

The Implementation of Restorative Justice in Handling the Crime of Theft

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Abstract. *The crime of theft is a type of crime that is still rife in the jurisdiction of the Klaten Police. Polri as the front guard in the settlement of criminal acts needs to prioritize restorative justice. This study aims to identify and analyze the need for restorative justice in handling criminal acts of theft, implementing restorative justice in handling criminal acts of theft at the Klaten Police Station and the obstacles and solutions. The approach method used is sociological juridical, the research specification is analytical descriptive. The data used are primary data and secondary data. Data collection methods are field studies and literature studies. Methods of data analysis using qualitative analysis. The theory used as an analytical knife is the theory of law enforcement, justice theory and progressive legal theory. The results of the study show that restorative justice is very much needed in handling criminal acts of theft at the Klaten Police, considering that cases of theft are high, so that through restorative justice it can reduce the accumulation of cases, the process is simpler at a low cost. Besides that, it can also balance the interests of recovery from the situation and the rights of victims. The implementation of restorative justice in handling criminal acts of theft at the Klaten Polres is in accordance with the provisions of Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice both in fulfilling material and formal requirements as well as in the handling mechanism, so that justice, legal certainty and legal benefits can be realized. Obstacles in the implementation of restorative justice in handling the crime of theft at the Klaten Police Station are the lack of understanding of the parties regarding the mechanism of restorative justice, no peace agreement was reached between the perpetrators and the victims, and the negative views of the community towards restorative justice. The solution to overcome this is to provide education regarding restorative justice, proceed to the prosecution stage, and provide outreach to the community regarding restorative justice.*

Keywords: *Crime; Justice; Restorative; Theft.*

1. Introduction

One type of crime that is still rife in society is the crime of theft. The crime of theft is regulated in Articles 262 to 367 of the Criminal Code. The crime of ordinary theft is regulated in Article 362 of the Criminal Code which states that whoever takes goods, which are wholly or partly owned by another person with the intention to unlawfully possess, is punished for committing theft with a maximum prison sentence of five years or a maximum fine of sixty rupiah.

Articles 363 and 365 of the Criminal Code constitute "special theft", meaning a theft in a certain way or under certain circumstances. So that it is more severe and is subject to a higher maximum penalty than ordinary theft (Article 362 of the Criminal Code), which is more than 5 years in prison. Petty theft in the Criminal Code is regulated in Article 364. Included in the definition of petty theft is theft within the family (Article 367 of the Criminal Code). Article 364 of the Criminal Code states that the actions described in Article 362 and Article 363 4th, as well as the actions described in Article 363 5th, if they are not carried out in a closed house or yard where there is a house, if the price of the stolen goods is not more than than twenty five rupiahs, subject to, for petty theft,

In practice, many cases of theft with a small value of goods that are tried in court are enough to get the public's attention. For example, the case of Grandma Minah who stole three cocoa pods weighing three kilograms with a value of IDR 30,000, who was found guilty and sentenced to 1 month and 15 days with a probation period of 3 months. This was the case with a Deli Suhandi Middle School student who was detained at the Pondok Bambu Detention Center because he was accused of stealing a mobile phone starter voucher worth IDR 10,000 which was subject to Article 363 of the Criminal Code.¹

Cases like Granny Minah or Deli can actually be resolved by non-formal mechanisms, with approaches *restorative justice* which is an approach that focuses more on the condition of creating justice and balance for the perpetrators of crime and the victims themselves.

The large number of petty theft cases were very inappropriately charged using Article 362 of the Criminal Code, which carries a maximum sentence of five years, so that the Supreme Court (MA) issued Supreme Court Regulation (Perma) Number 2 of 2012 concerning Settlement of Limitations for Minor Crimes and Amount of Fines in the Criminal Code. . The Perma is intended to finalize the interpretation of the value of money in minor crimes in the Criminal Code, where theft under 2.5 million cannot be arrested.

¹Learn from Granny Minah the Cacao Thief <https://www.liputan6.com>, accessed June 3, 2022.

Implementation of Perma No. 2 of 2012 actually only applies to court judges, and does not apply to investigators, in this case Polri investigators. This raises problems in the implementation of law enforcement, especially the police as the first party that deals directly with victims and perpetrators. In response to this problem, the National Police Chief issued Republic of Indonesia National Police Regulation (Perpol) Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice. The Perpol is a legal umbrella for Polri in resolving minor crimes including theft through a restorative justice approach.

Polri, as the vanguard in the criminal justice system, needs to realize the resolution of crimes by prioritizing restorative justice which emphasizes restoration to its original state and balance of protection and interests of victims and perpetrators of crimes that are not oriented towards punishment. Restorative justice is considered a new way of thinking/paradigm in viewing a crime committed by a person.² However, a Regardless of the type of crime, it is the victim who always suffers losses as a result of the crime that occurs.³

In the jurisdiction of the Klaten Police, based on the results of preliminary research it is known that there are 150 cases of theft that occurred in 2021 which include serious theft, violent theft, motor vehicle theft, ordinary theft and minor theft. Of the 150 theft cases, 12 cases were resolved through restorative justice. Whereas in 2022 until May there were 55 cases of theft handled by the Kendal Police and no cases have been resolved through restorative justice. The data shows that the Klaten Police have attempted to apply restorative justice in resolving the crime of theft, even though it is only 8% of all cases.

The purpose of this research is to find out and analyze: (1) the need for restorative justice in handling criminal acts of theft at the Klaten Police; (2) implementation of restorative justice in handling criminal acts of theft at the Klaten Police; (3) obstacles and solutions in the implementation of restorative justice in handling the criminal act of theft at the Klaten Police Station.

2. Research Methods

The approach used is sociological juridical. The specification of this research uses descriptive analysis. Sources of data in this study are sourced from primary and secondary data. Primary data comes from interviews with sources or informants,

²Anita Indah Setyaningrum and Umar Ma'ruf, Diversion as a Form of Settlement of Child Criminal Cases through a Restorative Justice Approach by Central Java Police Investigators, *Khaira Ummah Law Journal* Vol. 12. No. 4 December 2017, h. 976 url : <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/jhku/article/viewFile/2574/1930>

³Rully Trie Prasetyo, Umar Ma'ruf, Anis Mashdurohatun, Corporate Crime in the Perspective of Criminal Law Formulation Policy, *Khaira Ummah Law Journal* Vol. 12. No. 4 December 2017.h.730. url : <http://jurnal.unissula.ac.id/index.php/jhku/article/view/2291/1720>

and secondary data comes from primary legal materials, secondary legal materials and tertiary legal materials. Methods of data collection using field studies and literature studies.

The data analysis method used is a qualitative analysis method, namely non-statistical or non-mathematical analysis. The data that has been obtained will be analyzed for its contents using legal principles, legal theories, expert opinions and existing laws and regulations, then compiled in the form of research.

3. Results and Discussion

3.1. The Need for Restorative Justice in Handling the Crime of Theft at the Klaten Police

Placement of convicts placed in Detention Centers and Correctional Institutions which have exceeded their capacity has resulted in a lack of focus on the handling, guidance and supervision of convicts. This has resulted in prisons actually becoming a place or place for convicts to further hone their skills and imitate the criminal behavior of other convicts.

Completion of criminal acts through the judiciary is also less profitable for the victim, because the victim only gets satisfaction for the punishment received by the perpetrators of the crime and only gets revenge. This happens, for example, when the defendant is sentenced to imprisonment and a fine, the fine is not immediately given to the victim, but is handed over to the state, so that the victim remains the aggrieved party.⁴

The above conditions form the basis for the existence of the concept of restorative justice in the criminal law enforcement system in Indonesia. Restorative justice is an alternative method of settling legal cases that focuses on its main objective, namely applying a sense of justice to the litigants. Restorative justice focuses on conditions for the creation of justice and balance for the perpetrators of crime and the victims themselves.⁵In the concept of restorative justice, procedures and criminal justice mechanisms that focus on punishment are transformed into a process of dialogue and mediation to create an agreement on a more just and balanced settlement of criminal cases for victims and perpetrators.

⁴Ibid., p.1055

⁵Purwadi Arianto, 2013, Restorative Justice Approach in Law Enforcement Efforts by POLRI (A Study in the Application of Criminal Law), National Seminar on Central Java Regional Police Criminal Investigation Director, Semarang, p.5

Based on interviews with the police, it was explained that the settlement of criminal cases by prioritizing restorative justice still needs to be carried out, because this emphasizes the balance of protection and the interests of victims and perpetrators of crimes that are not oriented towards retaliation, but are a legal requirement of society and a mechanism that must be built. in implementing the renewal of the criminal justice system.

Based on interviews with lawyers it was explained that justice is restorative important to implement, because it is one of the paradigm shifts that provide solutions to the handling of legal problems. This is because the criminal justice system does not always fulfill substantive justice, so it needs to be taken into consideration in handling legal issues, because this approach involves all parties in the settlement process to sit together for deliberation. The same opinion was also expressed by other lawyers that restorative justice needs to be applied to some cases that are light in nature, and there is no need to continue it at trial, because from a formal and material perspective there are several cases that can actually be resolved by deliberation or peace.

restorative justice it needs to be done as an alternative to settling legal cases, because it has principles such as, 1) Providing an opportunity for offenders to be responsible for repairing losses caused by their mistakes; 2) Providing opportunities for offenders to prove their capacity and quality in addition to overcoming their guilt constructively, involving victims, parents or extended family as well as the school and community; 3) Creating a forum for cooperation in terms of solving problems, through deliberations between the parties.

In handling criminal acts of theft also need a settlement through restorative justice. This is because many cases of theft can actually be resolved through mediation but are still resolved through the courts. The criminal justice system and punishment in Indonesia are generally still dominantly retributive, where law enforcement focuses on punishing perpetrators. This sometimes causes uproar in the community. Law enforcement tends to ignore benefits and does not reflect people's sense of justice. As an example of the handling of a case that is felt to have hurt values and a sense of justice in society is the theft of Grandma Minah and Grandpa Sarimin. Minah's grandmother was charged with stealing three cocoa pods and was sentenced to 1 month and 15 days with three months probation. Meanwhile, Grandfather Samirin was charged with stealing rubber latex worth IDR 17,000 and was sentenced to 2 months and 4 days. Though both are forced because to meet their daily needs.

The two cases have caught the attention of some members of the public, where the public does not want both of them to be punished, even though technically the law and the fulfillment of evidence have proven that both of them committed the crime of theft. This shows that the criminal procedural law is

stuck with fulfilling legal certainty, but has not been able to realize justice and expediency. Therefore, in line with legal developments, it is necessary to resolve the crime of theft through restorative justice which focuses on the importance of solutions to restore the victim's condition as well as reconcile the parties and restore harmony to society while still holding the perpetrators accountable.

Based on interviews with Advocates/Legal Consultants, it was explained that restorative justice can be applied to cases of minor theft, provided that the stolen goods are worth no more than IDR 2,500,000, -, the suspect is the first time to commit a crime; and the threat of imprisonment for not more than 5 (five) years. Another advocate also added that the theft case was actually regulated Articles 362-367 of the Criminal Code (KUHP). However, for cases that are included in the crime of light theft, restorative justice can be carried out.

Restorative justice is a solution where the interests or rights of victims are prioritized in settling cases. In this case the improvement of the victim's condition and the offering of forgiveness from the victim are the determining factors in resolving cases. In addition, on the other hand, pay attention to the specific conditions of the perpetrators of crimes as material for consideration for the settlement of cases as stipulated in the formal requirements and material requirements in Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice.

Handling the criminal act of theft through restorative justice can balance the interests of recovering the situation and the rights of the victim. Restorative justice can improve the perpetrators by encouraging the perpetrators to be responsible for their mistakes, which in the end can create justice that improves the situation of each party.

At the Klaten Polres, restorative justice is the first choice in solving the crime of theft, especially if it turns out that the perpetrator and the victim know each other. This is because the number of cases of theft at the Klaten Polres is still high from year to year, so that if resolved through the judiciary it is less effective, because it will add to the pile of cases, expensive costs and long procedures. Whereas *restorative justice* places a higher value on the direct involvement of the parties. Victims are able to restore an element of control, while perpetrators are encouraged to assume responsibility as a step in correcting the wrongs caused by the crime and in building their social value system. The victim gets his rights back according to the loss he has suffered, while the perpetrator is responsible for returning the stolen goods.

Based on interviews with the police, it was explained that in light theft cases carried out with restorative justice, the termination of prosecution can be carried out by prioritizing a sense of justice; in the public interest; proportionally; and

efforts are made to avoid punishment or use it as a last resort if peaceful efforts cannot be made. This is done because it is faster, simpler, and lower cost.

Restorative justice in handling criminal acts of theft at the Klaten Police Station in line with progressive legal theory as stated by Soerjono Soekanto that law is for humans. Progressive law does not recognize the existence of positive law, but that in the paradigm of progressive law, law is not only a prisoner of the system and laws, but that the justice and happiness of the people are above the law.⁶

Progressive law enforcement is implementing the law, not just the black and white words of statutory regulations, but according to the spirit and deeper meaning of the broader law. Law enforcement is not only intellectual intelligence, but with spiritual intelligence. Law enforcement is carried out with full determination, empathy, dedication, commitment to the suffering of the nation and accompanied by the courage to seek other ways than what is usually done.⁷

At present the community needs a law enforcement that accommodates interests and resolves problems in a fair manner and accommodates the aspirations of the will of the community itself, especially the interests of the recovery of victims who have been the aggrieved party and have not received attention. The implementation of law enforcement duties by the Police at the practical level in the field, in addition to law enforcement that prioritizes formal law, is also faced with taking other policies with various considerations in non-formal law enforcement that are oriented towards community justice.

The task of the Police as the protector and protector of the community is the task that has the most to do. Maintaining security, maintaining order, and creating and protecting society are very important tasks. In this task, Polri cannot act as a law enforcer whose only duty is to strictly enforce the rule of law. Polri must be able to translate existing legal regulations and apply them in society. Thus, in order to provide security, order and protect the community, restorative justice is needed in handling the crime of theft. Through restorative justice, it can provide justice for all parties, both for perpetrators and victims.

Conceptually and practically, restorative justice needs to be done because it contains ideas and principles, including:

⁶Soerjono Soekanto, Op. cit., p.116.

⁷Mirza Sahputra, Restorative Justice as a Form of Progressive Law in Indonesian Legislation, Journal of Administrative Transformation, Volume 12 Number 01 of 2022, <http://jta.lan.go.id/index.php/jta/article/view/205/123>

- a. Building joint participation between perpetrators, victims, and community groups to resolve an event or crime. Placing perpetrators, victims and the community as stakeholders who work together and immediately try to find a solution that is seen as fair for all parties (win win solution).
- b. Encouraging perpetrators to take responsibility for victims or events or criminal acts that have caused injury or loss to victims. Furthermore, build responsibility not to repeat the criminal acts that have been done.
- c. Place events or criminal acts not primarily as a form of violation of the law, but as a violation by a person (a group of people) against someone (a group of people). Thus, the perpetrators should be directed towards accountability to the victim, not prioritizing legal responsibility.
- d. Encouraging solving an event or criminal act in more informal and personal ways than solving it in formal (rigid) and impersonal ways.⁸

Furthermore, seen from the progressive legal theory put forward by Satjipto Rahardjo, the implementation of restorative justice is related to legal interpretations that prioritize conscience. In order to obtain maximum legal objectives, law must be built based on human ability to reason and understand law based on human conscience to make legal interpretations that prioritize the moral values of justice in society. Besides that, another idea is that law must be pro-people, pro-justice, aiming at welfare and happiness, based on a good life, responsive, supporting the formation of a legal nation that has conscience, is run with spiritual intelligence and is liberating.⁹

3.2. Implementation of Restorative Justice in Handling the Crime of Theft at the Klaten Police

Based on the results of research at the Klaten Police, the settlement of acts of theft based on restorative justice is as follows:

Table 1. Settlement of Acts of Theft at the Klaten Police Station (2019 to 2022)

No	Year	Amount	Completion
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⁸R. Wiyono, *Juvenile Criminal Justice System in Indonesia*, Sinar Graphic, Jakarta, 2016, h. 42.

⁹Moh. Mahfud MD et al, 2011, *Satjipto Rahardjo and Progressive Law of Urgency and Criticism, Series of Indonesian Legal Figures*, Jakarta: Epistema Institute and HuMa, h. 5

			P21	SP3	restorative justice
1	2019	95	24	-	-
2	2020	197	51	3	2
3	2021	150	44	3	6
4	2022	65	24	-	10

Source: SatReskrim Polres Klaten, 2022

Based on the table above, it can be seen that the number of criminal acts of theft reported at the Klaten Police in 2019 was 95 cases, of which 24 cases were resolved through the judiciary (P21) and no cases were resolved through restorative justice. In 2020 there were 197 cases of theft with 51 cases of P21 resolved, 3 cases of SP3 and 2 cases of settlement through restorative justice. In 2021 there will be 150 cases of theft with the completion of 44 cases of P21, 3 cases of SP3 and 6 cases of settlement through restorative justice. In 2022 until June the number of cases is 65 cases with settlement of P21 cases of 24 cases and restorative justice of 10 cases.

The data above illustrates that the settlement of criminal acts of theft that occurred at the Klaten Police Station over a period of three years (2019 to 2022) is still mostly resolved through the criminal justice process (P21). Only in 2022 will there be a slight increase in the number of cases resolved through restorative justice. According to the police, the settlement of acts of theft that occurred in the jurisdiction of the Klaten Police, if seen from the data, there are still many who are proceeding to the investigation stage. This is because there are many cases of theft that do not meet the material or formal requirements for restorative justice. Some of the causes include:

1. The suspect is a recidivist
2. Repeated crime
3. There is no peace agreement on the part of the victim
4. There is no application for revocation.

5. The suspect did not fulfill the right to return to the victim.
6. Can cause social conflict.

To find out the implementation of restorative justice in handling criminal acts of theft at the Klaten Police, the following describes examples of criminal cases of theft that were resolved through restorative justice

1. Case I: LP No: LP/ B/06/VI/2022/SPKT/Polsek KRA/Polres KLT/Polda Central Java with the suspect DDS

A crime has been committed weighted theft, as referred to in Article 363 paragraph 1 to 4e and 5e of the Criminal Code at a Klontong shop owned by SJ which was carried out by 2 people namely suspect DDS and suspect FS by suspect take a bucket in the laundry at the scene then the bucket is reversed then make a foothold to reach the broken bathroom ventilation to enter then after reaching ventilation then ventilations suspect pull it off then suspect removing the bricks under the ventilation so that the hole is big then enter through the hole then enter the shop and before entering DDS suspects unplug the CCTV cable so that it is not recorded after being in the shop suspect open drawer and there were pieces of paper and metal coins and then they were put in a plastic bag, then the suspect FS took them, then the suspect took cigarettes that were on the shelf in the form of lots of slopan slopan then put them in 2 boxes of sarimi in the shop then after full ago suspect went out through the back door which was locked with a slot then pulled the slot so that the door opened, then walked towards the motorcycle which was parked in the park south of the gas station then the money was put into the JOK motorcycle while 2 kerdus were placed on the dashboard and one was taken suspect DDS next to the rice fields in area Ds. Bulusan, Kec. Karangdowo, Kab. Klaten was then placed in a hut and covered with used zinc, then the money was divided into two DDS suspects deliver FS went home then DDS suspects alone returned to the hut took 1 small box of sarimi then opened it containing 10 slops and then sold it to SW relatives in the Pedan area in the amount of 10 slops. With this incident, the victim SJ reported to the Cawas Police with a loss of IDR 41.364.000,-

In connection with this crime, the suspect DDS can be suspected of having violated the crime of theft by weighting, as meant in Article 363 paragraph (1) to 4e of the Criminal Code, namely: "Anyone who takes goods that are wholly or partly belonging to another person the intention to be owned unlawfully, the theft is carried out by two or more people, by shooting or destroying the object in order to reach the object, is punishable by a maximum imprisonment of 7 years". Based on the discussion of the facts in the case analysis and juridical analysis, it was concluded that the suspect DDS met the elements of committing

the crime of theft, as referred to in Article 363 paragraph (1) to 4e and 5e of the Criminal Code.

2. Case II: LP No: LP/B/06/VI/2022/SPKT/POLSEK KRA/POLRES KLT/POLDA JATENG, with the suspect PW.

There has been an alleged criminal act of theft in SB's yard which was allegedly committed by PW. The perpetrator allegedly took 1 (one) Unit of white Yamaha Mio J / 2BJ motorcycle No.Pol: AD-3085-YJ belonging to the victim RAS. The alleged theft was carried out by the perpetrator taking a motorcycle which was parked in the yard of SB where at that time the key was still attached. After taking the motorbike, the perpetrator immediately went to ride a motorcycle towards Ds. Essay

In connection with this incident, the reported party is suspected of having violated Article 362 of the Criminal Code "Anyone who takes something that completely or partially belongs to another person with the intention of owning it". Based on the discussion of the facts in the case analysis and juridical analysis, it was concluded that PW should not be suspected of having committed the crime of theft, as referred to in the formulation of Article 362 of the Criminal Code.

Based on the two examples above, it can be seen that in the first case the suspect's actions have fulfilled the elements of the crime of theft by weighting as stipulated in Article 363 paragraph 1 to 4e and 5e of the Criminal Code with a maximum imprisonment of 7 years. In this case was resolved based on restorative justice. Whereas in the second case, one of the elements of the crime of theft as referred to in Article 362 of the Criminal Code was not proven, so that the reported party could not be charged with the crime of theft, so it was not continued into the investigation process.

In the first case, the suspect has fulfilled the elements of the crime of theft as stipulated in Article 363 paragraph 1-4e and 5e of the Criminal Code which states that he is subject to a maximum imprisonment of seven years for theft committed by two or more people in partnership. Theft in order to enter the place of commission of a crime, or to arrive at the goods taken, is committed by breaking, cutting or climbing or by using false keys, false orders or false official attire. This case was resolved through restorative justice.

In the first case example, the suspect was charged with Article 363 paragraph (1) 4e and 5e of the Criminal Code with a maximum imprisonment of 7 years. Even though the prison sentence for the suspect is 7 years, the settlement of the case is still carried out based on restorative justice. Based on the results of an interview with Mr. Joko Waluyo, the victim in the example case submitted a

request for restorative justice by attaching a statement of peace and evidence that the victim's rights had been exercised. Where in this case the perpetrator has returned the stolen goods to the victim. The implementation of restorative justice is as follows:

1. Based on the provisions of Article 15 paragraph (2) of Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice, the victim submits a written request for restorative justice. The letter was made and signed by the parties, namely the victim, perpetrator and related parties, in this case the local village head. By attaching a statement of peace and evidence that the victim's rights have been restored.
2. Investigators conducted research on the completeness of the documents.
3. Clarifying/holding restorative justice cases and writing down the statements of the parties in the minutes.
4. Conducting special case titles referring to the results of document research and restorative justice case titles to provide legal certainty.
5. Compile a report on the results of the case title.
6. Issuing an order to terminate the investigation/investigation with reasons for the sake of law.
7. Recording in the register book.
8. Reporting in E-Management Education (E-MP).

Based on the description above, it can be seen that the implementation of restorative justice in the settlement of the crime of theft at the Klaten Polres is in line with the provisions of Article Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice, namely that the material requirements and material requirements have been fulfilled as stipulated in Article 3, Articles 5 and 6 of Perpol Number 8 of 2021.

Completion of criminal acts of theft based on restorative justice at the Klaten Polres has fulfilled the general requirements in accordance with the provisions of Article 3 of Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice which states that the handling of crimes based on restorative justice must meet general and/or special requirements. In the next paragraph it is stated that general requirements apply to the handling of criminal acts based on restorative justice in the activities of carrying out the functions of criminal

investigation, investigation or investigation. This is considering that the crime of theft is in the function of criminal detectives at the stage of investigation or investigation.

The general requirements for carrying out the settlement of criminal acts of theft through restorative justice include material requirements and formal requirements. This is as formulated in Article 5 of Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice. The material requirements include:

- a. does not cause anxiety and/or rejection from the community;
- b. does not impact social conflict;
- c. does not have the potential to divide the nation;
- d. not radicalism and separatism;
- e. not a repeat offender based on a court decision;
- f. not a crime of terrorism, a crime against state security, a crime of corruption and a crime against people's lives.

The formal requirements for resolving criminal acts of theft through restorative justice according to the provisions of Article 6 of Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice are as follows: (a) peace from both parties; (b) fulfilling the rights of victims and the responsibilities of perpetrators.

Peace from both parties is evidenced by a peace agreement signed by the parties. Regarding the fulfillment of the victim's rights and the perpetrator's responsibilities, it can be in the form of: (1) returning the goods; (2) compensate for losses; (3) replace the costs incurred as a result of a crime; and/or (4) compensate for damages caused by criminal acts.

In the crime of theft, the fulfillment of the victim's rights is carried out by returning the goods to the victim. Fulfillment of the rights of the victim and the responsibilities of the perpetrator is evidenced by a statement in accordance with the agreement signed by the victim. After a request for settlement of cases through restorative justice, Satreksim investigators from the Klaten Police carried out activities as stipulated in Article 16 of Perpol Number 21 of 2021, namely:

1. Examination of the completeness of the documents referred to in Article 15 paragraph (3), namely a statement of reconciliation and evidence that the victim's rights have been restored.
2. Clarification of the parties and set forth in the minutes;
3. Submission of an application for approval to carry out a special case title, if the results of the research referred to in letter a and the results of the clarification referred to in letter b are fulfilled;
4. Compilation of reports on the results of special cases;
5. Issuance of warrants to terminate investigations and decrees to terminate investigations with legal reasons;
6. Recording in the restorative justice register book to terminate the investigation and count as settlement of the case; And
7. Entering data into the Investigation management electronic system.

Based on the application letter for restorative justice, as referred to in Article 15 paragraph (1), investigators in investigative activities carry out:

1. Additional examination as outlined in the minutes;
2. Clarification of the parties and set forth in the minutes;
3. Submission of an application for approval to carry out a special case title, if the results of the additional examination as referred to in letter a, and the results of the clarification referred to in letter b are fulfilled;
4. Compilation of reports on the results of special cases;
5. Issuance of warrants for termination of investigations and decrees for termination of investigations with legal reasons;
6. Recording in the restorative justice register book to terminate the investigation and count as settlement of the case;
7. Sending a letter of notification of termination of investigation by attaching a letter of decision to terminate investigation of the case that has been sent a notice of commencement of investigation to the public prosecutor; And

8. Entering data into the investigation management electronic system.

Article 17 paragraph (2) of Perpol Number 21 of 2021 states that the implementation of special case titles is attended by: (1) Investigators in charge, investigator supervisors, internal supervisory functions and legal functions; and (2) The complainant and/or the reporting family, the reported party and/or the reported family and/or representatives of community leaders, religious leaders, traditional leaders or stakeholders.

Regarding the implementation of restorative justice in handling criminal acts of theft at the Klaten Police, based on interviews with lawyers it was explained that the implementation of restorative justice at the Klaten Police for theft cases, especially for minor crimes, has been carried out well, because the police are always trying to bring together the two parties to make peaceful efforts, and not to proceed to court proceedings. Similar opinions were also expressed by other lawyers who explained that the Klaten Police often seeks to apply restorative justice to resolve the problem of the crime of theft, provided that the case meets the criteria to be resolved under the principles of restorative justice, because there are already several regulations governing this. . Based on interviews with Advocates/Legal Consultants, it was explained that police colleagues at the Klaten Polres had carried out restorative justice efforts for the perpetrators of criminal acts of theft, because there had been many cases related to minor theft that had been successfully resolved with restorative justice. This is done as an attempt to empower victims, perpetrators, families and communities to correct an unlawful act, by using awareness and conviction to improve a better social life. A similar opinion was also expressed by other advocates, namely that there had been many cases of theft that met the requirements for restorative justice that had been carried out by the Klaten Police, because there were also guidelines that were used as the basis for handling them. As legal consultants, we also often encourage perpetrators and victims of criminal acts of theft to make peaceful efforts, because if forced to go through a court process it will take up a lot of time, effort and money. Moreover, if the stolen goods are also not worth how much.

Based on interviews with the police, it was explained that as long as the crime of theft fulfills the requirements for restorative justice, the Klaten Police will always try to solve this problem using a restorative justice approach, because this is according to the direction of the leadership, which has also been stated in Perpol No. 8 Year 2021 concerning Handling of Crimes Based on Restorative Justice.

Based on the description above, it can be seen that the implementation of restorative justice in handling the crime of theft at the Klaten Police Station is in line with the theory of law enforcement as stated by Satjipto Rahardjo, that law enforcement is an attempt to realize ideas about justice, legal certainty and

social benefits into reality.¹⁰The application of restorative justice in law enforcement against criminal acts of theft at the Klaten Police Station has created justice in society. In the settlement of the crime of theft, the perpetrator of the crime submits a request for settlement of the case through restorative justice which is attached with evidence of a peace agreement between the perpetrator and the victim. In this case the perpetrator returns the stolen goods to the victim. This is a form of perpetrator's responsibility to the victim, while the victim gets back his rights, namely the return of lost goods.

In the settlement of the crime of theft through restorative justice at the Klaten Police Precinct, it has gone through the appropriate mechanism stipulated in Perpol Number 21 of 2021. Settlement of cases through restorative justice has met the material requirements as well as formal requirements which are then followed up by investigators by conducting document research, case titles until by stopping the investigation/investigation and recording it as a restorative justice solution. Thus the settlement of handling criminal acts of theft through restorative justice has fulfilled the principle of legal certainty.

The application of restorative justice in the crime of theft has also fulfilled the principle of expediency. As it is known that restorative justice is an alternative settlement of criminal cases, which in the mechanism (criminal justice procedures) the focus of crime is changed to a process of dialogue and mediation..In restorative justice, perpetrators and victims alike get the best possible benefit so as to reduce recidivism rates among perpetrators of crimes and provide a sense of responsibility for each party. Another benefit is that with restorative justice it reduces the buildup of cases, in which criminal law enforcement goes through various levels starting from the Police, Prosecutors, District Courts, High Courts and even up to the Supreme Court which in the end has an impact on the accumulation of cases that are not small in number in court.

The application of restorative justice in handling criminal acts of theft at the Klaten Police is also in accordance with the theory of justice according to Islamic law. Judging from the language of fairness ('adl) means balanced or equal, balancing, weighing, being balanced. The term 'adl as equality or balance is used in the sense of balancing something with another.¹¹Justice has a general meaning and has a special meaning, including justice in dealings, justice in law, justice in finance, and justice in human rights.¹²

¹⁰ Satjipto Rahardjo, Op. cit, p.14

¹¹Fauzi Almubarok, Op.Cit. h. 117.

¹²Muhammad Dhiaduddin Rais, 2001, Islamic Political Theory, Gema Insani Press, Jakarta, h. 268

The application of restorative justice in handling criminal acts of theft by the Klaten Police is in line with QS. Al-Hujurat verse 10 which means "The believers are truly brothers therefore make peace (improve relations) between your two brothers and fear Allah, that you may receive mercy." Settlement of criminal acts of theft through restorative justice is an effort to reconcile the perpetrators and victims with certain conditions. In this case the perpetrator is burdened with accountability to the victim so that the victim gets back his rights. The application of restorative justice is an embodiment of muamalah justice, justice in law and justice in human rights. In restorative justice, both perpetrators and victims have obtained their rights according to their respective portions.

The application of restorative justice is also in line with progressive legal theory as stated by Satjipto Raharjo that law is for humans and not the other way around. Legal actors are required to prioritize the interests of the community, where the welfare and happiness of the community is the orientation point and the ultimate goal in administering the law.¹³ Completion of the crime of theft through restorative justice shows that investigators at the Klaten Police are able to act progressively, namely making inroads into laws and regulations. Restorative justice can be interpreted as the reintegration of perpetrators of crimes with society and restoring relations between victims of crimes, perpetrators of crimes, and other parties affected by the occurrence of these crimes, so that the investigation process is designed progressively towards this. Restorative justice involves perpetrators, victims, families and other related parties who jointly seek a solution to the crime of theft by emphasizing restoration to its original state. To realize justice for victims and perpetrators, the perpetrators of criminal acts are not punished but to restore the victim's rights, namely by returning the stolen goods or replacing the stolen goods according to the agreement. In the application of restorative justice, the law functions to achieve justice and social welfare.

3.3. Obstacles and Solutions in the Implementation of Restorative Justice in Handling the Crime of Theft at the Klaten Police

The handling of criminal acts of theft through restorative justice at the Klaten Polres sometimes encounters several obstacles, namely:

a. Lack of understanding of the parties regarding the mechanism of restorative justice

There are still many people who do not understand about the settlement of criminal cases through restorative justice, especially the perpetrators and victims. This is related to the restoration of the rights of the victim, which

¹³Satjipto Rahardjo, Op.Cit, h. 188.

sometimes does not match the losses suffered by the victim. The solution to overcome this is that the investigator provides understanding and conducts socialization related to restorative justice. Investigators provide space for discussion or mediation to the parties so that the rehabilitation of victims can be maximized so that the process of restorative justice based on the principles of benefit, fairness and legal certainty can be fulfilled so that the objectivity of the case can be accounted for.

Based on interviews with lawyers, it is said that the obstacles that are often encountered in implementation restorative justice is the existence of different perceptions regarding the meaning of justice by the parties, be it the victims, their families, the perpetrators and their families, law enforcement officials, and the community about the meaning of restorative justice. Solutions that can be taken are to provide socialization or counseling to the community, to collaborate with local governments and related agencies about the meaning and benefits of restorative justice. Maintain intensive communication with other law enforcers.

b. No peace agreement was reached between the perpetrator and the victim

The peace agreement between the two parties (the perpetrator and the victim) is a formal condition for the implementation of restorative justice as stipulated in Perpol Number 8 of 2021 and Article 12 of Perkap Polri Number 6 of 2019 concerning Investigation of Criminal Acts. Based on interviews with Satreskrim Investigators from the Klaten Police, it was explained that in practice, even though investigators have attempted mediation in handling criminal acts of theft, the parties sometimes find common ground, so that no peace agreement can be reached. This is especially when the victim is not willing to do restorative justice. The solution to overcoming these obstacles is for investigators to provide understanding to the parties that through mediation it is hoped that it can reduce the buildup of cases in court and can resolve criminal cases more quickly, cheaply and simply and provide justice for the parties. However, if there is no peace agreement, then the settlement of the crime of theft will proceed to the prosecution stage.

Based on interviews with lawyers, it was explained that the obstacle that sometimes arises when carrying out restorative justice is that one party, especially the victim, does not want to make peace efforts, and expects the perpetrator to go to prison based on a sense of revenge. Or the victim asks for compensation that is quite large and the perpetrator is unable to pay compensation. If nothing can be done, then the case will proceed to court. The same opinion was also explained by the Advocate/Legal Consultant who said that

there were several obstacles in the implementation of restorative justice, such as: the victim or family did not want peace efforts, did not give forgiveness to the perpetrator who had the heart and harmed himself or his family, wanted the perpetrator to get a lesson in iron bars, and so on.

c. Society's negative view of restorative justice

There are still many people who think that if restorative justice is carried out in the crime of theft, it is feared that the perpetrators will repeat the crime, moreover the community is worried that later they will become victims. This causes the public to think that the perpetrators of the crime of theft must be punished to provide a deterrent effect. The solution to overcoming these obstacles is to provide an understanding of the community regarding the handling of criminal acts of theft through restorative justice, where the concept offers a win-win solution for both perpetrators and victims, as well as the benefits of restorative justice, namely that there is no accumulation of cases in court as well as easy and affordable costs. simple. The same thing was also explained by the Advocate/Legal Consultant that the obstacles that arise in the implementation of restorative justice are differences in views on restorative justice, some people still think that restorative justice does not educate criminals, because it cannot provide a deterrent effect. The perpetrator actually benefits more, and does not provide a sense of justice for the victim, so that sometimes this becomes a factor that can hinder the implementation of restorative justice. The solution is to provide understanding and counseling to the public that restorative justice is the best solution for efforts to resolve criminal cases, quickly and at low cost. In addition, giving understanding to the public that giving forgiveness to the guilty is a noble deed.

Based on the description above, it can be seen that the obstacles in the implementation of restorative justice in handling the crime of theft at the Klaten Police are all external obstacles, namely from the victims and perpetrators, as well as from the community. These obstacles affect law enforcement against criminal acts of theft, so that at the Klaten Polres there are still many cases of theft that are resolved through the courts (proceeded to the prosecution stage). This is in line with the theory of law enforcement as Soerjono Soekanto stated that law enforcement is influenced by law factors, law enforcement factors, facilities and infrastructure factors, community factors and legal culture factors.

The legal factor, in this case the settlement of criminal acts through restorative justice has been regulated in Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice, Regulation of the Chief of Police of the Republic of Indonesia Number 6 of 2019 concerning Investigation of Criminal Acts and Act No. 2 2002 concerning the Indonesian National Police. Even though Act No. 2 of 2002 does not explain restorative justice, it does give the Police the

authority to act according to their own authority. In this case, the investigator can exercise discretion, namely by resolving cases based on restorative justice. Thus the existing laws and regulations have provided a legal umbrella for the implementation of restorative justice.

Law enforcement factors, in this case investigators at the Klaten Polres have attempted to resolve the crime of theft through restorative justice based on existing laws and regulations. Meanwhile, community factors including the perpetrators and victims are very influential on the application of restorative justice in handling the crime of theft. This is because if there is no amicable agreement between the perpetrators and victims, then restorative justice cannot be carried out. This is an inhibiting factor in the application of restorative justice.

Obstacles in the implementation of restorative justice in handling criminal acts of theft at the Klaten Police Station can be described in the table as following :

Table 2 Obstacles and Solutions to the Implementation of Restorative Justice

No	Obstacle	Solution
1	Lack of understanding of the parties regarding the mechanism of restorative justice	Investigators provide education related to restorative justice, provide space for discussion or mediation to the parties so that the rehabilitation of victims can be maximized so that the objectivity of the case can be accounted for
2	No peace agreement was reached between the perpetrator and the victim	Proceed to the prosecution stage
3	Society's negative view of restorative justice	Provide outreach to the community regarding restorative justice

Viewed from law enforcement theory, the emergence of obstacles in the application of restorative justice in handling the crime of theft above, is related to

societal and cultural factors as stated by Soerjono Soekanto¹⁴ about the factors that influence law enforcement. Community factors, namely the community does not understand the mechanism of restorative justice, so that a peace agreement cannot be reached between the perpetrators and the victims. Meanwhile, cultural factors are related to people's habits or beliefs that punishment is something that is appropriate and appropriate for perpetrators of crimes, so that people have a negative view of restorative justice.

In addition, judging from the theory of justice as raised by Aristotle (Greek philosopher) in his theory states that the measure of justice is as follows: (1) A person does not violate the applicable law, so that justice means according to the law or (lawful), that is, the law may not be violated and the rule of law must be followed; (2) A person may not take more than he is entitled to, so that justice means equal rights.¹⁵ Based on this theory of justice, then: (1) the perpetrators of criminal acts have been declared guilty for having violated the law, so that the rule of law must be followed, namely the perpetrators are given appropriate sanctions or punishments. This is also the perception of some people, so they have a negative view of restorative justice; (2) the perpetrator of the crime is declared to have taken his rights, so that justice must be upheld, and the victim demands equal rights by asking the perpetrator to make amends by undergoing punishment or legal sanctions. This can also be an obstacle in the implementation of restorative justice.

4. Conclusion

The implementation of restorative justice in handling criminal acts of theft at the Klaten Polres is in accordance with the provisions of Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice both in fulfilling material and formal requirements as well as in the handling mechanism, so that justice, legal certainty and benefits can be realized. Investigators at the Klaten Polres are able to act progressively by making breakthroughs that are not only fixated on criminal provisions, but are trying to find solutions to cases by emphasizing restoration to their original state to bring about justice for victims and perpetrators. In this case the perpetrator is encouraged to be responsible for his actions by returning the stolen goods, while the victim gets back his rights, namely in the form of lost property.

5. References

A. Hanafi, 1986, Principles of Islamic Criminal Law, Bulang Bintang, Jakarta.

¹⁴Soerjono Soekanto, Op. cit, h. 8.

¹⁵Munir Fuady, 2010, Dynamics of Legal Theory, Ghalia Indonesia, Bogor, h. 93

Abdul Qadir Audah, 1994, *al-Tasyri' al-Jina'i al-Islam*, Muassasah al-Risalah, Beirut.

Abdul Wahab Solihin, 2004, *Policy Analysis: From Formulation to Implementation*, Rineka Cipta, Jakarta.

Achmad Ali, 2012, *Revealing Legal Theory and Judicial Theory*, Prenada Media Group, Jakarta.

Achmad Sanusi, 1984, *Introduction to Law and Introduction to Indonesian Law*, Taristo, Bandung.

Act No. 1 of 1946 concerning Criminal Law Regulations.

Act No. 2 of 2002 concerning the Indonesian National Police. Jakarta, 2002.

Act No. 8 of 1981 concerning Criminal Procedure Code.

Adami Chazawi, 2002, *Criminal Stelsel, Crime, Criminal Theories and Limits of Applicability of Criminal Law*, Raja Grafindo Persada, Jakarta.

Aditya Surya Dharma, Lathifah Hanim and Nanang Sri Darmadi, *The Police Effort in Managing the Spread of Covid-19*, *Ratio Legis Journal*, Volume 1 Number 2, June 2022, url [:http://jurnal.unissula.ac.id/index.php/rlj/article/view/23720/7361](http://jurnal.unissula.ac.id/index.php/rlj/article/view/23720/7361).

Agus Yudha Hernoko, 2008, *Law of Agreement on the Principle of Proportionality in Commercial Contracts*, Laksbang Mediatama, Yogyakarta.

Ahmad Azhar Basyir, 2001, *Overview of Fikih Jinayat (Islamic Criminal Law)*, UII Press, Yogyakarta.

Ali as-Shabuni, 1995, *Interpretation of Verses Ahkam as-Shabuni Volume I*, Translation by Muammal Hamidi and Imran A. Manan, Dar al-Ilmiyah.

Amiruddin, 2012, *Introduction to Legal Research Methods*, PT. Raja Grafindo Persada, Jakarta.

Andi Hamzah, 2005, *Indonesian Criminal Procedure Code*, Sinar Graphic, Jakarta.

Anita Indah Setyaningrum and Umar Ma'ruf, *Diversion as a Form of Settlement of Child Criminal Cases through a Restorative Justice Approach by Central Java Police Investigators*, *Khaira Ummah Law Journal* Vol. 12. No. 4 December 2017, h. 976 urls [:http://lppm-](http://lppm-)

unissula.com/jurnal.unissula.ac.id/index.php/jhku/article/viewFile/2574/1930

Annis Nurwianti, Gunarto, and Sri Endah Wahyuningsih, Implementation of Restorative Justice in Completion of Traffic Accident Crimes Committed by Children at the Rembang Police. *Khaira Ummah Law Journal*, Vol. 12. No. December 4, 2017.

AR. Sujono and Bony Daniel, 2001, Comments and Discussion of Act No. 35 of 2009 concerning Narcotics, Sinar Graphic, Jakarta.

Aryani Witasari, 2020, Lecture Materials on Legal Theories, Master of Law, Unissula, Semarang.

Attorney General Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice.

Bernard L. Tanya, et al, 2010, Legal Theory: Human Orderly Strategies across Space and Generations, Genta Publishing Yogyakarta.

Carl Joachim Friedrich, 2004, Legal Philosophy of Historical Perspective, Nuances and Nusamedia, Bandung.

Carto Nuryanto, Law Enforcement by Judges in Their Decisions Between Legal Certainty and Justice, *Journal of Khaira Ummah Law*, Vol. 13. No. March 1, 2018

Criminal Code and Islamic Sharia, (<http://www.media.isnet.org>, accessed July 11, 2022).

Decree of the Director General of the General Judiciary Agency MARI No. 1691/DJU/SK/PS.00/12/2020 concerning Enforcement of Guidelines for Implementing Restorative Justice December 22, 2020.

Deni Nuryadi, Progressive Legal Theory and Its Application in Indonesia, *De'Jure Scientific Journal of Law: Scientific Study of Law*, Volume 1, Number 2, September 2016.

Dvannes, Restorative Justice Briefing Paper-2, Center for Justice & Reconciliation, November 2008.

E. Mulyasa, 2013, Implementation of Education Unit Level Curriculum, Bumi Aksara, Jakarta.

Eva Achjani Zulfa, 2009, Restorative Justice, Publishing Body, Faculty of Law, University of Indonesia, Jakarta.

Fauzi Almubarak, Justice in an Islamic Perspective, Istighna, Volume 1, Number2, July 2018.

HAK, Moh. Anwar, 1986, Special Section of Criminal Law (KUHP) Volume 1, Alumni, Bandung.

Hanafi Arief and Ningrum Ambarsari, Application of the Principles of Restorative Justice in the Criminal Justice System in Indonesia, Al 'Adl, Volume X Number 2, July 2018.

Heri Sumiarso, 2016, Law Enforcement Process Against Violent Theft Actors at the Semarang Police, Thesis, Unissula, Semarang, p.1, <http://repository.unissula.ac.id/7804/5/BAB%20I%201.pdf>, accessed June 3, 2022.

Husein Harum M, 1991, Investigation and Prosecution in the Criminal Process, Rineka Cipta, Jakarta.

Ida Hanifah, "Building Good Governance Through Legal Certainty and Social Oversight", Madani Journal, Volume 6. Number 1, 2005.

Iman Faturrahman, and Bambang Tri Bawono, Application of Restorative Justice to Solution of Traffic Accidents, *Journal of Sovereign Law*, Volume 4 Issue 1, March 2021.

Ishaq, 2012, Fundamentals of Law, Sinar Graphic, Jakarta.

John Rawls, 2006, A Theory of Justice: Theory of Justice, Student Library, Yogyakarta.

Kristian, Settlement of Criminal Cases Using the Concept or Approach of Restorative Justice, Especially Mediation (Penal Mediation) in the Indonesian Criminal Law System in View of Legal Philosophy, *Journal of Law Mimbar Justitia*, Vol. VI No. 02 Issue July-December 2014.

Kusfitono, Umar Ma'ruf, and, Sri Kusriyah, Implementation of Constitutional Court Ruling Number 130/PUU-XIII/2015 Against the Process of Investigating Criminal Acts of Burglary at the Criminal Investigation Unit of Kendal Police, *Journal of Khaira Ummah Law*, Vol. 12. No. December 4, 2017.

Learn from Granny Minah the Cacao Thief <https://www.liputan6.com>, accessed June 3, 2022.

Lexy Moleong, 2002, *Qualitative Research Methodology*, Rosdakarya Youth, Bandung.

Liky Faizal, *Progressive Legal Problems in Indonesia*, *Ijtima'iyya*, Volume 9 No. 2, August 2016.

M. Gargarin Friyandi and Aryani Witasari, *Restorative Justice In Application For Crime Investigation Abuse In Polsek Middle Semarang*, *Journal of Daulat Hukum*, Volume 2 Issue 1, March 2019.

M. Yahya Harahap, 2007, *Discussion of Problems and Application of Criminal Procedure Code of Investigation and Prosecution*, Sinar Graphic, Jakarta.

Marsum, 1991, *Jinayat (Islamic Criminal Law)*, UII Press, Yogyakarta.

Ministry of Justice of the Republic of Indonesia, 1992, *Guidelines for Implementing the Criminal Procedure Code*, Pengayoman Foundation, Jakarta.

Mirza Sahputra, *Restorative Justice as a Form of Progressive Law in Indonesian Legislation*, *Journal of Administrative Transformation*, Volume 12 Number 01 of 2022, <http://jta.lan.go.id/index.php/jta/article/view/205/123>.

Moeljatno, 1996, *Criminal Code*, Bumi Script, Jakarta

Moh. Mahfud MD et al, 2011, *Satjipto Rahardjo and Progressive Law of Urgency and Criticism*, Series of Indonesian Legal Figures, Epistema Institute and HuMa, Jakarta.

Muhammad Dhiaduddin Rais, 2001, *Islamic Political Theory*, Gema Insani Press, Jakarta.

Muhammad Dhiaduddin Rais, 2001, *Islamic Political Theory*, Gema Insani Press, Jakarta.

Munir Fuady, 2010, *Dynamics of Legal Theory*, Ghalia Indonesia, Bogor.

Nurdin Usman, 2002, *Context of Curriculum-Based Implementation*, Grasindo, Jakarta.

PAF Lamintang and Djisman Samosir, 2010, Special Offenses (Crimes Aimed at Property Rights and Other Rights Arising from Property Rights), Nuansa Aulia, Bandung.

Perpol Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice.

Peter Mahmudi Marzuki, 2003, Legal Research, Prenada Media, Jakarta.

Prayogo Kurnia, Resti Dian Luthviati, Restika Prahanela, Law Enforcement Through Restorative Justice which is Ideal as an Effort to Protect Witnesses and Victims, GEMA, Th. XXVII/49/August 2014 - January 2015.

Pujiyono, 2007, Collection of Criminal Law Writings, Mandar Maju, Bandung.

Purwadi Arianto, 2013, Restorative Justice Approach in Law Enforcement Efforts by POLRI (A Study in the Application of Criminal Law), National Seminar on Central Java Regional Police Criminal Investigation Director, Semarang.

R. Wiyono, 2016. Juvenile Criminal Justice System in Indonesia, Jakarta: Sinar Graphic.

Rahmad Hakim, 2000, Islamic Criminal Law (Fiqh Jinayah), Faithful Library, Bandung.

Regulation of the Head of the National Police of the Republic of Indonesia Number 6 of 2019 concerning Investigation of Criminal Acts.

Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling of Crimes Based on Restorative Justice.

Rizky Adiyanzah Wicaksono¹ and Sri Kusriyah, Implementation of Restorative Justice Approach In Legal Protection Against Lightweight Crime By The Children, *Journal of Sovereign Law*, Volume 1 Issue 4 December 2018.

Rudi Rizky (ed), 2008, Reflections on Legal Dynamics (Series of Thought in the Last Decade), Jakarta: Indonesian State Printing Perum.

Rully Trie Prasetyo, Umar Ma'ruf, Anis Mashdurohatun, Corporate Crime in the Perspective of Criminal Law Formulation Policy, *Khaira Ummah Law Journal* Vol. 12. No. 4 December 2017.h.730. url :<http://jurnal.unissula.ac.id/index.php/jhku/article/view/2291/1720>

Sadjijono, 2008, *Police in the Development of Law in Indonesia*, Laksbang Pressindo, Yogyakarta.

Safaruddin Harefa, *Law Enforcement Against Crime in Indonesia Through Positive Criminal Law and Islamic Criminal Law*, Ubelaj, Volume 4 Number 1, April 2019.

Sarwadi, and Bambang Tri Bawono, *Restorative Justice Approach in Diversion System for Settlement of Criminal Cases for Children in Indonesia*, *Journal of Sovereign Law*, Volume 3 Issue 4, December 2020.

Satjipto Raharjo, 1980, *Law and Society*, Space, Bandung.

Sayyid Sabiq, 1984, *Fiqh Sunnah*, Volume 9, Trans. Mohammad Nabhan Husein, Maarif, Bandung.

Sepha Dwi Hananto, Anis Mashdurohatun, and Jawade Hafidz, *Criminal Law Enforcement Against Drug User Accused Undergoing Rehabilitation at the Central Java Regional Police*, *Khaira Ummah Law Journal*, Vol. 13. No. March 1, 2018

Siswanto Sunarso, 2014, *Victimology in the Criminal Justice System*, Jakarta: Sinar Graphic, Jakarta.

Soerjono Soekanto, 1993, *Sociology of Law, An Introduction*, Alumni, Bandung.

Sudarsono, 2004, *Introduction to Law*, Rineka Cipta, Jakarta.

Sudarto, 1986, *Law and Criminal Law*, Alumni, Bandung.

Sudarto, 1990, *Criminal Law I*, the Sudarto FH Undip Foundation, Semarang.

Sugiyono, 2009, *Quantitative, Qualitative Research Methods and R&D*, Alfabeta, Bandung.

The 1945 Constitution of the Republic of Indonesia

Topo Santoso, 2003, *Grounding Islamic Criminal Law-Enforcement of Islamic Shari'a in Discourse and Agenda*, Gema Insani, Jakarta.

UNODC, 2006, *Handbook on Restorative Justice Programmes. Criminal Justice Handbook Series*, Vienna, UN New York.

Wirdjono Prodjodikoro, 2003, Principles of Criminal Law in Indonesia, Refika Aditama, Bandung.

Zaenal Abidin Farid, 2007, Principles of Criminal Law, Sinar Graphic, Jakarta.

Zainuddin Ali, 2007, Islamic Criminal Law, Sinar Graphic, Jakarta.