that the authority to prosecute violations is punishable by a fine only being forfeited, if the maximum fine and costs that would have been incurred if the prosecution had been initiated are voluntarily paid, with the authority of the official appointed to it by the general rules, and within the time fixed by them
3.	Law Number 73 of 1958 (State Gazette of the Republic of Indonesia number 127 of 1958, Supplement to State Gazette number 1660 of 1958)	Criminal Law Regulations for the Entire Territory of the Republic of Indonesia	
4.	Law Number 8 of 1981	Criminal Procedure Code (KUHAP)	Article 7 Paragraph (1) letter J of the Criminal Procedure Code reads: Taking Other Responsible Actions According to Law. Article 98 Paragraph (1) of the Criminal Procedure Code reads: If an act which is the basis of an indictment in a

			<p>criminal case examination by a district court causes harm to another person, then the presiding judge at the trial may, at the person's request, decide to merge the case for compensation into another case.</p> <p>Article 109 Paragraph (2) of the Criminal Procedure Code reads: If the investigator stops the investigation because there is not enough evidence or the incident turns out not to be a criminal act or the investigation is stopped by law, then the investigator notifies the public prosecutor, suspect or family.</p>
5.	Law Number 3 of 1997	Juvenile Court ¹	
6.	Law Number 2 of 2002	National Police of the Republic of Indonesia	<p>Article 13 of Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia, opportunities to apply other methods outside of existing formal procedures, can still be carried out because in fact the State Police of the Republic of Indonesia has three main tasks, namely maintaining security and public order, enforce the law, and provide protection, guidance and service to the community. Normatively, the National Police of the Republic of Indonesia not only has the task of enforcing the law, but also more broadly regarding maintaining security and order;</p> <p>Article 15 Paragraph (1) letter b reads: "helping to resolve</p>

¹ Angkasa, Saryono dan Suhadi, "Model Peradilan Restoratif dalam Sistem Peradilan Anak (Kajian tentang Praktik Mediasi Pelaku dan Korban Dalam Proses Peradilan Anak Di Wilayah Hukum Balai Pemasarakatan Mojokerto)" dalam Jurnal Dinamika Hukum, Vol. 9 No 3 September tahun 2009.

			<p>disputes between members of the public that could disturb public order."</p> <p>Article 16 Paragraph (1) letter l reads: "In order to carry out the duties of the National Police of the Republic of Indonesia, it is authorized to carry out other responsible actions according to law."</p> <p>Article 18 Paragraph (1) reads: "In the public interest, officials of the Indonesian National Police in carrying out their duties and authority can act according to their own judgment."</p>
7.	Law Number 11 of 2012	Juvenile Criminal Justice System	<p>Article 1 Point 6, "Restorative justice is the resolution of criminal cases involving the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a fair solution by emphasizing restoration back to the original condition and not retaliation."</p>
8.	Law Number 1 of 2023	Criminal Code (KUHP)	<p>Article 132 Paragraph 1 letter g which reads "There has been a settlement outside the judicial process as regulated in the Law" which will come into effect on January 1 2026.</p>
9.	Law Number 6 of 2023	Determination of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law	
10.	Police Regulation (Perpol) Number 8 of 2021	Handling Crime Based on Restorative Justice	<p>In the Preamble, considering Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, Article 16 and Article 18, that in order to respond to the development</p>

			of society's legal needs, the National Police needs to formulate a new concept of criminal law enforcement that accommodates the norms and values that apply in society at the same time. as a solution to provide legal certainty, especially benefit and a sense of justice in resolving criminal acts that prioritizes restorative justice which emphasizes restoration to its original state and a balance of protection and the interests of victims that is not oriented towards punishment. Likewise in Article 1 Point 3.
11.	Regulation of the Head of the National Police of the Republic of Indonesia Number 7 of 2021 (Perkap)	Bhayangkara Builder of Community Security and Order	Article 2-3, Role and function of Bhabinkamtibmas.
12.	Kabaharkam Regulation Number 1 of 2017	Patrol	Non-Penal Policy / Crime Control through Article 1 point 3, Patrols as an effort to prevent disturbances in social security and order.
13.	Republic of Indonesia Prosecutor's Regulation Number 15 of 2020	Termination of Prosecution based on Restorative Justice	Article 1 Point 1, Restorative Justice is the resolution of criminal cases involving the perpetrator, victim, family/victim and other related parties to jointly seek a fair solution by emphasizing restoration back to the original state, not retaliation.

Source: Secondary Data, 2024.

D. Conclusion

In principle, the application of restorative justice must provide justice and legal certainty for all parties. This is also in line with the foundation of the Republic of Indonesia, namely Pancasila, which is humane, just and civilized in order to realize Indonesia's national goals, namely independence, sovereignty, justice and prosperity. The role, duties and authority of the police both in terms of Criminal Law and Criminal Procedure Law (KUHAP) are important to be used as statutory norms in the latest

Police Law, or a Law that regulates the criminal justice system. Restorative justice whose aim is essentially to restore the conditions to normal for victims and perpetrators and values that have been lost or damaged can be restored again through deliberation to reach consensus/agreement although the implementation are still very low approximately around 5-11% from all over Indonesia. This is the basic spirit of the Indonesian nation which is civilized and just. However, don't forget that, legal certainty is also important to prioritize in realizing Indonesia's national goals. This can be implemented through criminal policies / crime prevention policies that are just and have legal certainty through restorative justice.

REFERENCE

- (Universitas Islam Kalimantan), M. A. (2021). TUGAS DAN FUNGSI KEPOLISIAN DALAM PERANNYA SEBAGAI PENEGAK HUKUM MENURUT UNDANG-UNDANG NOMOR 2 TAHUN 2002 TENTANG KEPOLISIAN. *Al-Adl : Jurnal Hukum*, 13(1). <https://doi.org/10.31602/al-adl.v13i1.4165>
- Alia Maerani, I. (2015). Reaktualisasi Proses Penyidikan oleh Kepolisian Berbasis Nilai-Nilai Pancasila dan Optimalisasi Pemanfaatan Teknologi. *Jurnal Hukum*, 31(2). <https://doi.org/10.26532/jh.v31i2.843>
- Amin, R., Al Aziz, M. F., & Manalu, I. (2020). Penerapan Keadilan Restoratif Dalam Penyelesaian Perkara Kecelakaan Lalu Lintas Berat Di Kepolisian Resort Metro Jakarta Pusat. *KRTHA BHAYANGKARA*, 14(1). <https://doi.org/10.31599/krtha.v14i1.35>
- Arief, H., & Ambarsari, N. (2018). PENERAPAN PRINSIP RESTORATIVE JUSTICE DALAM SISTEM PERADILAN PIDANA DI INDONESIA. *Al-Adl : Jurnal Hukum*, 10(2). <https://doi.org/10.31602/al-adl.v10i2.1362>
- Haqqani, M. I. (2020). Pemanfaatan Media sosial Intagram oleh Bhabinkamtibmas guna mengantisipasi penyebaran Hoax Pemilu 2019 di Polres Banyumas. *Police Studiew Review*, 4((1) January).
- Humas Polri. (2020). Tugas, Fungsi dan Kewenangan Polri. *Divisi Humas Polri*.
- Indarti, E. (2010). Diskresi dan Paradigma: Sebuah Telaah Filsafat Hukum. In *Pidato Pengukuhan (Disampaikan Pada Upacara Penerimaan Jabatan Guru Besar dalam Penerimaan Jabatan Guru Besar dan Filsafat Hukum pada Fakultas Hukum Universitas Diponegoro)*.
- Murdoko, M. (2017). DISPARITAS PENEGAKAN HUKUM DI INDONESIA (ANALISIS KRITIS KASUS NENEK MINAH DALAM PERSPEKTIF HUKUM PROGRESIF). *Perspektif Hukum*, 16(2). <https://doi.org/10.30649/phj.v16i2.66>
- Naudé, B. (2006). An international perspective of restorative justice practices and research outcomes. *Journal for Juridical Science*, 31(1).
- Nocella II, A. J. (2012). An Overview of the History and Theory of Transformative Justice. *Peace & Conflict Review*, 6(1).
- Perrin, B. (2023). Indictment: The criminal justice system on trial. In *Indictment: The Criminal Justice System on Trial*.
- Schmid, D. J. (2001). Restorative Justice in New Zealand : A Model For U. S. Criminal Justice. *Public Policy*, August.
- Syahputra, E. (2021). Restorative Justice dalam Sistem peradilan pidana di Masa Yang Akan Datang. *Lex Lata*, 3(2).
- Tak, P. J. P. (1999). The Dutch Criminal Justice System. In *Wetenschappelijk*

Onderzoek- en Documentatiecentrum (Issue November).

Utomo, B. (2018). THE IMPLEMENTATION OF RESTORATIVE JUSTICE BY INDONESIAN NATIONAL POLICE INVESTIGATORS IN TRAFFIC ACCIDENTS RESULTING IN DEATH. *IJCLS (Indonesian Journal of Criminal Law Studies)*, 3(2). <https://doi.org/10.15294/ijcls.v3i2.17168>

Weaver, J. L., & Swank, J. M. (2020). A Case Study of the Implementation of Restorative Justice in a Middle School. *RMLE Online*, 43(4). <https://doi.org/10.1080/19404476.2020.1733912>