

The Effectiveness of Resolving Cases of Persecution by Foreign Nationals through Restorative Justice in the Jurisdiction of the Badung Police

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Abstract. *This research aims to discuss the effectiveness of the application of restorative justice in resolving cases of persecution committed by Foreign Citizens (WNA) in the jurisdiction of the Badung Police. Bali as an international tourist destination has a high potential for friction between foreign tourists and local communities which often leads to criminal acts of persecution. The restorative justice approach regulated in the National Police Chief Regulation Number 8 of 2021 offers an alternative to resolving criminal cases outside the formal judicial mechanism by emphasizing peace, restoration of the original state, and the balance of interests of perpetrators, victims, and the community. The results of the study show that restorative justice is effectively applied, especially in cases with a mild category, because it is able to speed up the settlement of cases, reduce the burden on the court, provide direct compensation to victims, and maintain social stability and the image of Bali's tourism. An interview with IPDA I Made Aditya Riawan Putra as the Head of the Badung Police General Criminal Investigation Unit 1 emphasized that the implementation of this mechanism is only carried out if the victim agrees to a peaceful settlement and the perpetrator shows good faith. Analysis with Lawrence M. Friedman's theory of legal effectiveness shows that the substance of the law has provided a clear normative basis, the legal structure is carried out professionally by the Badung Police officers, while the legal culture of the community is relatively supportive although there is still resistance related to the perception of special treatment of foreigners. Thus, restorative justice can be seen as an effective legal instrument in bridging the gap between norms and social reality, while ensuring legal certainty and substantive justice for victims of criminal acts of persecution in the jurisdiction of the Badung Police.*

Keywords: Foreign Nationals; Legal Certainty; Persecution; Restorative Justice.

1. INTRODUCTION

In the constitution of the Unitary State of the Republic of Indonesia, it is affirmed that Indonesia is a country based on the law, in accordance with the provisions of Article 1 paragraph (3) of the Constitution of the Republic of Indonesia in 1945 which states, "The State of Indonesia is a State of Law." This law is understood as a means to create justice

and certainty in daily social interactions, with the aim of realizing a just and prosperous society based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

The law has a crucial role in people's lives, one of which is to create order and prevent criminal acts (Anindita, 2021). Criminal acts are defined as unlawful acts committed by individuals and deserve to be sanctioned in accordance with the mistakes committed, as stipulated in the Law. A person who commits a criminal act must be held accountable for his or her actions and can be punished if proven guilty. Law as the bearer of the value of justice. Justice is the moral foundation of the law as a benchmark for a positive legal system. If law enforcement tends to respect legal certainty, then as a value it has shifted the value of justice and utility. Because, in legal certainty, the most important thing is that the rules are in accordance with what is formulated. Likewise, if the value of usefulness is prioritized, it will shift the value of legal certainty and justice because what is important for the value of usefulness is the fact that a law can benefit society.

The problem of crime is an issue that has always existed in human life and has developed along with the progress of civilization (Apriyansa Pranata Ayuba, 2024). Criminal acts, based on their form and nature, are contrary to the norms or order expected by the law, so they can be categorized as unlawful acts. Clearly, these actions are detrimental to society because they hinder the creation of good and fair social interactions. Thus, it can be concluded that criminal acts have a negative impact on society. To overcome crime and crime, a comprehensive enforcement and prevention policy is needed. With the increasing complexity of criminal acts and crimes that have a wide impact, law enforcement authorities are now required to implement effective sanctions and law enforcement policies, in accordance with applicable regulations, in the hope of reducing criminal acts and violations of the law to a minimum. Law enforcement of the provisions in the criminal law aims to support the welfare of the community by minimizing violations of the law and actions that harm the community, both morally and materially, and even threaten a person's life.

The criminal justice system is a mechanism used to deal with crimes with a systematic approach. Policies in crime prevention, as part of law enforcement, must be able to direct every element in the legal system in a direction that supports and involves community participation in efforts to tackle crime. According to Remington and Ohlin, the criminal justice system can be understood as the application of a systems approach to the criminal justice administration mechanism. As a system, the judiciary is the result of the interaction between laws and regulations, administrative practices, and social attitudes or behaviors (Sihombing, 2018).

Violence is an arbitrary act committed by an individual to injure others, both physically and mentally. The issue of violence is a social issue that is always relevant and requires serious attention from time to time. In addition, based on general assumptions as well as various observations and research, there is a tendency to increase in certain forms and types of violence, both in terms of quality and quantity. When discussing the concept and definition of violence, there are still difficulties in providing a clear definition due to limitations in the generally agreed understanding. Violence is basically an act that has an impact on harming oneself and others, therefore violence can be said to be a crime because the risk posed by the act does not end positively and is a crime that can be punished and prosecuted in accordance with the applicable rules.

As a country that is one of the world's main tourist destinations, Indonesia experiences an increase in foreign tourist visits every year. Bali, in particular, is the center of international attention due to its natural beauty, culture, and friendliness. However, along with the high number of visits, various legal problems have also arisen, including criminal acts involving foreign nationals (WNA). One of the problems that is in the spotlight in the jurisdiction of the Badung Police is cases of violence committed by foreigners. The phenomenon of violence by foreigners in this region often occurs in various forms, such as fights in public places, domestic violence, to violence involving fellow foreigners and local residents. Based on data from the Badung Regional Police, the Badung Police recorded an increase in the number of cases of violence involving foreigners every year. This is not only unsettling for the local community but also has a negative impact on Bali's image as a safe and peaceful international tourist destination.

This phenomenon is also influenced by various factors, such as cultural differences, excessive alcohol consumption, and a lack of understanding of the rule of law by foreigners in Indonesia. Some foreigners even try to avoid legal responsibility on the grounds of their citizenship status, thus adding to the complexity of handling cases. In this context, the Badung Police faces great challenges in resolving the violence case fairly, efficiently, and in accordance with the applicable legal rules.

One of the approaches used is through the Restorative Justice (RJ) mechanism, which is the settlement of cases outside of court by involving perpetrators, victims, and communities to reach a mutual agreement. Ayuba, Ibid This approach is often considered more effective in resolving certain cases involving foreigners, especially when the impact of violence is not too severe or is approved by the victim. However, the implementation of the RJ also requires a clear legal framework and good coordination with various parties, including the embassy of the perpetrator's home country.

Table 1. Cases of Violent Crimes Committed by Foreign Nationals in the Jurisdiction of the Badung Police

Yes	Year	Number of Cases
1	2022	10
2	2023	12
3	2024	16

Source: Badung Police Satreskrim

Here are some examples of violent crime cases involving foreign nationals (WNA) in Bali in recent years: First, U.S. Foreigners Persecute Local Residents with Knives (June 2023) A foreigner from the United States with the initials MES (21) was arrested after being involved in a fight with local residents in Abiansema District, Badung. MES allegedly abused the victim with a knife, causing injuries to the victim's left armpit, right upper arm, and right ring finger. Second, German Foreigners Persecute Motorists and Damage Property (June 2024) Hendry Bruno Torper (37), a foreigner from Germany, was arrested after beating a motorcyclist on Jalan Imam Bonjol, Denpasar, as well as threatening and destroying the villa property he rented in Seminyak. Third, Australian Foreigners Persecute Four People at Finns Beach Club (February 2025) An Australian foreigner with the initials MR (28) was named as a suspect after beating four people at the Finns Beach Club, North Kuta. This incident started from a commotion inside the club that led to a fight.

Many cases show that individuals or groups plan to persecute others for various reasons, such as resentment, defamation, feelings of betrayal or harm, and feeling that their self-esteem and dignity are trampled on. In addition, many people also engage in disputes,

fight, or quarrel that can prompt them to commit mistreatment unintentionally. This shows that criminal acts of persecution can occur anywhere, without knowing the place, and can take place in public.

At this time, restorative justice is beginning to be widely practiced to resolve criminal cases due to a shift in the paradigm of criminal law enforcement from retributive justice to restorative justice which was first developed in the United States (Machmud, 2024). Historically, restorative justice was first introduced by Albert Eglash who in 1977 divided three categories of criminal justice, namely retributive justice, distributive justice, and restorative justice (Machmud, 2024). The retributive justice paradigm sees crime as part of the problem between the state and individual perpetrators because the laws set by the state to maintain order, tranquility, and security of people's lives have been violated by the perpetrators.

Retributive justice views that the form of accountability of the perpetrator must lead to the imposition of criminal sanctions. The victim's loss or suffering is considered to have been broken even and is paid or recovered by the perpetrator by undergoing and receiving the criminal process. The study of the administration and distribution of justice in Indonesia is very important to discuss, considering that Indonesian society is a pluralistic society and often faces conflicts or disputes. This phenomenon has become common in social life, both between individuals and groups. This situation can complicate the legal and judicial systems, especially if all conflicts and disputes have to be resolved through legal channels. Therefore, it is necessary to find alternatives outside of existing criminal justice procedures, so that the community does not only depend on the legal mechanisms that are currently available. However, it still gets justice and problem solving, especially for the victim as the most aggrieved party (sufferer), in addition to the accountability of the perpetrator. One form of solution offered is the settlement process in the context of Restorative Justice.

With the increasing number of inmates and the overcrowding of detention centers and correctional institutions, a special solution is needed to address this problem. Therefore, the settlement of criminal cases should prioritize restorative justice, which focuses on restoring the original state and maintaining a balance between the protection and interests of victims and perpetrators of criminal acts. This approach is not retaliation-oriented, but rather a legal need of the community and a mechanism that needs to be built in the implementation of prosecutorial authority and reform of the criminal justice system.⁵ Since Perpol Number 8 of 2021 concerning the Handling of Crimes based on Restorative Justice was issued, there have been 275,500 cases of criminal acts. Of that number, the police resolved 170,000 cases and as many as 15,811 of them were through the restorative justice mechanism. If the 15,811 cases are not handled through the restorative justice mechanism, it will automatically have an impact on increasing prison capacity or overcapacity.

The concept of restorative justice is an alternative approach in criminal justice that aims to resolve criminal cases (Lenti, 2018). This approach emphasizes more on the integration between perpetrators, victims, and society as a unit, with the aim of finding solutions and restoring good relationships between perpetrators and victims. According to Bagir Manan, the principle of restorative justice is participation in solving an event or criminal act. Restorative as a process that involves the same is building together between perpetrators, victims, and community groups and communities as stakeholders. Placing the perpetrators, victims, who work together and immediately try to find a solution that

is seen as fair for all parties. The main purpose of restorative justice itself is to provide reparation for the impact of a criminal act (Sihombing, 2018).

Full participation and consensus that actively involves perpetrators and victims is essential to achieve a comprehensive solution. This process can also involve people who feel disturbed by the actions of the perpetrator, with the aim of finding solutions to recover the wounds or damage caused by criminal acts. The perpetrator is expected to take full responsibility, show remorse, and admit his mistakes. Reintegrating perpetrators of crimes into a disconnected society is an important step. This gives the community the power to prevent the recurrence of crimes, as well as maintain order and justice. In the criminal law system, punishment is not the only end goal in law enforcement. There are various ways that can be taken to achieve the goals of criminal law, especially in creating a restorative justice settlement, especially for cases that are relatively minor.

Based on the background of the problems described above, the author formulates the problem of how effective is the resolution of criminal cases of persecution by Foreign Citizens through Restorative Justice in the jurisdiction of the Badung Police? And what is the legal certainty of the application of Restorative Justice in providing justice for victims of criminal acts of persecution by Foreign Citizens in the jurisdiction of the Badung Police?

2. RESEARCH METHODS

The research uses an empirical juridical approach, which is a legal research method that utilizes empirical facts through interviews, observations, documentation, and written materials to obtain qualitative data. Muhaimin, *Legal Research Methods* (Mataram: Mataram University Press, 2020). This research was carried out at the Badung Resort Police (Polres), Bali, which was chosen because of its location as a tourist center where criminal acts of persecution by foreigners often occur and the availability of relevant data. The data used consisted of primary data obtained through interviews, especially with IPDA I Made Aditya Riawan Putra as Head of the Badung Police General Criminal Investigation Unit, as well as secondary data from literature studies. All data are then analyzed qualitatively with a descriptive approach through an inductive method, which is to draw general conclusions from specific matters, Muhaimin. Ibid. so as to be able to provide a comprehensive picture of the problem of criminal acts of persecution by foreigners in the jurisdiction of the Badung Police.

3. RESULTS AND DISCUSSION

3.1. The Effectiveness of Resolving Cases of Persecution by Foreign Nationals through Restorative Justice in the Jurisdiction of the Badung Police

The effectiveness of the application of restorative justice in resolving cases of criminal acts of persecution committed by Foreign Citizens (WNA) in the jurisdiction of the Badung Police is a current issue considering the characteristics of the Bali area as an international tourism destination that is prone to social friction between foreign tourists and local communities. The concept of restorative justice introduced in the Indonesian criminal justice system through the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice aims to provide an alternative to the settlement of criminal cases outside the formal justice mechanism, by prioritizing the principles of peace, restoration of the original state, and a balance between the interests of the perpetrator, the victim, and the community (Santika, 2021). In the case of persecution by foreigners, the application

of restorative justice is considered to have strategic value because it can speed up the settlement of cases, reduce the burden of cases in court, and minimize negative impacts that may arise on the stability of the tourism sector.

Based on the results of an interview with IPDA I Made Aditya Riawan Putra, S.Tr.K., M.H., as Head of the 1st Unit of the General Criminal Investigation Unit of the Badung Police, information was obtained that the settlement of cases of persecution by foreigners through restorative justice is quite often applied, especially in cases that are categorized as minor, where there is a willingness of both parties, both victims and perpetrators, to reach a peaceful agreement. He stated: "In handling cases of persecution by foreigners, we are guided by Perpol Number 8 of 2021. If the victim wants a peaceful settlement, and the perpetrator also shows good faith by apologizing and providing compensation, then the restorative justice route can be taken. This mechanism is effective because in addition to preventing protracted cases, it is also able to maintain Bali's image as an international tourist destination." This statement affirms that the effectiveness of restorative justice contributes to public order and broader social interests.

The effectiveness of resolving cases through restorative justice at the Badung Police can be seen from several indicators. First, the indicator of the speed of case resolution, where cases can be resolved in a short time compared to the formal judicial process which takes months. Second, the satisfaction indicator of the parties, where both the victim and the perpetrator obtain justice that is more personal, because this process focuses on dialogue, confession of guilt, and recovery of losses. Third, indicators of the sustainability of social relations, especially when the victim is a local citizen who must continue to interact with their social environment, so that the peace process can prevent the occurrence of prolonged conflicts. IPDA I Made Aditya Riawan Putra emphasized this by stating: "There are several cases that originally had the potential to cause uproar, but they can be suppressed because both parties agree to reconcile. We consider this to be effective, because the victim feels that his rights are restored, while the perpetrator does not have to undergo a long legal process in a foreign country that can make his life difficult."

However, such effectiveness is not without obstacles. From the results of the interview, it was revealed that the main obstacle is the difference in legal culture between foreigners and local communities, as well as public perception of the application of restorative justice. It is not uncommon for the assumption that foreigners receive preferential treatment when their cases are resolved outside the court. IPDA I Made Aditya Riawan Putra said: "The biggest challenge is how to convince the public that settlement through restorative justice does not mean privatizing foreigners. Everything is still done based on the rule of law and the consent of the victim. We also ensure transparency and clear documentation so as not to cause misunderstandings." Thus, the effectiveness of restorative justice requires regulatory support, professionalism of the apparatus, and good communication to the public.

The effectiveness of resolving cases of persecution by foreigners through restorative justice at the Badung Police can also be measured from its contribution to strengthening the principle of substantive justice. On the one hand, the victim gets quick and direct recovery of losses; on the other hand, perpetrators who are actually foreigners do not feel harmed by a legal system that is foreign to them. Thus, restorative justice is an instrument that bridges the gap between *das sollen* (normative rules) and *das sein*

(social reality) in law enforcement (Syauqi, 2023). The Badung Police through its criminal investigation unit has tried to maintain a balance between law enforcement and tourism interests, without sacrificing the rights of victims and applicable legal principles.

Referring to Lawrence M. Friedman's theory of the legal system which emphasizes the existence of three main components, namely the substance of the law, the structure of the law, and the culture of the law (Razak, 2023). In terms of legal substance, the implementation of restorative justice is based on the Police Chief's Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice which is the normative basis for police officers in resolving criminal cases outside the litigation route. The substance of this law provides certainty because it contains conditions and mechanisms for resolving cases, such as a peace agreement, recovery of victims' losses, and termination of investigations. This substance has proven to be able to bridge the need for legal certainty and substantive justice demands, especially in cases involving foreigners who need a quick and proportionate settlement.

From the aspect of legal structure, the effectiveness of restorative justice is greatly influenced by the role of law enforcement officials, especially Badung Police investigators. This legal structure includes the authority, competence, and integrity of the apparatus in enforcing the rules. An interview with IPDA I Made Aditya Riawan Putra showed that the law enforcement structure at the Badung Police is quite responsive in implementing restorative justice, while maintaining a balance between legal and social interests. The professionalism of investigators can be seen from their efforts to facilitate dialogue between victims and perpetrators, ensure the fulfillment of victims' rights, and document every stage of the process so as not to cause negative perceptions in the community. This shows that the legal structure in the Badung Police has functioned effectively in supporting the implementation of restorative justice.

Meanwhile, the aspect of legal culture plays a role in determining the effectiveness of restorative justice. The legal culture in question is the attitude, values, and perception of the public towards the law, the authorities, and the case settlement process. Bali as an international tourist area, the legal culture of the local community is relatively open to peaceful settlement, because in addition to respecting the value of social harmony, it also considers the economic interests of tourism. However, there is also resistance from some people who think that the settlement of cases through restorative justice gives special treatment to foreigners. Therefore, the success of the legal culture in supporting the effectiveness of restorative justice requires intensive education and communication from the police so that the public understands that this mechanism is not a form of impunity.

3.2. Legal Certainty of the Application of Restorative Justice in Providing Justice for Victims of Criminal Acts of Persecution by Foreign Citizens in the Jurisdiction of the Badung Police

Legal certainty is one of the fundamental principles in the Indonesian legal system whose existence is explicitly guaranteed in the constitution and laws and regulations. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia expressly states that Indonesia is a country of law, so every action of state administrators, law enforcement officials, and citizens must be based on the applicable law (Zaidan, 2016). In criminal law, the principle of legal certainty is manifested through the principle of legality as stated in Article 1 paragraph (1) of the Criminal Code (KUHP) which states that no act

can be punished except based on the provisions of the applicable laws and regulations (Lilik Muilyadi, 2015). This principle means that criminal law not only functions repressively in punishing perpetrators, but also preventive in providing certainty and protection to the community, especially victims of crimes. Legal certainty thus cannot be separated from the principle of justice because the two complement each other in creating social order (Alvareza Potabuga, 1025). In relation to victims of criminal acts of persecution, especially when the perpetrator is a Foreign Citizen (WNA), legal certainty sees that the victim receives a guarantee of restoration of his rights and avoids discriminatory treatment that can cause injustice.

In the development of modern law, a new paradigm has emerged in the settlement of criminal cases known as restorative justice. This approach is different from the conventional criminal justice model which is retributive, because it emphasizes more on restoring the original state, reconciliation, and balance between the interests of the perpetrator, the victim, and the community (Nur, 2024). In Indonesia, this concept has gained normative legitimacy through the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice (Muflichah, 2022). The regulation provides a legal basis for the police to stop the investigation of a case if certain conditions are met, including peace between the victim and the perpetrator, recovery of losses, and the victim's willingness not to proceed the case to court. With this regulation, the application of restorative justice is considered a valid and recognized legal instrument to achieve legal certainty while realizing substantive justice (Mohammad Rivaldi Lasulika, 2024).

In the jurisdiction of the Badung Police, the application of restorative justice in cases of criminal acts of persecution involving foreigners is an interesting phenomenon to study, considering that Bali is an international tourist destination with a high intensity of interaction between local communities and foreign tourists. It is not uncommon for friction to lead to criminal acts of persecution, both between foreigners and between foreigners and local residents. In these kinds of cases, restorative justice mechanisms are often chosen as a remedy for several reasons. First, the lengthy formal criminal justice process can cause discomfort for all parties, especially victims who want immediate recovery, as well as perpetrators who face limited time in Indonesia. Second, a peaceful settlement through restorative justice can maintain Bali's image as a safe and friendly tourist area, so as not to harm the interests of the tourism sector which is the backbone of the regional economy. Third, this mechanism allows victims to obtain compensation directly and immediately, without having to wait for a court ruling that takes months.

However, in legal certainty, an important question arises: to what extent can the application of restorative justice provide legal certainty and justice for victims of criminal acts of persecution by foreigners? This question is relevant because legal certainty requires clear, consistent, and predictable rules of application, while substantive justice requires that victims receive not only material compensation, but also inner satisfaction and recognition of their suffering. In an interview with IPDA I Made Aditya Riawan Putra, S.Tr.K., M.H., as Head of the Badung Police General Criminal Investigation Unit, information was obtained that legal certainty in the implementation of restorative justice is maintained through strict formal procedures. He stated: "Every case settlement process through restorative justice is carried out with the guidelines in Perpol Number 8 of 2021. All conditions must be met, starting from an apology from the perpetrator, the victim's willingness to forgive, to the provision of appropriate compensation. Everything

is stated in a valid minutes and signed by both parties, witnessed by the authorities, so that it has legal force." This statement shows that legal certainty is maintained even though the settlement is carried out outside the court channels.

Legal certainty for victims of criminal acts of persecution by foreigners through restorative justice at the Badung Police is manifested in three main aspects. First, there is a clear legal basis through Perpol No. 8 of 2021, so that victims know their rights and the mechanisms that can be taken. Second, there is formal documentation in the form of minutes of the agreement signed by the victim, perpetrator, and the apparatus, so as to provide a guarantee of legality and can be used as evidence if there is a violation of the agreement in the future. Third, there is an internal supervision mechanism in the police to ensure that case resolution through restorative justice is not abused or manipulated. Thus, victims are not left in uncertainty, but instead get faster and more concrete legal certainty than if they had to go through a formal judicial process (Arifullah, 2025).

However, it should be noted that legal certainty must ensure justice for victims. In Gustav Radbruch's legal theory, legal certainty is one of the three basic values of law besides justice and utility (Mario Julyano, 2019). These three values must be balanced so that the law can truly fulfill its function. If legal certainty is enforced without regard to justice, then the law will lose its moral legitimacy. Therefore, the application of restorative justice in the Badung Police must really ensure that victims are not only forced to accept peace for the sake of formality or tourism stability, but also obtain recovery proportional to the losses they suffered. In an interview, IPDA I Made Aditya Riawan Putra emphasized: "We always prioritize the interests of the victims. Restorative justice can only be pursued if the victim agrees and feels that justice has been achieved. If the victim refuses, then the case will still be processed under ordinary law." This proves that legal certainty in restorative justice is also supported by respect for the rights of victims.

Further analysis shows that legal certainty in the application of restorative justice in the Badung Police has a double dimension. On the one hand, it provides procedural certainty through clear rules and documented formal mechanisms. On the other hand, it also provides substantive certainty for victims through the recovery of real losses, both material and immaterial. The justice that the victim gets is not only in the form of financial compensation, but also recognition of his suffering through an apology from the perpetrator. In this case, restorative justice actually expands the meaning of legal certainty because it does not stop at the certainty of the process, but also guarantees the certainty of results that are in accordance with the victim's sense of justice (Parasdika, 2022).

Efforts to optimize legal certainty in the implementation of restorative justice at the Badung Police can be done in several ways. First, strengthening regulations by clarifying the criteria for cases that are suitable for resolution through restorative justice, so as not to cause multiple interpretations. Second, increasing the capacity of the authorities in facilitating the mediation process, including foreign language skills and cross-cultural understanding in order to bridge the differences between victims and perpetrators. Third, providing education to the public about the purpose and benefits of restorative justice, so that the public understands that this mechanism is not a form of discrimination or preferential treatment, but a legitimate legal instrument to achieve justice. Fourth, strengthening the mechanism of supervision and evaluation of every case settlement

through restorative justice, so that legal certainty is truly guaranteed and does not cause doubts in the community.

Thus, it can be emphasized that the legal certainty of the application of restorative justice in providing justice for victims of criminal acts of persecution by foreigners in the jurisdiction of the Badung Police is relatively guaranteed, as long as all procedures are carried out in accordance with applicable regulations and while still prioritizing the interests of the victim. This application can even be considered a progressive form of law that emphasizes not only formal certainty, but also real substantive justice for the victim. The Badung Police has shown serious efforts to maintain a balance between legal certainty, justice, and social benefits. Through restorative justice, victims get a quick recovery, perpetrators do not have to be trapped in a long legal process in a foreign country, and the wider community still gets a guarantee of order and a positive image of Bali as an international tourist destination.

4. CONCLUSION

The rapid development of AI technology has exposed significant gaps in the Indonesian criminal law system. Law No. 1 of 2023 on the Criminal Code (KUHP), despite being a reform, has not yet accommodated AI as a potential perpetrator of criminal acts, as the concept of punishment remains focused on human legal subjects. This reflects the law's limited readiness to address the digital era. The inability to impose criminal liability directly on AI creates a complex dilemma. While fundamental principles such as fault and responsibility are difficult to apply to non-human entities, the potential harm caused by autonomous AI actions cannot be ignored. Accordingly, future regulation requires more innovative and flexible approaches, such as electronic personhood or layered models of liability involving developers, owners, and users. Such reforms may entail redefining fault, expanding the subjects of criminal law, and introducing new forms of sanctions suitable for AI. The main challenge is to design a legal framework that is adaptive to technological change while preserving legal certainty and justice. Without prompt and concrete reform, Indonesian criminal law risks becoming outdated and leaving a dangerous legal vacuum in the face of increasingly complex AI-related risks.

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