

A Legal Analysis of the Handling of Theft Criminal Investigations and the Implementation of Restorative Justice in an Effort to Formulate an Ideal Justice System in Batam City

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Abstract. *In the preamble to the 1945 Constitution, paragraph 4, it is emphasized that the national goal of the State of Indonesia is to protect all Indonesian people and all of Indonesia's homeland and to advance general welfare, to educate the nation's life and to participate in implementing world order based on independence, eternal peace and social justice. The implementation of the national goal in order to realize the noble ideals of the Indonesian nation towards a just and prosperous society based on Pancasila and the 1945 Constitution, is realized through the existence of a national development program. Indonesia is a state of law. The affirmation of Article 1 paragraph (1) of the 1945 Constitution is that the state guarantees every Indonesian citizen equal standing before the law. This is regulated in Article 27 Paragraph (1) of the 1945 Constitution which reads: "All citizens have equal standing before the law and government and are obliged to uphold the law and government without exception." In state activities, the law determines everything. The law is the commander. The law is a system of rules. What leads us is that system of rules, not individuals who happen to hold positions. Public office holders come and go dynamically, but the regulatory system is stable and relatively permanent. The statement that Indonesia is a State of Law also has the consequence that Indonesia applies law as an ideology to create order, security, justice, and welfare for its citizens, so that the law is binding on every action taken by its citizens. In every state of law, perpetrators of violations of legal norms are required to be accountable for their actions. Because legal norms are created to be obeyed, if violated, sanctions will be imposed. For example, the State of Indonesia firmly states that Indonesia is a State Based on Law and not based on mere power. From the above definition, it can be concluded that Indonesia is a state of law, where all behavior of its citizens must be guided by existing legal norms. Law functions to regulate relations between one person and another and between humans and the state, so that everything runs in an orderly manner. Therefore, the purpose of law is to achieve peace by realizing legal certainty and justice in society. Legal certainty requires the formulation of clear and firm rules in legislation.*

Keywords: *Criminal Acts; Handling; Investigation; Restorative Justice; Theft.*

1. Introduction

In the preamble to the 1945 Constitution, paragraph 4, it is stated that the national goal of the Republic of Indonesia is to protect all Indonesian people and all Indonesian territory and to advance general welfare, improve the life of the nation and participate in implementing world order based on independence, eternal peace and social justice.¹ The implementation of national goals to realize the noble ideals of the Indonesian nation towards a just and prosperous society based on Pancasila and the 1945 Constitution is realized through the existence of a national development program.

Indonesia is a nation based on the rule of law. Article 1 paragraph (1) of the 1945 Constitution affirms that the state guarantees every Indonesian citizen equal status before the law. This is stipulated in Article 27 paragraph (1) of the 1945 Constitution, which states: "All citizens have equal status before the law and government and are obliged to uphold the law and government without exception".²

In state activities, the law determines everything. The law is the commander. The law is a system of rules. What guides us is that system of rules, not the individuals who happen to hold positions. People who hold public positions come and go dynamically, but the system of rules is stable and relatively permanent.³ The statement that Indonesia is a State of Law also has the consequence that the Indonesian state applies law as an ideology to create order, security, justice and welfare for its citizens, so that the law is binding for every action taken by its citizens.⁴

In every country governed by the rule of law, those who violate legal norms are required to be held accountable for their actions. Legal norms are meant to be obeyed, and any violations are subject to sanctions. For example, Indonesia firmly states that it is a country based on law, not merely on power. From the definition above, it can be concluded that Indonesia is a country governed by the rule of law, where all behavior of its citizens must be guided by existing legal norms. Law serves to regulate relationships between humans and between humans and the state, ensuring orderly functioning. Therefore, the purpose of law is to achieve peace by realizing legal certainty and justice in society. Legal certainty requires the formulation of clear and firm rules in legislation.

2. Research Methods

Soetandyo Wignjosoebroto, empirical legal research is research in the form of empirical studies to find theories regarding the process of how law works in society.⁵

¹Undang- Undang Dasar 1945 alinea ke-4.

²Undang – Undang Dasar 1945. Cet 2 Jakarta : PT. Indosian Raya Press, 2000 , p. 12

³Gunarto, *Agenda Penegakan Hukum Dan Relevansinya Bagi Pembangunan Bangsa*, Jurnal Pembaharuan Hukum Volume I No.1 Januari-April 2014, p.. 3

⁴Alwan Hadiyanto, *Reformasi Hukum Menuju Pemerintah Yang Bersih*, Yogyakarta: Genta Publishing, 2020, p. 1

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Data obtained through both primary and secondary research activities will be analyzed qualitatively and then presented descriptively, namely by outlining, explaining, and describing the issues closely related to this research. The use of qualitative analysis techniques encompasses all research data obtained from Restorative Justice to form a description that supports the qualifications of this study and can therefore address the research problem.

To address the problem, achieve the objectives, and support the theoretical framework, this legal paper is written using a research method. An appropriate research method will ensure the results are accountable. In an effort to solve the problem and achieve the objectives, this study employed the following research methods:

This research, "Juridical Analysis of the Handling of Theft Crime Investigations and the Implementation of Restorative Justice in an Effort to Formulate Ideals in Batam City," is a normative legal research. This research is conducted by managing library materials (secondary data) or library law, which is descriptive in nature and uses a normative juridical approach. The normative legal approach is an approach based on primary legal materials by examining theories, concepts, legal principles, and laws and regulations related to this research. This approach is also known as the literature approach, namely by studying books, laws and other documents related to this research.

3. Results and Discussion

3.1. How the Police in Batam City Conduct Theft Investigations

Law enforcement is a crucial aspect in resolving a crime, and therefore, a correlation or relationship between each component of law enforcement is essential. Discussing law enforcement is inseparable from the various efforts and methods employed. It is undeniable that these aspects of law enforcement also have a significant impact on resolving a crime. As a key component of law enforcement, the concept of investigation is viewed as a series of processes within our criminal justice system. This regulatory framework is precise and clear, based on the provisions of Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure.

Based on Law of the Republic of Indonesia Number 8 of 1981 concerning Criminal Procedure (hereinafter referred to as Law No. 8 of 1981 concerning the Criminal Procedure Code), Chapter I General Provisions, specifically stipulated in Article 1, point 2, states:

"An investigation is a series of actions by investigators in the cases and according to the methods stipulated in this law to seek and collect evidence that will shed light on the crime that has occurred and to identify the suspect."

⁵ Soetandyo Wignjosoebroto, *Hukum, Paradigma, Metode dan Dinamika Masalahnya*, Jakarta: Huma, 2002, p.. 147. Lihat juga Joko Purwono, *Metode Penelitian Hukum*, Departemen Pendidikan dan Kebudayaan RI, UNS, Surakarta, 1993, p.. 17-18.

Furthermore, this article is considered to provide a perspective and objective on how law enforcement agencies carry out their functions and roles as stipulated. The elements of an investigation, as formulated in Article 1, point 2 of Law No. 8 of 1981 concerning the Criminal Procedure Code, are:

1. An investigation is a series of actions containing a series of interconnected processes.
2. An investigation is conducted by law enforcement officers, known as investigators.
3. An investigation is conducted in accordance with statutory regulations.
4. The purpose of an investigation is to seek and collect evidence, which will shed light on the crime and identify the suspect.

The investigation referred to in Article 1, point 2, of Law No. 8 of 1981 concerning the Criminal Procedure Code is in accordance with the definition of opsoring or interrogation. According to de Pinto, investigating (opsoring) means an initial examination by officials designated by law immediately after they, by any means, receive news that there has been a violation of the law.⁶ The basic understanding of an investigation, or what is commonly called a probe in the foreign term "osporing" in Dutch, is the preparation of equipment for carrying out a prosecution (Verpolging), in other words, it is the basis for carrying out a prosecution. Therefore, a prosecution cannot be carried out before the investigation or probe is carried out. The act of investigating or investigating is an effort and action to seek and discover the truth about whether a crime has actually occurred, who committed the act. An investigation or probe ends with a conclusion regarding whether or not a prosecution will be held in the case.⁷

- a. The existence of an investigation places a significant emphasis on understanding, specifically a definition or understanding. Therefore, the following is a summary of the scope of the definition of an investigation according to experts, including:
- b. a. According to Andi Hamzah, an investigation is a process or initial step that constitutes a complete process within the criminal justice system.⁸
- c. Djisman Samosir expressed the opinion that, in essence, an investigation is:

A law enforcement effort that is restrictive and upholds the rights of citizens, aimed at restoring the disturbed balance between the individual and the public interest in order to maintain and create a situation of security and order. Therefore, because criminal

⁶ R. Tresna, *Komentar HIR*, Pradnya Paramita, Jakarta, 2000, p.. 72

⁷ Watjik Saleh, *Tindak Pidana Korupsi*, Ghalia Indonesia, Jakarta, 1997, p.. 48-49.

⁸ Andi Hamzah, *Hukum Acara Pidana Indonesia*, Sinar Grafika, Jakarta, 2008, p.. 8

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investigations are also part of criminal law enforcement, they must be carried out based on applicable laws and regulations.⁹

d. R. Soesilo also put forward the following definition of investigation from a linguistic perspective:

Investigation comes from the word "sidik," which means "to light." Therefore, to investigate means to make clear or obvious. "Sidik" also means "trace," so to investigate means to search for traces, in this case, traces of a crime. This means that once these traces are discovered and collected, the crime becomes clear. Based on the two words "terang" and "bekas" in the meaning of the word "siddik," investigation has the meaning of "shedding light on a crime."

Referring to the definition of investigation above, it can be concluded that an investigation is a series of stages or processes in criminal law that serve to provide direction for the resolution of a crime by gathering evidence. The development of current criminal acts requires precision in the investigation stages. Therefore, the investigative activities in a crime, as formulated in Regulation of the Chief of the Indonesian National Police Number 6 of 2019 concerning Criminal Investigation (hereinafter abbreviated as Perkapolri No. 6 of 2019 concerning Criminal Investigation), in Article 10 paragraph (1) stipulates that:

1. Criminal investigation activities consist of:

- a. investigation;
- b. commencement of investigation;
- c. coercive measures;
- d. examination;
- e. determination of suspects;
- f. filing;
- g. submission of case files;
- h. handover of the suspect and evidence; and
- i. termination of the investigation.

⁹ Mahrizal Afriado, Pelaksanaan Penyelidikan dan Penyidikan Perkara Pidana Oleh Kepolisian Terhadap Laporan Masyarakat Di Polisi Sektor Lima Puluh, JOM Fakultas Hukum , Vol.III. No.2, 2010, p.. 5

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Furthermore, as the main stage in a criminal act, an investigation is carried out, with the stages for its initiation regulated in Article 13 of Police Regulation No. 6 of 2019 concerning Criminal Investigations, which stipulates that:

1. Investigations are conducted based on:

- a. Police Report; and
- b. Investigation Warrant.

2. The Investigation Warrant, as referred to in paragraph (1) letter b, must contain at least:

- a. basis for the investigation;
- b. identity of the investigative team;
- c. case being investigated;
- d. time of commencement of the investigation; and
- e. identity of the investigator as the official issuing the order.

3. After the Investigation Warrant is issued, a SPDP is prepared.

Referring to the basis for investigative activities and the basis for the commencement of an investigation, it can be concluded that:

- 1. Investigations are based on information or reports received or directly known by the investigator, the police report, minutes of suspect examination, and minutes of witness examination.
- 2. Enforcement is any legal action taken by an investigator/assistant investigator against individuals or property related to a criminal act. This legal action includes summoning suspects and witnesses, arrest, detention, searches, and confiscation.
- 3. Examination is an activity to obtain information, clarity, and identification of suspects, witnesses, and/or evidence, or elements of the crime. This ensures that the position and role of individuals and evidence in the crime are clarified and documented in the examination report. The investigator and assistant investigator are authorized to conduct the examination.
- 4. Completion and Submission of Case Files is the final activity of the criminal investigation process carried out by investigators and assistant investigators.¹⁰

¹⁰ M. Husein harun, Penyidik Dan Penuntut Dalam Proses Pidana, PT Rineka Cipta, Jakarta, 1991, p.. 89

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In line with the purpose of investigations, namely to seek and collect evidence that will shed light on the crime and identify the suspect, investigations must also guarantee the rights of perpetrators of criminal acts. These rights include:

1. The principle of presumption of innocence, meaning that every person suspected, arrested, detained, charged, or tried in court must be presumed innocent until a court decision is issued declaring their guilt based on a final and binding decision.
2. The role before the law, meaning that everyone is treated equally before the law without discrimination.
3. The right to legal assistance or counsel, meaning that every person involved in a criminal case must be given the opportunity to obtain legal assistance solely for the purpose of defending themselves. From the time of arrest and detention, before the commencement of the examination, the suspect must be informed of the charges against him and his right to legal assistance, or that the case must be accompanied by legal counsel.
4. Trials must be conducted quickly, simply, openly, honestly, and impartially. Arrests, detentions, searches, and seizures shall only be carried out based on a written order from an official authorized by law and only in the manner prescribed by law.
5. A suspect who has been arrested has the right to be questioned by providing information freely and then immediately submitted to the public prosecutor.
6. A person who is arrested, detained, charged, or tried in court without any legal basis or due to a mistake regarding his/her person or the law shall be compensated or rehabilitated.

3.2. What are the obstacles faced by the police in investigating theft crimes in Batam City?

In carrying out their duties and responsibilities in the community, police officers at the Riau Islands Regional Police (Polda Riau Islands) encounter obstacles during the process of prosecuting theft crimes. The obstacles hampering the handling of crimes in Batam City are as follows:

a. Internal Factors

1) Human Resources

Human resources are a crucial factor in law enforcement, serving as both legal subjects and objects of law enforcement. As the resource for handling theft crimes, police officers play a crucial role in carrying out the investigation and resolution of cases in the community. However, the imbalance between the number of officers and the high crime rate in the community is a barrier that hinders case resolution. This is triggered by several factors, namely:

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- a) a lack of understanding among officers regarding the approaches applied in resolving cases. The standard operating procedures stipulated in criminal procedural law do not reflect human rights principles, one of which is that witness testimony is crucial evidence as stipulated in Article 184 Paragraph (1) of the Criminal Procedure Code.
- b) Lack of human rights training for police officers hinders officers from handling theft cases in a manner that respects their rights.

2) Budget

Funding is a crucial aspect of every process across various sectors of life, work, and society. Limited budgetary resources for handling theft cases can lead to problems such as the underutilization of a management system that is not fully integrated and efficient in handling theft cases, including reporting, investigation, and closure, thus hampering fair law enforcement. This has implications for limited access to technology, which is actually a crucial tool for efficiently identifying and apprehending perpetrators.

b. External Factors

In the context of fulfilling human rights, the Barelang Police Department faces not only internal obstacles but also various external factors beyond the control of the Semarang City Police, including:

The level of public awareness of human rights, which influences their interaction patterns with the Semarang City Police, including reporting crimes and the importance of providing information in investigations. This is also due to a lack of public participation in combating theft, which can hinder police efforts to resolve cases. Consequently, the public stigmatizes perpetrators and victims, creating a sense of discomfort during the investigation process, which in turn hinders police efforts to resolve cases.

- a) Third-party intervention in the law enforcement process can also hinder police efforts to handle theft cases objectively, focusing on justice and restoring victims' social relationships.

Handling theft cases is not a simple matter, as it encompasses elements of interests, values, and societal dynamics, often leading law enforcement officers to clash with the community. This creates various complex problems, both internally within the police force and externally, influenced by the environment. Therefore, efforts are needed to address the obstacles encountered during the law enforcement process for theft crimes experienced by the community within the Barelang Police jurisdiction. Possible efforts include the following:

- a) Increasing the capacity of police personnel through specialized training and workshops/seminars. This should be done regularly and continuously, emphasizing human rights aspects, investigative ethics, and the treatment of victims and suspects. By involving legal and human rights experts and practitioners, the Barelang Police can raise awareness of the implementation of human rights principles in handling theft cases in Batam City.

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- b) Optimal budget allocation to improve adequate law enforcement facilities and infrastructure, such as by adding additional police personnel. This allocation of funds can also be used for technology implementation in law enforcement efforts, such as installing CCTV in areas prone to theft to monitor community activity and facilitate police evidence collection.
- c) Police efforts by collaborating with non-governmental organizations to establish community economic empowerment programs, as economic and social factors are often the causes of theft in Batam City. These NGO programs can include skills training and business capital assistance for the community, as well as improving infrastructure such as access to education, health care, and transportation networks. This helps reduce economic pressure and improve the quality of life for Batam City residents. In addition, the police also implement a restorative approach in handling theft cases by involving victims, perpetrators, and their communities in a mediation process to find a resolution. In its prevention efforts, the Barelang Police conduct routine patrols in crime-prone areas to foster a sense of security for the community.
- d) Raising public awareness about the security of their personal assets is also a priority, through outreach programs and community campaigns. This program aims to educate residents to routinely conduct security checks, such as ensuring doors and windows are locked, vehicles are secure, and valuables are stored in a safe place before leaving the house. This is a preventative measure to prevent crime and prevent criminals from carrying out their actions.
- e) Transparency and Accountability of the Legal Process by holding open meetings with the community to explain the legal process, the importance of human rights, namely the rights of victims and perpetrators before the law in the Indonesian justice system, and implementing internal oversight to ensure that the actions of officers comply with applicable legal ethical standards. By applying these various efforts in an integrated and sustainable manner, the Barelang Police can overcome obstacles in handling the crime of theft in addition to its duties in fulfilling Human Rights (HAM) while still upholding the principle of equal justice for all parties involved in a theft case that often occurs in the Batam City area.

In accordance with Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, it states: "The function of the police is one of the functions of state government in the areas of maintaining public security and order, law enforcement, protection, patronage, and service to the community." Therefore, the police are an institution tasked with maintaining public security and order and acting as a law enforcement officer. The development of human civilization and the development of crime patterns and methods have made the work of police officers increasingly demanding and complex.

This is more clearly reflected in Article 30, paragraph 4 of the 1945 Constitution of the Republic of Indonesia after the amendments. Based on Article 30, paragraph 4, the priority of police officers is law enforcement. This means that police duties are more directed towards prosecuting perpetrators of crimes based on existing guidelines. The police are part of the criminal justice system as investigators with the ability to enforce the law (repressive) as well

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as preventive and preemptive. As an institution tasked with law enforcement, they will naturally face various obstacles in its implementation. Therefore, law enforcement can be defined as the act of applying certain legal instruments to enforce legal sanctions to ensure compliance with provisions established by the authorities. According to Satjipto Rahadjo, law enforcement is a process of making legal desires a reality.¹¹

Conceptually, the meaning and essence of law enforcement lies in the activity of harmonizing the relationships between values outlined in the rules embodied in a series of values to create, maintain, and sustain peace in social life. Success in law enforcement is greatly influenced by several factors that have neutral meanings, so that their negative or positive impacts depend on their content.

These factors constitute the essence and benchmark for the effectiveness of law enforcement. According to Soerjono Soekanto¹². There are five factors that influence law enforcement, namely:

1. Law (statutes)
2. Law enforcers, namely the parties who create and implement the law
3. Facilities or means that support law enforcement
4. Society, namely the place where the law is implemented; and
5. Cultural factors, namely the results of creativity and feeling based on human initiative in social interactions.

3.3. What is the ideal formulation for resolving theft crimes in Batam City, considering the application of Restorative Justice?

1) Definition of Restorative Justice

Restorative justice is essentially a basic guideline in the peace process conducted outside of general courts, using mediation to achieve the justice desired by all parties involved: the perpetrator, the victim, and other parties involved in a criminal act, to seek the best agreement or solution mutually agreed upon by all parties. Restorative justice is essentially a collaborative process seeking a resolution to the crime and its implications, emphasizing restoration, a return to the original state, rather than retaliation.¹³

¹¹ Satjipto Rahardjo, *Masalah Penegakan Hukum*, Sinar Baru, Bandung, 1983, p.. 24.

¹² Soerjono Soekanto, *Faktor-faktor Yang Mempengaruhi Penegakan Hukum*, Raja Grafindo Persada, Jakarta, 1983, p.. 5

¹³ John Braithwaite, 2006, *Restorative Justice and Responsive Regulation*, Oxford, Oxford University Press, p..5

- 1) Basis for the Application of Restorative Justice in Criminal Case Resolution
 - a. The 1945 Constitution.
 - b. Law No. 1 of 1946 concerning Criminal Law or the Criminal Code (KUHP).
 - c. Law No. 8 of 1981 concerning Criminal Procedure (KUHAP).
 - d. Law No. 2 of 2002 concerning the Indonesian National Police.
 - e. Law No. 3 of 1997, amended by Law No. 11 of 2012 concerning the Juvenile Criminal Justice System.
 - f. Regulation of the Indonesian National Police (Perpol) No. 08 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice.
 - g. Regulation of the Supreme Court (Perma) of the Republic of Indonesia No. 2 of 2012 concerning Adjustments to Minor Crimes.
 - h. Supreme Court Regulation (Perma) of the Republic of Indonesia No. 4 of 2014 concerning the Implementation of Diversion in Juvenile Justice
 - i. Regulation of the Chief of the Indonesian National Police No. 6 of 2019 concerning Criminal Investigation

Restorative justice is a justice concept that prioritizes reconciliation and needs-based recovery for victims, perpetrators, and the community affected by a crime. The Head of the Criminal Investigation Agency (Kabareskrin) of the Indonesian National Police on August 8, 2012 issued a Telegram Letter from the Head of the Criminal Investigation Agency Number: STR/583/VIII/2012 concerning the Implementation of Restorative Justice, the telegram letter was then used as a basis for police investigators in resolving public complaint cases with restorative justice, until the Chief of the Indonesian National Police (Kapolri) on July 27, 2018 signed the Circular Letter of the Chief of Police Number: SE/8/VII/2018 concerning the Implementation of Restorative Justice in the Settlement of Criminal Cases, aimed at resolving cases with a restorative justice approach so as not to give rise to diversity in the administration of investigations/investigations and differences in interpretations of investigators as well as deviations in their implementation.

This circular from the Chief of Police on Restorative Justice subsequently serves as the legal basis and guidelines for investigators and criminal investigators conducting investigations. It also serves as a guarantee of legal protection and oversight of the application of restorative justice principles within the concept of criminal investigations. This ensures the public interest and a sense of justice within the community, thereby achieving a uniform understanding and application of restorative justice within the National Police.

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The criminal investigation and prosecution process is the entry point for criminal law enforcement through the Indonesian criminal justice system. The criminal investigation and prosecution process is the key to determining whether a crime can proceed to prosecution and criminal justice, achieving the legal objectives of justice, legal certainty, and expediency while prioritizing the principles of simplicity, speed, and low cost.

The development of law enforcement systems and methods in Indonesia shows a tendency to follow the development of social justice, particularly the development of the principle of restorative justice, which places the burden on perpetrators of crimes to acknowledge their mistakes, apologize, and restore the damage and losses to the victim, or at least to a similar level, which can satisfy the victim's sense of justice.

Essentially, the process of resolving theft crimes through restorative justice is carried out in two ways:

1. Formal Model Integrating Restorative Justice

Within the Police, Restorative Justice is a response to criminal acts that focuses on restoring victims who have suffered losses, empowering perpetrators to take responsibility for their crimes, and building a peaceful society.

The use of a formal model by integrating restorative justice legally has received recognition, with the accommodation of restorative justice in the enforcement of minor criminal law, namely by the formation of a Memorandum of Understanding with the Chief Justice of the Supreme Court of the Republic of Indonesia, the Minister of Law and Human Rights of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, and the Chief of the Indonesian National Police regarding the Implementation of the Preparation of Limitations for Minor Criminal Offenses and the Amount of Fines, Fast Examination Procedures, and the Implementation of Restorative Justice, Number: 131/KMA/SKB/X/2012; Number: M.HH - 07. HM. 03. 02 of 2012; Number: KEP-06/E/EJP/10/2012; Number: B/39/X/2012, Wednesday, October 17, 2012. The definition of restorative justice has been regulated in Article 1 paragraph (2) that restorative justice is "the resolution of minor criminal cases carried out by investigators at the investigation stage or judges from the beginning of the trial by involving the perpetrator, victim, the perpetrator/victim's family, and related community leaders to jointly seek a fair resolution by emphasizing restoration to the original state. This needs to be done because the restorative justice method has not been regulated by the Criminal Procedure Code.

2. Optimizing Customary Institutions and Social Institutions

As an alternative for resolving minor criminal cases, innovative measures are needed, namely optimizing existing customary institutions and institutions. There are several reasons for this: Customary resolution is perceived as more just, as it is rooted in the recognized values of justice within the local community (its validity is accepted).

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This is evident empirically, as the culture of deliberation is a widespread societal value in Indonesia, where peaceful dispute resolution procedures have long been commonly used and are considered effective in eliminating feelings of resentment and contributing to security, order, and peace.

In practice, not all criminal cases result in imprisonment. This is due to the concept of restorative justice, a non-judicial resolution mechanism based on the principle of justice. The application of this restorative justice concept is not solely oriented towards criminal punishment, but rather aims to align the interests of victim recovery and perpetrator accountability.

Regulations on restorative justice are currently regulated by Circular Letter of the Chief of Police No. Circular Letter No. SE/8/VII/2018 of 2018 concerning the Implementation of Restorative Justice in the Settlement of Criminal Cases; Regulation of the Chief of Police No. 6 of 2019 concerning Criminal Investigations; Prosecutor's Office Regulation No. 15 of 2020 concerning the Termination of Prosecution Based on Restorative Justice; and Decree of the Director General of the General Court of the Supreme Court of the Republic of Indonesia No. 1691/DJU/SK/PS.00/12/2020 concerning the Implementation of Guidelines for the Implementation of Restorative Justice.

Restorative justice practices are considered more appropriate than retributive justice in countries where judicial systems are not yet functioning optimally. Through restorative justice, efforts to improve social welfare are a key element of this principle. Consequently, peace and reconciliation become the focus of restorative justice, rather than retaliatory punishment that provides the maximum possible deterrent effect on perpetrators, even to the point of mandating the death penalty or life imprisonment. Uncertainty and injustice in the judicial process will actually trigger sentiment, revenge, anger, and hatred between the victim and the perpetrator.

4. Conclusion

The handling of theft investigations in Batam City has essentially been carried out in accordance with the provisions of the Criminal Procedure Code (KUHAP), namely through the stages of receiving reports, conducting inquiries, examining witnesses and suspects, and gathering evidence. However, in practice, obstacles remain, such as limited investigative resources, high caseloads, and a lack of public understanding of legal mechanisms. The application of restorative justice to theft cases in Batam City has been carried out selectively in accordance with the guidelines of Police Regulation No. 8 of 2021 and the Supreme Court Circular Letter. Not all cases can be resolved through restorative justice; generally only cases involving small losses, non-recidivists, and an agreement between the perpetrator and victim. Restorative justice provides significant benefits in resolving theft cases, such as reducing the backlog of cases, accelerating case resolution, reducing legal costs, and restoring social relationships between the perpetrator and victim.

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