

The Effectiveness of Implementing Restorative Justice in Settlement of Fraud and Embezzlement Cases Based on Legal Benefits (Case Study of Metro Jaya Regional Police)

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Abstract. *The application of restorative justice in handling fraud and embezzlement cases involving suspects KK and AJ with PT. P, related to an advertising cooperation agreement, serves as a concrete example of restorative justice implementation at the investigation stage, where both parties reached an amicable settlement after the suspects agreed to fully compensate the victim's losses. The purpose of this research is to examine the implementation of restorative justice in resolving fraud and involvement cases by highlighting its procedural stages, identifying obstacles faced by law enforcement officers, and proposing applicable solutions. This study also aims to assess the effectiveness of restorative justice based on the principle of legal utility. The research adopts asociological juridical approach. The results of this study show that: The implementation of restorative justice in fraud and involvement cases at the Jakarta Metropolitan Police begins with report filing, investigation, and inquiry to ensure the fulfillment of criminal elements, followed by an assessment of eligibility for restorative resolution under Police Regulation No. 8 of 2021. Internal obstacles include limited investigative authority after case completion (P21) and the absence of clear technical or procedural guidelines within the police institution, while external obstacles involve victims' psychological unpreparedness for mediation, distrust toward the offender or authorities, and lengthy bureaucratic approval processes. The implementation of restorative justice in resolving fraud and embezzlement cases at the Jakarta Metropolitan Police remains ineffective due to legal weaknesses that rely solely on internal police regulations without explicit recognition in the Criminal Procedure Code (KUHP). Moreover, law enforcement officers often lack mediation skills, and societal retributive culture and stigmatization of offenders hinder its acceptance. Nevertheless, the available facilities and infrastructure at the Jakarta Metropolitan Police are relatively adequate.*

Keywords: *Embezzlement; Investigation; Termination.*

1. Introduction

Article 1 Paragraph (3) of the 1945 Constitution stipulates that "the State of Indonesia is a state of law." This article implies that all aspects of state administration must be based on law (*rechtsstaat*) and not on power (*machtstaat*) with Pancasila as the source of all sources of state law and the Constitution as the basic law and highest hierarchy.¹The Republic of Indonesia aims to create a prosperous society, fair, prosperous, and equitable materially and spiritually based on Pancasila and the 1945 Constitution, the law must be enforced and implemented firmly and consistently. Law is defined as a set of rules established and implemented by a society with respect for the policies and implementation of power over every human being and property.²

One of the functions of law as stated by Soerjono Soekanto, is that law is a social control mechanism, which is a planned and coercive function, so that members of society comply with legal norms or legal regulations that are currently in force, this form of social control is classified into two, namely preventive efforts and repressive efforts.³

The application of restorative justice to fraud and embezzlement cases has enormous potential. This approach offers a more comprehensive solution by involving the perpetrator, victim, and community in finding a just solution. Restorative justice focuses not only on punishment but also on compensating the victim for the losses they suffered and rehabilitating the perpetrator.⁴

Restorative justice is a new model of effort or approach in Indonesia that is very close to the principle of deliberation that is the soul of the Indonesian nation itself. Criminalization as a last legal effort (*ultimum remedium*) can be avoided, if the conflict that arises in society can be resolved by both parties, prioritizing the sense of justice of both parties in dispute. Restorative justice provides the best solution in resolving private crime cases between people (*natuurlijke personen*) or legal entities (*recht personen*), namely by prioritizing the core problem of a crime. An important solution to consider is the repair of the social order of society that is disturbed by the crime.⁵

Restorative justice focuses not only on the perpetrator (the perpetrator) but also seeks to restore the conflict arising from the perpetrator's violation of justice and

¹Adrian Achmad Hartadi, et. al., Implementation of Restorative Justice in Fraud and Embezzlement Cases (Case Study: Mataram Police), Journal Parhesia, Volume 1 No. 1, 2023, pp. 1-6

²Abdul Manan, Aspects of Legal Change, Kencana, Jakarta, 2005, p. 2.

³Soerjono Soekanto. Factors Influencing Law Enforcement, Rineka Cipta, Jakarta, 1983, p. 31

⁴Hamzah et. al., Settlement of Fraud and Embezzlement Crimes Through Restorative Justice at the Makassar Harbor Police Resort, Indonesian Journal of Legality of Law, Vol. 7, No. 2, 2025, pp. 128-133

⁵Rufinus Hutahuruk, "Tackling Corporate Crime Through a Restorative Approach: A Legal Breakthrough," Sinar Grafika, Jakarta, 2013, p. 107

the law. This approach emphasizes direct criminal accountability from the perpetrator to the victim and the community. If the perpetrator, victim, and community whose rights have been violated feel that justice has been achieved through mutual deliberation, then punishment (*ultimum remedium*) can be avoided. This demonstrates that the primary objective of restorative justice is not the perpetrator, but rather conflict resolution and the fulfillment of a sense of justice. Restorative justice is an appropriate approach to resolving criminal cases because it is able to realize the principles of speedy, simple, and low-cost justice. Until now, criminal law has been viewed as part of public law that prioritizes the protection of the public interest, thus the role of the state through its enforcement agencies has become dominant. While mediation has so far only been applied in the civil realm, in criminal cases, mediation is considered impossible and even prohibited in the Indonesian criminal law system, which adheres to the principle of positivism.⁶

An example of a case involving suspects KK and AJ, PT. J is suspected of committing fraud, embezzlement, and/or money laundering by offering advertising placement cooperation to PT. P through a cooperation agreement dated August 1, 2018. With the lure of obtaining many advertising orders from AJ's relations, PT. J then entered into contracts with several companies and issued various purchase orders (PO) throughout 2019 to 2020 to PT. P. Based on the PO, PT. P carried out the advertising placement according to the agreement and issued payment invoices, but full payment was not immediately made according to the agreement. The actions carried out by the suspects can be qualified as criminal acts of fraud and embezzlement because they fulfill the elements contained in the provisions of the Criminal Code (KUHP). The element of fraud is seen from the existence of a series of lies in the form of promises of cooperation and the lure of obtaining many advertising orders from AJ's relations which were apparently used only to convince the victim to cooperate. The element of embezzlement is seen from the control of funds that should be PT. P's right for advertising placement services, but were not paid according to the agreement and used for other purposes. Starting from a report from PT. P and as the case progressed, the police successfully reconciled the two parties through restorative justice, with the suspect agreeing to compensate the victim for all losses. However, the police implemented the restorative justice after the issuance of the P21, creating a unique challenge for the police.

The implementation of restorative justice by the police after the issuance of a P21 (Prison Order 21), when the case file has been declared complete, legally means the police no longer have the authority to resolve the case outside the court. This action can create legal uncertainty, because after a case is declared P21, the authority to handle the case should already be in the prosecutor's domain. However, not all prosecutors are willing to carry out restorative justice. This

⁶Justisi Devli Wagiu, A Legal Review of the Principle of Restorative Justice in Embezzlement Cases, *Lex Crimen*, Vol. IV, No. 1, 2015, pp. 57-70

problem presents a particular obstacle for the police in implementing restorative justice because each law enforcement agency has its own restorative justice regulations.

2. Research Methods

The research method in this study uses a sociological juridical approach that examines the reciprocal relationship between law and social reality, combining secondary data from library research and primary data through interviews with Polda Metro Jaya officers regarding the implementation of restorative justice in fraud and embezzlement cases based on legal benefits. This research is descriptive and analytical in nature to provide a comprehensive and systematic overview of the implementation of restorative justice, which is then analyzed using relevant laws and theories. The data used include primary data from interviews and secondary data covering various legal materials, such as the 1945 Constitution, the Criminal Code, the Criminal Procedure Code, the Police Law, Perpol Number 8 of 2021, as well as academic literature, journals, and encyclopedias as tertiary legal materials. Data collection was carried out through library research and field research to gain a normative understanding and practice in the field. While data analysis used a qualitative method with a deductive mindset, namely drawing specific conclusions based on applicable legal regulations and factual conditions related to the implementation of restorative justice in fraud and embezzlement cases at Polda Metro Jaya.⁷

3. Results and Discussion

3.1. Implementation of Restorative Justice in Fraud and Embezzlement Cases Based on Legal Benefit at Polda Metro Jaya

Law enforcement in Indonesia takes place through two main approaches: retributive justice and restorative justice. Retributive justice emphasizes the formal application of positive law, with reference to the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP) as the primary guidelines for the investigation and prosecution process. However, this approach is often considered unsatisfactory by the public because it focuses solely on legal certainty without regard for humanitarian values. In contrast, restorative justice is oriented toward progressive law that is dynamic and flexible, emphasizing benefits and social justice in accordance with the conditions of developing society.⁸

⁷Abdulkadir Muhammad, *Law and Legal Research*, First Edition, PT. Citra Aditya Bakti, Bandung, 2004, p. 52.

⁸Ronny Nicolas Sidabutar, *Settlement of Narcotics Cases for Abusers as Victims Using a Restorative Justice Approach in the Study of Justice Norms Based on Pancasila*. *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum dan Masyarakat*, Vol. 23, No. 1, 2023, pp. 10-25.

Restorative justice is a new paradigm in criminal law. Restorative justice provisions were not included in the old Criminal Code. However, the new Criminal Code mentions it in chapter 54, which states that criminal penalties impose limitations, requiring that certain conditions be taken into account in terms of justice and humanity. This indirectly supports the concept of restorative justice, which is just and humane.

The application of restorative justice in a case involving a criminal act of fraud and embezzlement. This approach is not automatically applied to a police officer, especially during the investigation stage. Only low-severity cases with fines not exceeding the provisions stipulated in some Indonesian police regulations regarding restorative justice may apply.

Based on the results of interviews with investigators at Polda Metro Jaya, it was obtained that the reason for prioritizing the principle of restorative justice for the crime of embezzlement in office was based on the investigators' direct consideration of the crime of fraud and embezzlement that occurred. The investigators of Satreskrim Polda Metro Jaya in applying the principle of restorative justice were based on various considerations, namely 1) accommodating the interests of the parties who wanted a family settlement of the case; 2) the suspect realized his mistake and was willing to be responsible for his actions to the victim; 3) the decision to reconcile was the result of a meeting between the victim, the perpetrator, the victim's family and the perpetrator, and party related; 4) fulfillment of a sense of justice for the parties; 5) a sense of regret from the perpetrator and a form of punishment in the form of compensation for the losses experienced by the victim in the hope that the perpetrator will not repeat his actions; and 6) community involvement in resolving criminal cases can raise awareness for various parties in preventing criminal acts in the future.

One of the crimes embezzlement and fraud handled by Polda Metro Jaya is in the case number handled by Ditreskrim Polda Metro Jaya. This case with the suspect KK as Director and AJ as Commissioner of PT JAM is suspected of using company accounts at Bank BCA and Bank UOB to receive payments from a number of corporate clients, including PT TT, PT dtn, PT GDN, PT GTI, and PT TTSL, based on various purchase orders (PO) for advertising placement work. After receiving the very large amount of funds, the suspect did not distribute the payments as contractually obliged to PT PK as the implementing partner of the advertising media, but instead used the funds to finance PT JAM's operations and various personal interests. Client funds were channeled to various parties and accounts, including the payment of the suspect's home loan installments, Toyota Vellfire and Honda CRV car installments, purchases and investments in various projects, non-technical costs, loan repayments, employee salaries, and payments to a number of other companies and individuals not all of which were directly related to obligations to PT PK. As a result of this action, PT PK suffered a loss of around IDR

94.55 billion because it did not receive payment for the advertising work that had been completed according to the PO and invoice issued.

Between August 2018 and March 2022, BCA account transactions in the name of PT JAM showed significant funds flowing into suspect AJ's personal accounts at BCA, Mandiri, and OCBC NISP totaling approximately Rp 7.16 billion and into KK's account for Rp 25 million. Furthermore, from Andrian's personal account, funds also flowed out to Karen's account amounting to Rp 183.25 million. Furthermore, the company account was used routinely to pay installments for the suspect's luxury car and home loan with a consistent monthly payment pattern, as well as other expenses in the form of transfers, investments, and non-technical fees totaling hundreds of millions to billions of rupiah. This pattern indicates a mixing of proceeds from criminal acts with the suspect's business funds, placement and transfer of funds through various accounts, and the use of the PT JAM legal entity as a front to disguise the origin of the funds. The act of offering cooperation to PT PK, receiving full payments from clients, but not forwarding payments to PT PK on the pretext that the clients had not paid, even though the funds had in fact been received and transferred for other purposes, is suspected to fulfill the elements of the crime of fraud, embezzlement, as well as the crime of money laundering, with the mode of hiding and disguising the origin of wealth through the banking system and business transactions.

Based on the description above, the suspect is suspected of committing the crime of fraud and/or Embezzlement and or Money Laundering, as referred to in Article 378 of the Criminal Code and or Article 372 of the Criminal Code and or Article 3 of Law Number 8 of 2010 concerning the prevention and eradication of the crime of money laundering.

The restorative justice process carried out by investigators at the Jakarta Metropolitan Police (Polda Metro Jaya) begins with receiving a report or complaint from the victim, followed by an initial investigation and inquiry to ensure the elements of a crime have been met. Investigators then identify whether the reported case meets the requirements for restorative justice resolution, namely a peace agreement between the perpetrator and victim. Action A minor crime, one with a sentence of no more than five years, and one that does not have widespread social consequences. If these criteria are met, investigators then facilitate mediation between the victim, the perpetrator, and the relevant parties, with the goal of reaching a peaceful agreement.

In the implementation of restorative justice, the Second Party or suspect agreed to compensate for losses amounting to IDR 45,000,000,000, with the first payment of IDR 5 billion no later than September 27, 2022 and the remaining IDR 40 billion in installments of IDR 500 million per month, accompanied by collateral in the form of a house in Taman Permata Buana, a shophouse in Permata Senayan, and a shophouse in Taman Surya III. After the first payment is received, the First Party

(victim) promises to withdraw the police report or submit a settlement through the restorative justice mechanism. This agreement also stipulates that if the Second Party fails to pay for three consecutive months, the First Party has the right to execute the guarantee and continue legal proceedings, and confirms that after all obligations are fulfilled, the parties agree not to sue each other either criminally or civilly in the future.

3.2. Obstacle and Solutions Implementation of Restorative Justice in Fraud and Embezzlement Cases Based on Legal Benefit at Polda Metro Jaya

Law is related to culture, thought structures, basic values, faith, the manifestation of personality, the nature and character of society. Law is a mental and spiritual infrastructure in the process of interaction between humans and their creator, as well as between humans and other people or with social communities and nature and their environment. The social structure and pattern of the relationship between law and public during the Dutch colonial period was different from the time after Indonesia's independence.⁹

Criminal law is seen as a reaction to actions or people who have violated moral and legal norms and therefore have threatened the foundations of base governance, law, order, and social welfare. Criminals are deemed to have disregarded the public welfare, security, and property rights of others.¹⁰

In the implementation of termination of investigation based on restorative justice at Polda Metro Jaya the case involving the suspect KK and suspected of embezzlement, investigators encountered several obstacles. Based on an interview with Mr. X as an investigator at Polda Metro Jaya who handled this case, the obstacles experienced by investigators during the restorative justice process were:

1) Internal barriers

a. Investigator's Authority in Implementing Restorative Justice After P21

One of the main internal obstacles to the implementation of restorative justice by the Jakarta Metropolitan Police (Polda Metro Jaya) in the case involving suspects KK and AJ is the issue of investigators' authority after the case is declared P21. Under Indonesian criminal procedure law, once a case file is declared complete (P21), the authority to handle the case shifts from the investigator to the public prosecutor. Legally, investigators no longer have the legitimacy to implement the peace agreement within the restorative justice framework.

⁹Purnawan Dwikora Negara, Reconstruction of Conservation Area Management Policy Based on Local Wisdom as a Contribution Towards Efficient Natural Resource Management in Indonesia. Jurnal Konstitusi, Vol. 4, No. 2, 2011.

¹⁰Mahrus Ali, Fundamentals of Criminal Law. Sinar Grafika, Jakarta, 2022, p. 25

The administrative process for returning files or issuing a decision to terminate an investigation is lengthy due to the lack of a clear legal basis for investigators to reverse or withdraw cases after P21. According to Grahana, Head of Sub-Directorate I/Indag of the Directorate of Special Criminal Investigation of the Jakarta Metropolitan Police, this situation often creates a sense of uncertainty among victims and perpetrators.

b. Limitations of Technical Regulations and Cross-Unit Coordination within the Police

Police have difficulty determining whether a case is appropriate for restorative justice because there are no detailed implementation guidelines for economic cases involving significant losses. Consequently, decisions largely depend on the subjective judgment of investigators and the direction of their superiors.¹¹ Although Police Regulation No. 8 of 2021 stipulates formal and material requirements, its implementation in the field lacks specific guidelines for economic or corporate crimes. Consequently, interpretations of whether a case qualifies for restorative resolution often differ between jurisdictions. This also creates policy inconsistencies, with similar cases being treated differently across regions or even between investigators. Furthermore, coordination between internal units, such as the Economic Sub-Directorate and the General Crimes Sub-Directorate under the Directorate of General Criminal Investigation, is often inconsistent in determining the direction of RJ cases.

2) External Barriers

a. Victims' Unpreparedness in the Restorative Justice Process

In the implementation of RJ, not all victims are psychologically prepared or trust the peace mechanism. In this case, the victim initially refused to reconcile, believing the losses suffered were substantial and the suspect's actions had serious financial repercussions for the company. This refusal hindered the initial negotiation process, as without the victim's willingness, the restorative justice mechanism could not be implemented as stipulated in Police Regulation No. 8 of 2021.

Many victims still believe that justice can only be obtained through formal justice, not through reconciliation. In this case, the investigative team attempted to explain that restorative justice is not a form of avoiding criminal responsibility, but rather a concrete effort to restore the victim's rights, including gradual restitution of financial losses. However, distrust of the perpetrator, who previously used

¹¹Interview with Mr.Grahana Evriliansyah, SE, MM as Sub-Directorate Committee I/Indag Ditreskrimsus Polda Metro Jaya on October 30 2025

company funds personally, made the victim doubtful of the promised payment commitment.¹²

b. Obstacles to Authority Between Law Enforcement Agencies

Once a case reaches the P21 stage, full handling authority shifts from police investigators to the public prosecutor. Therefore, implementing restorative justice after P21 has the potential to lead to overlapping authority, as the police no longer have a basis to facilitate reconciliation.¹³

This obstacle arises because existing regulations do not explicitly address how restorative justice mechanisms can be implemented after the P21 stage. In practice, the police continue to act as mediators, based on legal expediency and to maintain stable social relations between the perpetrator and victim.

c. Victims are not easily persuaded to mediate

One of the main obstacles faced in the restorative justice process is the difficulty in convincing victims to agree to mediation and resolve their problems amicably. Although restorative justice emphasizes healing between perpetrators and victims, in practice, many victims refuse to meet or communicate directly with them. This refusal is often motivated by fear and distrust of the legal process, which is perceived as not being entirely in favor of the victim.

To address internal and external obstacles to the implementation of restorative justice at the Jakarta Metropolitan Police (Polda Metro Jaya), systematic measures are needed. Internal obstacles related to investigators' authority after the P21 stage can be addressed through the establishment of regulations that accommodate the termination of investigations under the Criminal Procedure Code (KUHAP). This legal instrument is crucial for providing clarity regarding a strong legal framework for the implementation of restorative justice, not just internal institutional regulations.

Furthermore, ongoing training on mediation and legal communication is necessary to ensure that each work unit has uniform capabilities in applying restorative justice principles. This harmonization also needs to be supported by a robust system, so that decisions regarding restorative justice implementation do not rely solely on the subjective interpretation of investigators or the policies of management.

To address external barriers, particularly those related to victims' unpreparedness for restorative justice, a more humane approach is necessary. Investigators need

¹²Interview with Mr.Grahana Evriliansyah, SE, MM as Sub-Directorate Committee I/Indag Ditreskrimsus Polda Metro Jaya on October 30 2025

¹³Interview with Mr.Grahana Evriliansyah, SE, MM as Sub-Directorate Committee I/Indag Ditreskrimsus Polda Metro Jaya on October 30 2025

to build victims' trust through empathetic communication. Many victims refuse mediation due to trauma or a lack of understanding of the purpose of restorative justice. Therefore, before mediation, investigators should involve a counselor or legal representative who can help objectively explain the benefits of reconciliation.

3.3. Effectiveness Implementation Restorative Justice in Resolving Crime Cases of Fraud and Embezzlement

The theory of legal effectiveness as a rule functions as a guideline in determining attitude, actions, or behaviors deemed appropriate. This approach uses deductive-rational thinking, resulting in a dogmatic perspective on law. Conversely, there is also a view that views law as a form of stable and orderly social behavior. This approach uses inductive-empirical thinking, where law is understood as a pattern of actions that are repeatedly repeated in the same form and have a specific purpose.¹⁴

The effectiveness of law in legal action or reality can be known if someone state that a legal rule succeeds or fails to achieve its objectives, then it is usually known whether its influence is successful in regulating certain attitudes or behaviors so that they are in accordance with its objectives or not. Legal effectiveness means that the effectiveness of the law will be highlighted from the objectives to be achieved, namely the effectiveness of the law. One of the efforts that is usually made so that society complies with legal rules is by including sanctions. These sanctions can be negative sanctions or positive sanctions, the purpose of which is to create a stimulus so that humans do not commit reprehensible acts or do commendable actions.¹⁵

The following are factors that influence the effectiveness of the implementation of restorative justice in resolving fraud and embezzlement cases at Polda Metro Jaya when analyzed using Soerjono Soekanto's theory of legal effectiveness:

1) Legal Factors

The basis used by the Police in implementing Restorative Justice is Law of the Republic of Indonesia Number 2 of 2002 concerning the Republic of Indonesia National Police, Article 18 paragraph (1) in conjunction with Article 16 paragraph (1) letter 1, which regulates the authority of the police to act according to their own judgment. Within the Republic of Indonesia National Police institution, investigators through their discretionary authority are allowed to resolve cases by prioritizing the principles of Restorative Justice. This is supported by internal POLRI

¹⁴Soerjono Soekanto, *Several Legal Problems in the Framework of Development in Indonesia*, University of Indonesia, Jakarta, 1976, p. 45

¹⁵Galih Orlando, "The Effectiveness of Law and the Function of Law in Indonesia," *Tarbiyah bil Qalam*, Vol. VI, Issue 1, January-June 2022, pp. 49-58

regulations, namely Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice.

However, this regulation is only internal to the police and is not binding across law enforcement agencies such as the Prosecutor's Office and the Courts. Consequently, the implementation of investigation termination through restorative justice mechanisms often leads to differing interpretations and a lack of synchronization between law enforcement agencies.

Furthermore, because the legal basis for implementing restorative justice in terminating investigations is only regulated by internal police regulations, issues arise regarding the legitimacy and legal certainty for the parties involved in the process. Case resolutions based on peace agreements can potentially be challenged or legally disregarded if they are not accompanied by strong formal provisions in the national legal system. Norms regarding restorative justice should be explicitly stated in law, particularly in the revised Criminal Procedure Code or in a separate law governing the resolution of criminal cases based on restoration. The absence of a legal basis at the statutory level makes the implementation of restorative justice discretionary and highly dependent on investigators' policies, which opens up opportunities for abuse of authority.

2) Law Enforcement Factors

Law enforcement's weaknesses in implementing restorative justice are largely due to investigators' limited ability to communicate and build constructive relationships with the parties. During the mediation process, investigators often focus solely on the formal aspects of the statements and evidence gathered during the investigation, neglecting other aspects. This approach makes investigators less able to persuade the parties to reach a peaceful settlement.

This lack of communication and mediation skills demonstrates that many investigators do not yet understand the philosophy of restorative justice as a humanistic approach that emphasizes dialogical problem-solving. Investigators often assume that a case is resolved when the elements of the article are met and formal evidence is sufficient, without considering the social and psychological impact on the parties.

Another weakness is the weak coordination between investigators and public prosecutors in implementing restorative justice. The delay in initiating the restorative justice process after the case file has reached the P21 stage indicates a lack of shared understanding among law enforcement agencies regarding the importance of a restorative approach from the initial stages of the investigation. The lack of inter-agency communication and the absence of a Memorandum of Understanding (MoU) or a clear coordination mechanism has resulted in a fragmented and unintegrated implementation of restorative justice.

This situation demonstrates that the effectiveness of restorative justice implementation depends not only on regulations but also on human resource capacity and the quality of synergy among law enforcement officials. This requires improving the competence of law enforcement officers through specialized training in mediation and cross-sector collaboration to ensure restorative justice can be implemented effectively and uphold humanitarian values.

3) Legal Culture Factors

Community culture plays a significant role in influencing law enforcement, including in the context of aggravated theft. At the Jakarta Metropolitan Police (Polda Metro Jaya), community culture can influence both the incidence of crime and the public's response to law enforcement efforts. A deeper understanding of how community culture plays a role in this process can help identify challenges faced by law enforcement officers and opportunities to improve the effectiveness of case handling.¹⁶

Currently, society's perspective is still heavily influenced by the retributive paradigm, namely the belief that every perpetrator of a crime must be punished as a form of retribution for their actions. This mindset is deeply rooted in Indonesian legal consciousness, a legacy of the colonial legal system. This view creates a cultural barrier because society often rejects resolving cases through reconciliation between the perpetrator and victim. When investigators dismiss cases based on reconciliation agreements, negative perceptions arise that law enforcement is being indecisive or even engaging in non-transparent practices.

Legal culture reflects society's perception of the law and how they respond to the law enforcement process. Society's legal culture still does not fully support the implementation of restorative justice because the public's moral orientation places imprisonment as the measure of justice. When perpetrators of crimes are not punished, society feels that justice has not been served, even if the victim has forgiven and the harm has been remedied. This paradigm demonstrates that society still measures the effectiveness of the law based on how harshly the state punishes perpetrators.

4) Facilities and Infrastructure Factors

Supporting facilities can be simply defined as a means to achieve goals. Their scope primarily encompasses physical infrastructure that serves as a supporting factor. Supporting facilities include educated and skilled personnel, good organization, adequate equipment, sufficient finances, and so on. Without these supporting facilities, it is impossible for law enforcement to achieve its goals. The certainty and speed of case resolution depend on the availability of supporting facilities in

¹⁶Yusuf Daeng, et al. A Study of Factors Influencing Criminal Law Enforcement in Indonesia. *Innovative: Journal of Social Science Research*, Vol. 3, No. 5, 2023, pp. 6030-6038.

the areas of crime prevention and eradication. Improved crime detection technology plays a crucial role in ensuring the certainty and handling of criminal cases. Without these facilities, it will be impossible for law enforcement to align their intended roles with their actual roles. The supporting facilities and infrastructure for restorative justice at the Jakarta Metropolitan Police are currently very supportive of the implementation of restorative justice, with the budget and completeness of the facilities/infrastructure for the implementation of restorative justice carried out by members of the Jakarta Metropolitan Police being very adequate.

5) Community Factors

In general, society considers something to be a sign of crime if it violates social norms. The public response is essentially a spontaneous and emotional response from members of the community to a crime problem that arises in the community. This response can take the form of avoiding crime, eradicating it, or taking revenge for the crime.¹⁷ Social stigma against perpetrators worsens their situation after the case is resolved. Many perpetrators who have undergone restorative justice continue to face discrimination. Low societal acceptance makes it difficult for perpetrators to truly recover psychologically and socially, thus maintaining the potential for recidivism. Legal research has demonstrated this situation as a reflection of weak structural support for restorative justice implementation, as it is not accompanied by a transformation in public awareness of the importance of social reintegration as part of the justice process.

4. Conclusion

The implementation of restorative justice in fraud and embezzlement cases at the Jakarta Metropolitan Police (Polda Metro Jaya) demonstrates a shift from a retributive approach to restorative justice, with investigators assessing the case's feasibility in accordance with Police Regulation No. 8 of 2021 and terminating the investigation after a peace agreement is reached and compensation is paid by the perpetrator. However, its effectiveness remains hampered by the limited authority of investigators after the P21 (Private Investigation) hearing, the absence of technical guidelines for high-value cases, suboptimal internal coordination, and external obstacles such as the psychological unpreparedness of victims and company bureaucracy. Furthermore, the lack of explicit provisions in the Criminal Procedure Code (KUHP) undermines the legitimacy of restorative justice, while investigators' mediation skills and the retributive-oriented legal culture of the community also hinder the peace resolution process. Therefore, strengthening regulations, developing uniform standard operating procedures (SOPs), increasing investigator capacity, and a humanistic approach that builds victim trust are

¹⁷Tina Asmarawati, *Sociology of Law: Firecrackers Reviewed from a Legal and Cultural Perspective*. Deepublish, Jakarta, 2015.

needed to make restorative justice more effective, beneficial, and strengthen police legitimacy in maintaining social harmony.

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