

## Effectiveness of Restorative Justice-Based Settlement of Mild Criminal Cases (Case Study at Batam City Police Station)

Anak Agung Made Winarta <sup>1)</sup> & Andri Winjaya Laksana <sup>2)</sup>

<sup>1)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: [anakagungmadewinarta.std@unissula.ac.id](mailto:anakagungmadewinarta.std@unissula.ac.id)

<sup>2)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: [andri.w@unissula.ac.id](mailto:andri.w@unissula.ac.id)

**Abstract.** *Minor crimes are a common form of legal violation in society. Minor crimes often have serious physical and psychological consequences for the victims. In handling minor crimes, the criminal justice system is often the primary option for resolving these cases. The purpose of this study is to determine, examine, and analyze the effectiveness of the current construction of minor crime case resolution. This study aims to identify, examine, and analyze the weaknesses of the construction of minor crime case resolution, and to identify, examine, and analyze the effectiveness of restorative justice-based minor crime case resolution. The method used by the researcher was participatory observation to observe the penal mediation process, structured and semi-structured interviews using a prepared interview guide, documentation studies to analyze case files and policy documents, and data triangulation to ensure the validity and reliability of the data obtained. The research specifications used in this study are descriptive and analytical, providing a systematic and logical presentation and then analyzing it in order to examine materials from the literature, legislation, and legal norms applicable in Indonesia. Based on research findings, the effectiveness of restorative justice in handling minor crimes demonstrates significant effectiveness in various aspects of law enforcement and social recovery. Restorative justice not only improves the relationship between victims and perpetrators but also offers a more humane solution that focuses on recovery rather than mere punishment. Through this approach, victims have the opportunity to share their experiences directly with the perpetrators, which in turn allows perpetrators to understand the impact of their actions and demonstrate greater responsibility. The weaknesses of resolving minor crimes based on restorative justice, in this case, include the abuse being*

*a condition and motivation for the parties involved in the process, the public's lack of understanding of investigators' authority to implement restorative justice, the community's minimal role as social control, and the cultural factors that influence the law's implementation. To address these weaknesses in resolving minor crimes based on restorative justice, restorative justice must be integrated into the criminal justice system through legal regulations governing the implementation of restorative justice at the police level.*

**Keywords:** *Effectiveness; Implementation; Minor Crimes; Restorative Justice.*

## 1. Introduction

Indonesia is a unitary state in the form of the Republic of Indonesia, idealized and aspired to by the founding fathers as a state based on law.<sup>1</sup> The 1945 Constitution of the Republic of Indonesia, fourth amendment, Article 1 paragraph (3) confirms that "the State of Indonesia is a State of Law", where according to Logmann, the State is a social organization that aims to regulate and organize a society with its power", while according to Achmad Ali, law is a set of rules or regulations arranged in a system that determines what humans as citizens may and may not do in social life.<sup>2</sup>

*Restorative justice* is a settlement process carried out outside the criminal justice system (Criminal Justice System) by involving the victim, the perpetrator, the victim's and perpetrator's families, the community and other parties interested in a crime that occurred to reach an agreement and resolution. Restorative justice is a fair settlement that involves the perpetrator, the victim, their families and other parties involved in a crime, together seeking a resolution to the crime and its implications, with an emphasis on recovery and not revenge.

Law is something abstract, cannot be seen and cannot be touched.<sup>3</sup> But the law has one purpose, namely to regulate human life, this is based on the fact that in human life, in essence, it is to establish relationships, namely by communicating with each other and having different goals and desires, then the function of law is to regulate and balance different natures and desires so that relations between humans are in peace and order. The basic idea of the existence of alternative resolutions in criminal cases is related to the nature of criminal law itself. Van Bemmelen put forward the opinion that criminal law is ultimum

---

<sup>1</sup>Hamzah, Principles of Criminal Law: Revised Edition 2008.

<sup>2</sup>Moeljatno, Principles of Criminal Law, Eighth Edition, Jakarta: Renika Cipta, 2008. p. 2

<sup>3</sup>Andi Zainal Abidin Farid, Criminal Law I, Second Edition, Jakarta: Sinar Grafika, 2007, p. 13

remedium, there should be limitations, meaning that if other parts of the law do not sufficiently emphasize the norms recognized by law, then criminal law is applied.<sup>4</sup>The threat of criminal sanctions must remain an ultimum remedium (last resort). This does not mean that the threat of criminal sanctions will be eliminated, but rather that the pros and cons must always be considered. Moljatno stated that "criminal law is classified as a public law that deals with the relationship between the state and individuals or the public interest."<sup>5</sup>

Another opinion was expressed by Andi Zainal Abidin, who said that "most of the criminal law rules are public law in nature, some of them are mixed with public law and private law, have special sanctions that exceed the sanctions of other legal fields, stand alone and sometimes create new legal rules whose nature and purpose are different from existing legal rules."

Restorative justice, along with penal mediation, can also be found relevant in the "Explanatory Memorandum" of the Council of Europe Recommendation No. R (99) 19 on "Mediation in Penal Matters" which explains that there are several models of penal mediation, namely;

- a. *Informal Mediation.*
- b. *Traditional villages or tribal moots.*
- c. *Victim-Offender Mediation.*

Writer argue that informal mediation is a fairly compatible model of penal mediation implemented by criminal justice personnel in their normal duties, namely it can be carried out by the Public Prosecutor (JPU) by inviting the parties to an informal settlement with the aim of not continuing prosecution if an agreement is reached; it can be carried out by social workers or probation officers, by police officers, or by judges. This type of informal intervention is commonplace in all legal systems in Western Europe.

Based on the case described above, after undergoing an examination at the Batam City Police, the above case was resolved through restorative justice which had a positive impact or effect, such as a more humane and peaceful resolution of the problem, restoration of social relations, and a focus on recovering losses for the victim.

Related to the crime of assault as regulated in Article 351 to Article 358 of the Criminal Code. In the Criminal Code, assault can be classified into 3 (three) types,

---

<sup>4</sup> Barda Nawawi Arief, *Penal Mediation: Settlement of Criminal Cases Outside the Court*, Semarang: Master's Library, 2008, pp. 7-8.

<sup>5</sup> Mardjono Reksodiputro, *Reconstruction of the Indonesian Criminal Justice System*. Paper presented at the National Law Commission Seminar, December 9, 2009

namely: ordinary assault as regulated in Article 351 of the Criminal Code, minor assault as regulated in Article 352 of the Criminal Code, assault with premeditation as regulated in Article 353 of the Criminal Code. Where the severity of the punishment for the crime of assault is always related to the crime of assault committed.<sup>6</sup>

The ultimate goal of implementing the restorative justice concept is to eliminate the stigma and return the perpetrators of criminal acts to be human beings who can live normally in society, not causing resentment because the perpetrator has been forgiven by the victim, and the victim quickly receives compensation for the losses they have experienced, reducing the number of prisoners in prison, perpetrators of violence, very strong support from the government and regional governments to prepare facilities and infrastructure as referred to in Article 13 letter a which reads: "To provide services to victims, the government and regional governments in accordance with their respective functions and duties can provide special service rooms at police stations". Of course, the provision of these facilities depends on the state's financial condition for its provision. The main function of the police is to enforce the law and serve the interests of the general public, therefore it can be said that the police's task is to prevent crime and provide protection to the community.<sup>7</sup>

Based on the description above, it encourages the author's curiosity to study further about restorative justice, so the author chose the title Effectiveness of Resolving Minor Crime Cases Based on Restorative Justice.

## 2. Research Methods

This research uses empirical legal research (socio-legal research). Empirical legal research is not divided into specific subtypes, but rather has two main approaches to data processing: quantitative and qualitative. Both types of research focus on the application of law in society and use field (primary) data.

This type of research, namely empirical law (socio-legal research), is used to analyze how law works in social reality using a qualitative approach method that aims to analyze the effectiveness of the implementation of restorative justice in handling minor crimes based on restorative justice in the Batam City Legal Area.

---

<sup>6</sup> Muslihah Ananda Putri Pratiwi, June 2024: What is Persecution? Learn About the Types of Persecution and Their Legal Penalties! <https://perqara.com/blog/apa-itu-penganiayaan/>, accessed on July 9, 2024, at 19.21 WIB

<sup>7</sup> Teguh Wibowo and Siti Ummu Adillah, 2021, "The Role and Effectiveness of Bhabinkamtibmas in Efforts to Prevent and Eradicate Criminal Acts of Domestic Violence," Law Development Journal, Volume 3 Issue 3, Sultan Agung Islamic University, p. 601, <https://jurnal.unissula.ac.id/index.php/ldj/article/view/16104>

### 3. Results and Discussion

#### 3.1. Current Construction of Minor Crime Case Settlement

The current framework for resolving minor crimes (Tipiring) combines formal legal procedures in court with a restorative justice approach through penal mediation. Settlement can be achieved through expedited trials involving the examination of witnesses and the accused, without detaining the perpetrator. Restorative justice, meanwhile, focuses on dialogue between the perpetrator, the victim, and related parties to reach a settlement agreement that restores the original situation.<sup>8</sup>

Restorative justice refers to the resolution of criminal acts outside the courts by prioritizing communication between the perpetrator, the victim, the perpetrator's and/or victim's family, and other related parties. The goal is to reach a peaceful agreement in which the perpetrator can take reparation action. fair to improve the situation, for example by paying compensation and not imposing sanctions or penalties.<sup>9</sup> The elements underlying the restorative approach as expressed by Burt Gallaway and Joe Hudson, provide an understanding that the victim as the party experiencing the impact of loss or damage arising from a criminal act has the full right to participate in the process of resolving and restoring the criminal act.

Restorative justice programs are based on the fundamental principle that criminal behavior not only violates the law but also harms victims and communities. Any effort to address the consequences of criminal behavior should, whenever possible, involve both the perpetrator and the injured parties, in addition to providing the necessary assistance and support to both victims and perpetrators.<sup>10</sup> The legal needs of society for the resolution of criminal cases through restorative justice, emphasizes the restoration of the original state and the balance of protection and interests of victims and perpetrators of criminal acts that is not oriented towards revenge.<sup>11</sup> Apart from that, resolving cases is

---

<sup>8</sup>Wiraya Khrisna, Dewi Laksmi, karma, minor crimes through Restorative justice as a form of criminal law reform, 545 Jurnal Konstruksi Hukum | ISSN: 2746-5055 | E-ISSN: 2809-9648 Vol. 3, No. 3, September 2022, pp. 545-550 |

<sup>9</sup>Gultom, Maidi., & Manalu, Sahata. 2023. Restorative Justice Approach as an Alternative to Resolving Minor Assault Crimes at the Medan District Attorney's Office. *Fiat Iustitia Law Journal*, Vol. 4, (No. 1), pp. 44-61. <https://ejournal.ust.ac.id/index.php/FIAT/article/view/3007>.

<sup>10</sup> Rocky Mabun, Restorative Justice as a Future Penal System, <http://forumduniahukumblogku.wordpress.com>, accessed on September 3, 2024, at 8:24 PM WIB

<sup>11</sup>Safitri, Shalima Siti., Ardiansah, Didi Mohammad., & Prasetyo Andrian. 2023. Quo Vadis Restorative Justice in Cases of Sexual Violence Crimes After Law Number 12 of 2022 concerning Sexual Violence Crimes (A Study of Article 23 of the TPKS Law). *Wara Sains Journal of Law and Human Rights*, Vol. 2, (No. 1), pp. 29-44. <https://doi.org/10.58812/jhhws.v2i01.173>

considered easier and does not require a long time.<sup>12</sup>This is because assault cases can be resolved during the pre-trial and interrogatory stages. This mechanism must be established during the implementation of prosecutorial authority and reform of the criminal justice system.<sup>13</sup>

By using restorative justice mechanisms, one of which is in the form of termination of prosecution involving the perpetrator, victim, the perpetrator's and/or victim's family, and related parties, it is hoped that a fair resolution can be achieved with a focus on restoring the situation to its original condition rather than revenge.<sup>14</sup>Termination of prosecution is carried out on the basis of justice, public interest, proportionality, criminal law as a last resort, and is fast, simple and low cost.

The implementation of restorative justice in Indonesia has shown significant growth in recent years, particularly through various initiatives at the local and national levels. Restorative justice, which focuses on victim recovery, offender rehabilitation, and community restoration, is considered a more humane and effective alternative to the traditional, retributive criminal justice system. In Indonesia, this concept has been adopted in various forms, including penal mediation, restorative dialogue, and rehabilitation programs.

As for the Construction in the Settlement of Minor Crimes with Formal Approach (Through the Courts):

#### 1. Procedures in Court

Under the Criminal Procedure Code (KUHP), a Tipiring trial is open to the public, the defendant's identity is verified, and the charges are explained. The defendant is given the opportunity to deny or admit the charges.

#### 2. Examination of Witnesses and Defendants

After the charges are explained, the judge examines the witnesses and evidence (if any), then continues with the examination of the defendant.

As for the Non-Formal Approach (Outside Courts) include

---

<sup>12</sup>Sastra, Yuwandi Koman I. 2023. Restorative Justice Approach in Handling Ordinary Theft Crimes at the Sidoarjo Police Criminal Investigation Unit. *Sivis Pacem*, Vol. 1, (No. 3), pp. 345-375. <https://sivispacemjournal.my.id/index.php/logi n/article/view/16>

<sup>13</sup>Hafrida. 2019. Restorative Justice in Juvenile Justice to Formulate Integrated Child Criminal Court. *Journal of Law and Justice*, Vol.8, (No.3), pp. 439-457.<http://dx.doi.org/10.25216/jhp.8.3.2019.439-457>.

<sup>14</sup>Cahyo, Rico Nur., & Cahyaningtyas, Irma. 2021. Criminal Law Policy on Diversion for Recidivist Child Offenders to Achieve Restorative Action. *Indonesian Journal of Legal Development*, Vol. 3, (No. 2), pp. 203-216. <https://doi.org/10.14710/jphi.v3i2.203-216>

### 1. Restorative Justice

This approach prioritizes restoration, not just punishment. Restorative justice can be applied to minor cases and other matters, such as juvenile cases.

### 2. Penal Mediation

Through mediation, the perpetrator is expected to be held accountable for their actions through dialogue. Mediation can be conducted at various stages, from investigation to trial.

The influence of the new Criminal Code on the current construction of the settlement of minor criminal cases is as follows:

#### 1. Strengthening Restorative Justice:

The new Criminal Code emphasizes the role of restorative justice. Judges can consider the perpetrator's attitude and the victim's forgiveness when making decisions.

#### 2. Legal protection:

There are efforts to normalize the resolution of minor crimes through restorative justice and penal mediation into new laws or the Criminal Procedure Code, in order to provide a stronger legal umbrella.

### **3.2. Weaknesses in the Current Construction of Minor Crime Case Resolution**

The current construction of the settlement of minor criminal cases (tipiring) in Indonesia has several major weaknesses, both in terms of formal regulations (KUHAP) and implementation practices, including the application of alternative approaches such as restorative justice.

Based on the results of the thesis and research in the field, the weaknesses in the construction of the resolution of minor criminal cases (tipiring) through a restorative justice approach in the field include several main aspects, namely:

#### 1. Weaknesses in Construction and Implementation in the Field:

##### a. Minimal Understanding and Socialization

Many people, including law enforcement officers in some regions, still don't fully understand the concept and principles of restorative justice (RJ). As a result, RJ is not yet seen as a legitimate alternative to conventional criminal justice systems.

##### b. Imbalance of Position between Victim and Perpetrator

In practice, there is often an imbalance of power (bargaining position) between victims and perpetrators. Victims, especially those from lower classes, may feel

intimidated or denied optimal redress, while perpetrators may possess more power or influence in society.

2. Weaknesses in Normative and Regulatory Aspects, including:

a. Limitations of Loss Value Limitation

Limitation of monetary loss valueThe fine for minor crimes (maximum Rp2.5 million according to Supreme Court Regulation No. 2 of 2012) is considered irrelevant to current economic conditions, as its value has not been updated for a long time. This has resulted in many cases involving small losses.

still enter the formal judicial process which is time consuming and expensive.

b. Absence of Comprehensive Special Handling Rules

The Criminal Procedure Code does not regulate in detail and in detail the special handling of minor crimes, so that often the handling still adheres to the rules of ordinary criminal procedure law.

3. Weaknesses in the Practical and Settlement Aspects are the same as in resolving cases

a. Diverse Law Enforcement Discretion

Law enforcement officers in the field have broad discretion in determining whether a case can be resolved amicably or through formal channels. This can lead to inconsistencies in the handling of similar cases in different locations.

b. Human Resources Quality and Lack of Training

The varying quality of human resources (HR) in law enforcement, as well as the lack of specific education and training regarding non-penal approaches (such as RJ), are obstacles to the implementation of effective alternative solutions.

**3.3. Effectiveness of Restorative-Based Resolving of Minor Crime Cases**

Restorative justice-based resolution of minor criminal cases is effective because it can expedite case resolution, reduce legal costs, restore relationships between perpetrators, victims, and the community, and reduce recidivism rates. This approach focuses on victim reparation and reconciliation, rather than solely on punishment. Despite challenges such as differing understanding among authorities and public outreach, its effectiveness is evident in the high level of victim and perpetrator satisfaction and the reduced burden on the courts.

Restorative justice refers to resolving criminal offenses outside of court by prioritizing communication between the perpetrator, the victim, the perpetrator's and/or victim's family, and other relevant parties. The goal is to

reach a peaceful agreement in which the perpetrator can take just action to remedy the situation, such as paying compensation without being subject to sanctions or punishment.<sup>15</sup>

The elements underlying the restorative approach as expressed by Burt Gallaway and Joe Hudson, provide an understanding that the victim as the party experiencing the impact of loss or damage arising from a criminal act has the full right to participate in the process of resolving and restoring the criminal act.

Restorative justice programs are based on the fundamental principle that criminal behavior not only violates the law but also harms victims and communities. Any effort to address the consequences of criminal behavior should, whenever possible, involve both the perpetrator and the injured parties, in addition to providing the necessary assistance and support to both victims and perpetrators.<sup>16</sup>

The legal needs of society for the resolution of criminal cases through restorative justice, emphasizes the restoration of the original state and the balance of protection and interests of victims and perpetrators of criminal acts that is not oriented towards revenge.<sup>17</sup> Apart from that, resolving cases of criminal acts of abuse using the concept of restorative justice is considered easier and does not require a long time.<sup>18</sup> This is because assault cases can be resolved during the pre-trial and interrogatory stages. This mechanism must be established during the implementation of prosecutorial authority and reform of the criminal justice system.<sup>19</sup>

By using a restorative justice mechanism, one of which is in the form of termination of prosecution involving the perpetrator, victim, the perpetrator's

---

<sup>15</sup>Gultom, Maidi., & Manalu, Sahata. 2023. Restorative Justice Approach as an Alternative to Resolving Minor Assault Crimes at the Medan District Attorney's Office. *Fiat Iustitia Law Journal*, Vol. 4, (No. 1), pp. 44-61. <https://ejournal.ust.ac.id/index.php/FIAT/article/view/3007>.

<sup>16</sup> Rocky Mabun, Restorative Justice as a Future Penal System, <http://forumduniahukumblogku.wordpress.com>, accessed on November 14, 2025, at 20.24 WIB

<sup>17</sup>Safitri, Shalima Siti., Ardiansah, Didi Mohammad., & Prasetyo Andrian. 2023. Quo Vadis Restorative Justice in Cases of Sexual Violence Crimes After Law Number 12 of 2022 concerning Sexual Violence Crimes (A Study of Article 23 of the TPKS Law). *Wara Sains Journal of Law and Human Rights*, Vol. 2, (No. 1), pp. 29-44. <https://doi.org/10.58812/jhhws.v2i01.173>

<sup>18</sup>Sastra, Yuwandi Koman I. 2023. Restorative Justice Approach in Handling Ordinary Theft Crimes at the Sidoarjo Police Criminal Investigation Unit. *Sivis Pacem*, Vol. 1, (No. 3), pp. 345-375. <https://sivispacemjournal.my.id/index.php/logi n/article/view/16>

<sup>19</sup>Hafrida. 2019. Restorative Justice in Juvenile Justice to Formulate Integrated Child Criminal Court. *Journal of Law and Justice*, Vol.8, (No.3), pp. 439-457. <http://dx.doi.org/10.25216/jhp.8.3.2019.439-457>

and/or victim's family, and related parties, it is hoped that a fair resolution can be achieved with a focus on restoring the original condition rather than revenge.<sup>105</sup> Termination of prosecution is carried out based on justice, public interest, proportionality, criminal sanctions as a last resort, and fast, simple, and low cost.<sup>20</sup>

The implementation of restorative justice in Indonesia has shown significant improvement in recent years, particularly through various initiatives at the local and national levels.<sup>21</sup> Restorative justice, which focuses on victim recovery, offender rehabilitation, and community restoration, is considered a more humane and effective alternative to the traditional criminal justice system, which tends to be retributive.<sup>22</sup> In Indonesia, this concept has been adopted in various forms, including penal mediation, restorative dialogue, and rehabilitation programs.<sup>23</sup>

However, despite progress, the implementation of restorative justice in Indonesia still faces various challenges, such as a lack of understanding and support from law enforcement officials and the wider community.<sup>24</sup> Furthermore, differences in interpretation and implementation across regions lead to inconsistencies in policy application. Another challenge is the lack of adequate resources and infrastructure to support restorative justice programs, often resulting in underachievement.<sup>25</sup>

Restorative justice has been implemented in Indonesia through various initiatives involving collaboration between the government, law enforcement, non-governmental organizations, and communities. One concrete example of this implementation is penal mediation conducted by the police as part of efforts to

---

<sup>20</sup> Cahyo, Rico Nur., & Cahyaningtyas, Irma. 2021. Criminal Law Policy on Diversion for Recidivist Child Offenders to Achieve Restorative Action. *Indonesian Journal of Legal Development*, Vol. 3, (No. 2), pp. 203-216. <https://doi.org/10.14710/jphi.v3i2.203-216>

<sup>21</sup> Muliani., Kasim, Adil., Ahmad, Jamaluddin., & Nonci, Nurjanah. 2023. Reformulation of the Requirements for Implementing Diveri in the Juvenile Criminal Justice System in Indonesia. *Indonesian Journal of Legal Development*, Vol.5, (No. 2), p. 358-373. <https://doi.org/10.14710/jphi.v5i2.358-373>

<sup>22</sup> Wahyuni, A. 2019. Restorative Justice in Indonesia: Case Study and Analysis of Effectiveness. *Journal of Social and Legal Affairs*, 10 (1), pp. 38-50.

<sup>23</sup> Suharto, B. 2020. Penal Mediation in the Indonesian Justice System: Concept and Implementation. *Journal of Criminal Law*, 19 (3), pp. 120-135

<sup>24</sup> Arifin, Z. 2018. Implementation of Restorative Justice in the Juvenile Justice System in Indonesia. *Journal of Law and Justice*, 10 (1), pp. 15-30.

<sup>25</sup> Susanto, Y. 2020. Restorative Justice: A New Paradigm in Handling Criminal Cases in Indonesia. *Scientific Journal of Law*, 15 (2), pp. 56-70

resolve minor criminal cases outside the courts.<sup>26</sup>In this case, the victim and perpetrator are invited to dialogue and reach an agreement regarding compensation or other corrective actions that can restore the losses experienced by the victim.<sup>27</sup>

Article 4 of Law Number 2 of 2002 concerning the Republic of Indonesia National Police (Police Law) stipulates: "The Republic of Indonesia National Police aims to realize domestic security which includes maintaining public security and order, order and law enforcement, the implementation of protection, protection and public services, and the realization of public peace by upholding human rights."<sup>28</sup>

The police, as a subsystem of the criminal justice system, have the task of enforcing law in optimal form. The police are living law, because in their hands the law can be realized. In it, human involvement is often found as decision makers. Philosophical matters in ordinary law are transformed into physical and human ones. The police are given authority based on Article 7 Paragraph (1) point j of Law Number 8 of 1981 concerning the Criminal Procedure Code, Article 16 Paragraph (1) and Article 18 of Law Number 2 of 2002 concerning the Republic of Indonesia National Police, which are in the form of, "can take other actions", with "certain conditions" or called "discretion". This authority allows investigators to carry out discretionary actions in the form of stopping, setting aside, or not taking action against a violation that has been determined by law. This means that investigators are required to choose with policy how they should act. The authority vested in him, based on official regulations, is used as justification for adopting a wise approach to the reality of his duties, based on a moral, humanitarian, and conscientious approach to formal provisions. The use of the article in question opens the door to alternative criminal resolution processes based on the concept of restorative justice.<sup>29</sup>

The issuance of the National Police Chief Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice states that the implementation of the authority to investigate and/or investigate criminal acts by National Police Investigators who apply the principle of restorative justice in their investigative methods is based on the provisions of the Criminal Procedure Code and the provisions of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. Article 1 number 3 of the National Police Chief

---

<sup>26</sup>Arifin, Z. 2018. Implementation of Restorative Justice in the Juvenile Justice System in Indonesia. *Journal of Law and Justice*, 10(1), pp. 15-30

<sup>27</sup>Suharto, B. 2020. Penal Mediation in the Indonesian Justice System: Concept and Implementation. *Journal of Criminal Law*, 19 (3), pp. 120-135.

<sup>28</sup>Lindu Aji Saputro, Siti Rodhiyah Dwi Istinah and Siti Ummu Adillah, 2022, The Reality of the Criminal Justice System in Independence of Law Enforcement Based on the Pancasila Law System, *Law Development Journal*, Volume 4 Issue 3, Unissula, p. 366, <https://jurnal.unissula.ac.id/index.php/ldj/article/view/23172/7296>

<sup>29</sup>Mahrus Ali. 2015. *Basics of Criminal Law*. Sinar Grafika. Jakarta, p. 221.

Regulation Number 8 of 2021 states that restorative justice is the resolution of criminal acts by involving the perpetrator, victim, the perpetrator's family, the victim's family, community leaders, religious leaders, traditional leaders or stakeholders to jointly seek a just resolution through peace with an emphasis on restoring the original state.<sup>30</sup>

Based on National Police Chief Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice, the crime of assault in Case Number: S.Tap/03/VII/2022/Reskrim is classified as a case that can be subject to restorative justice. In addition to the existing formal provisions, investigators have several material considerations based on the provisions of the Circular Letter, including:

1. Considering restorative justice as a law enforcement process is beneficial because of its win-win principles and swift resolution. This is further enhanced by considering the psychological well-being of the local community and its commitment to fulfilling the public's sense of justice.
2. Restorative justice settlement prioritizes the principles of benefit and legal justice, not the legal certainty approach, carried out selflessly and solely for justice and without reward.

The principle of restorative justice is implemented due to the mutual desire or will of the Reported or Perpetrator, the Reporting Party or Victim, and/or both families. Based on a peace agreement between both parties, the parties then come to the Batam City Police Sector to submit a request to withdraw the report or complaint, attaching a peace letter stating the withdrawal of the report or complaint and stating their desire for the case to be resolved through deliberation. The restorative justice process must comply with the formal and material requirements of the Republic of Indonesia National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice.

Restorative justice can also be applied to criminal acts of assault as an alternative solution.<sup>31</sup> Essentially, the crime of assault is directed against the human body. The Criminal Code (KUHP) does not define assault. Leden Marpaung, citing Tirtaamidjaja, states, "intentionally causing pain or injury to another person." However, an act that causes pain or injury to another person cannot be considered assault if the act is done to enhance the safety of the other person's

---

<sup>30</sup>Afina Anindita Ektya Putri, Aidul Fitriadi Azhar, 2021, Implementation of Restorative Justice Principles in Criminal Acts of Assault at the Investigation Level (Case Study at the Surakarta Police), *Unes Law Review*, Vol. 6, No. 3. <https://review-unes.com/>

<sup>31</sup>Zahra, Firda., & Taun. 2023. Legal Study of Law Enforcement Implementation with a Restorative Justice Approach in Resolving Molestation Crime Cases. *Innovative: Journal of Social Science Research*, Vol.3, (No.6), pp. 551-560. <https://doi.org/10.31004/innovative.v3i6.6256>.

body.<sup>32</sup> At the time of the formation of Article 351 of the Criminal Code, according to Leden Marpaung, persecution was defined as:

1. Any act that intentionally causes bodily harm to another person, or
2. Any action that intentionally harms another person's physical condition. Furthermore, violations of this article are subject to a maximum prison sentence of 2 (two) years and 8 (eight) months.

Furthermore, Article 352 paragraph (1) of the Criminal Code, minor assault. In Article 352 paragraph (1) of the Criminal Code it is stated "except as stated in Article 353 and Article 356 of the Criminal Code, assault that does not cause illness or obstacles to carrying out work or a search, is threatened, as minor assault, with a maximum prison sentence of 3 (three) months or a maximum fine of Rp. 4,500.00 (four thousand five hundred rupiah).

Based on an interview with an investigator at the Batam City Police Sector, the crime of assault that was resolved using a restorative justice approach was that the victim experienced physical violence perpetrated by the suspect, then the investigator, through his authority, directed the victim that the case could be resolved using restorative justice. AlthoughAfter initially refusing, the victim finally agreed to make peace with the suspect.

The effectiveness of implementing restorative justice approaches to reduce recidivism and promote positive outcomes for both offenders and victims has been the subject of numerous studies across various research projects. Some analyses indicate that restorative justice efforts can reduce the recidivism rates of those affected. For example, an evaluation of the Bridges to Life program in Dallas found that participating inmates had lower screening attrition rates. Research on the Holt program in the Netherlands also indicates that restorative justice programs can have a positive impact on youth academic performance and recidivism rates. However, available data on the success of restorative justice initiatives is inconsistent. Some studies have found that restorative justice programs have no significant impact on recidivism or other social influences. Furthermore, the effectiveness of restorative justice programs depends on variables such as the specific program used and the environment in which it is implemented.

However, the effectiveness of restorative justice implementation in Indonesia still depends on government commitment and support from various parties, including law enforcement officials, non-governmental organizations, and the wider community. Research shows that the long-term success of restorative justice requires a paradigm shift in the perspective on criminal justice and a

---

<sup>32</sup>Marpaung, L. 2015. Crimes Against Life and the Body (Eradication and Prevention). Sinar Grafika, Jakarta

commitment to providing adequate resources to support existing programs. With the right support, restorative justice has the potential to be an effective and sustainable solution to crime and justice issues in Indonesia.<sup>33</sup>

Restorative justice focuses on the active involvement of all parties affected by crime—victims, perpetrators, and the community—in the recovery and conflict resolution process. Its primary goal is to repair the harm caused by crime and prevent the recurrence of criminal behavior through participatory and reconciliatory resolution.<sup>34</sup>In Indonesia, this concept has been adopted in various forms, including penal mediation and diversion programs for children in conflict with the law.

The effectiveness of restorative justice in handling criminal acts of assault demonstrates significant effectiveness in various aspects of law enforcement and social recovery. Restorative justice not only repairs the relationship between victims and perpetrators but also offers a more humane solution that focuses on recovery rather than mere punishment. Through this approach, victims have the opportunity to share their experiences directly with the perpetrators, which in turn allows perpetrators to understand the impact of their actions and demonstrate greater responsibility.

This has been proven to reduce recidivism rates, expedite case resolution, and reduce the burden on an often overburdened criminal justice system. Furthermore, restorative justice supports offenders' reintegration into society, a crucial step in preventing reoffending and building a safer and more cooperative social environment.

According to the author, the effectiveness of restorative justice in resolving minor criminal cases, or in other words, restorative justice, in handling criminal acts of assault is analyzed using the theory of restorative justice, which states that justice is restored or restored. Each party involved in a crime is given the opportunity to deliberate, and restorative justice emphasizes welfare and justice. Victims of criminal acts have the right to demand compensation from the perpetrator of the crime, namely the losses they have suffered, while the perpetrator of the crime is obliged to compensate the victim for the losses caused by them.

#### **4. Conclusion**

Based on the discussion above, it can be concluded that: 1. The effectiveness of restorative justice in handling criminal acts of assault demonstrates significant effectiveness in various aspects of law enforcement and social recovery.

---

<sup>33</sup>Santoso, D. 2020. Restorative Justice and the Criminal Justice System in Indonesia: A Critical Review. *Journal of Law and Justice*, 11(1), pp. 29-44.

<sup>34</sup>Zehr, H. 2015. *The Little Book of Restorative Justice*. Good Books, New York:

Restorative justice not only repairs the relationship between victims and perpetrators but also offers a more humane solution that focuses on recovery rather than mere punishment. Through this approach, victims have the opportunity to share their experiences directly with the perpetrators, which in turn allows perpetrators to understand the impact of their actions and demonstrate greater responsibility. 2. The weaknesses of the resolution of minor criminal cases based on restorative justice or restorative justice are the conditions and motivations of the parties in the process, the public's ignorance of the authority of restorative justice by investigators, and the minimal role of the community as a social control as well as cultural factors in society responding to the enactment of a law. To overcome the weaknesses of the resolution of minor criminal cases based on restorative justice or restorative justice, it is necessary to empower restorative justice into the criminal law system through regulations.

## 5. References

### Journals:

- Afina Anindita Ektya Putri, Aidul Fitriciada Azhar, 2021, Implementasi Prinsip Restorative Justice Tindak Pidana Penganiayaan Pada Tingkat Penyidikan (Studi Kasus Di Polresta Surakarta), *Unes Law Review*, Vol. 6, No. 3. <https://review-unes.com/>
- Annis Nurwianti, Gunarto, Sri Endah Wahyuningsih, 2017, Implementasi Restoratif / Restorative Justice Dalam Penyelesaian Tindak Pidana Kecelakaan Lalu Lintas Yang Dilakukan Oleh Anak Di Polres Rembang, *Jurnal Hukum Khaira Ummah* Vol. 12. No. 4, Unissula
- Ansori, 2014, Criminal Justice System of Children in The Law Number 11 of 2012 (Restorative Justice), *Rechtsidee*, Vol.1, No.1
- Arifin, Z. (2018). "Penerapan Restorative Justice dalam Sistem Peradilan Anak di Indonesia". *Jurnal Hukum dan Peradilan*, 10 (1), hlm. 15-30.
- Cahyo, Rico Nur., & Cahyaningtyas, Irma. 2021. Kebijakan Hukum Pidana Tentang Diversi Terhadap Anak Pelaku Recidive Guna Mencapai Restorative. *Jurnal Pembangunan Hukum Indonesia*, Vol.3, (No.2), hlm. 203-216. <https://doi.org/10.14710/jphi.v3i2.203-216>
- Charles Barton, (1999). "Empowerment and Retribution in Criminal Justice". *Professional Ethics, A Multidisciplinary Journal*, 7.3/4, 111–35.
- Dewi, R. (2019). "Restorative Justice dalam Penegakan Hukum di Indonesia: Konsep dan Implementasi". *Jurnal Ilmu Hukum*, 12 (2), hlm. 45-60.
- Eva Achjani Zulfa, 2010, "Keadilan Restoratif dan Revitalisasi Lembaga Adat", *Jurnal Kriminologi Indonesia*, Volume 6 Nomor II, hal. 184.

- Eva Achjani Zulfa, 2010, "Keadilan Restoratif dan Revitalisasi Lembaga Adat", *Jurnal Kriminologi Indonesia*, Volume 6 Nomor II, hal. 184.
- Gultom, Maidi., & Manalu, Sahata. 2023. Pendekatan Restorative Justice sebagai Alternatif Penyelesaian Tindak Pidana Penganiayaan Ringan di Kejaksaan Negeri Medan. *Jurnal Hukum Fiat Iustitia*, Vol.4, (No1), hlm. 44-61. <https://ejournal.ust.ac.id/index.php/FIAT/article/view/3007>
- Hafrida. 2019. Restorative Justice in Juvenile Justiceto Formulate Integrated Child Criminal Court. *Jurnal Hukum dan Peradilan*, Vol.8, (No.3), hlm. 439-457. <http://dx.doi.org/10.25216/jhp.8.3.2019.439-457>.
- Hafrida. 2019. Restorative Justice in Juvenile Justiceto Formulate Integrated Child Criminal Court. *Jurnal Hukum dan Peradilan*, Vol.8, (No.3), hlm. 439-457. <http://dx.doi.org/10.25216/jhp.8.3.2019.439-457>
- Kuat Puji Prayitno, (2012). "Restorative Justice Untuk Peradilan di Indonesia (Perspektif Yuridis Filosofis dalam Penegakan Hukum In Concreto)". *Jurnal Dinamika Hukum*, 12.3, 407–20.
- L. Alfies Sihombing dan Yeni Nuraeni, 2023, Efektifkah Restoratif Justice? Suatu Kajian Upaya Optimalisasi Sistem Peradilan Pidana Di Indonesia, *Jurnal Hukum Mimbar Justitia*, Vol.9, No.2
- Lindu Aji Saputro, Siti Rodhiyah Dwi Istinah and Siti Ummu Adillah, 2022, The Reality of the Criminal Justice System in Independence of Law Enforcement Based on Pancasila Law System, *Law Development Journal*, Volume 4 Issue 3, Unissula, hlm. 366, <https://jurnal.unissula.ac.id/index.php/ldj/article/view/23172/7296>
- Muliani., Kasim, Adil., Ahmad, Jamaluddin., & Nonci, Nurjanah. 2023. Reformulasi Syarat Pelaksanaan Diveri Dalam Sistem Peradilan Pidana Anak Di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, Vol.5,
- Novita, R. A., & Agung Basuki Prasetyo, S. (2017). "Efektivitas Pelaksanaan Undang-Undang Nomor 2 Tahun 1960 Tentang Perjanjian Bagi Hasil Tanah Pertanian (Tanah Kering) di Desa Bringin". *Diponegoro Law Journal*, 6(2).
- Nugroho, S., & Wijaya, F. (2020). "Pilot Project of Restorative Justice in Indonesia: An Initial Analysis". *Journal of Indonesian Legal Studies*, 5(2), hlm. 200-218.
- Rick Sarre, (2003). "Restorative Justice: A Paradigm of Possibility". Dalam Martin D. Schwartz dan Suzne E. Hatty (Eds.), *Controversies in Critical Criminology*.

- Safitri, Shalima Siti., Ardiansah, Didi Mohammad., & Prasetyo Andrian. 2023. Quo Vadis Keadilan Restoratif pada Perkara Tindak Pidana Kekerasan Seksual Pasca UndangUndang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (Studi Terhadap Pasal 23 UU TPKS). *Jurnal Hukum dan HAM Wara Sains*, Vol. 2, (No.1), hlm. 29- 44. <https://doi.org/10.58812/jhhws.v2i01.173>
- Safitri, Shalima Siti., Ardiansah, Didi Mohammad., & Prasetyo Andrian. 2023. Quo Vadis Keadilan Restoratif pada Perkara Tindak Pidana Kekerasan Seksual Pasca UndangUndang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (Studi Terhadap Pasal 23 UU TPKS). *Jurnal Hukum dan HAM Wara Sains*, Vol. 2, (No.1), hlm. 29- 44. <https://doi.org/10.58812/jhhws.v2i01.173>
- Santoso, D. (2020). "Restorative Justice dan Sistem Peradilan Pidana di Indonesia: Sebuah Tinjauan Kritis". *Jurnal Hukum dan Keadilan*, 11(1), hlm. 29-44.
- Sastra, Yuwandi Koman I. 2023. Pendekatann Keadilan Restoratif dalam Penanganan Tindak Pidana Pencurian Biasa pada Satuan Reserse Kriminal Polresta Sidoarjo. *Sivis Pacem*, Vol.1,(No.3), hlm. 345-375. <https://sivispacemjournal.my.id/index.php/logi n/article/view/16>
- Sastra, Yuwandi Koman I. 2023. Pendekatann Keadilan Restoratif dalam Penanganan Tindak Pidana Pencurian Biasa pada Satuan Reserse Kriminal Polresta Sidoarjo. *Sivis Pacem*, Vol.1,(No.3), hlm. 345-375. <https://sivispacemjournal.my.id/index.php/logi n/article/view/16>
- Suharto, B. (2020). "Mediasi Penal dalam Sistem Peradilan di Indonesia: Konsep dan Implementasi". *Jurnal Hukum Pidana*, 19 (3), hlm. 120-135.
- Susanto, Y. (2020). "Restorative Justice: Paradigma Baru dalam Penanganan Kasus Pidana di Indonesia". *Jurnal Ilmiah Hukum*, 15 (2), hlm. 56-70.
- Teguh Wibowo and Siti Ummu Adillah, 2021, Role Effectiveness Bhabinkamtibmas In Effort To Prevent And Eradicate Criminal Acts Of Domestic Violence, *Law Development Journal*, Volume 3 Issue 3, Universitas Islam Sultan Agung, hlm. 601, <https://jurnal.unissula.ac.id/index.php/ldj/article/view/16104>
- Tony F Marshall, (1999). *Restorative Justice: An Overview*. London: Home Office Research Development and Statistics Directorate.
- Virna Dewi, (2022). "Peran Pemerintah Desa Dalam Menanggulangi Kenakalan Remaja Terhadap Minuman Keras Di Desa Puding Besar". *Justicia Sains: Jurnal Ilmu Hukum*, 6(2), 217–27.

Wahyuni, A. (2019). "Restorative Justice di Indonesia: Studi Kasus dan Analisis Efektivitas". *Jurnal Sosial dan Hukum*, 10 (1), hlm. 38-50.

Wiraya Khrisna, Dewi Laksmi, karma, tindak pidana ringan melalui Restorative justice sebagai Bentuk upaya pembaharuan hukum pidana, 545 *Jurnal Konstruksi Hukum* | ISSN: 2746-5055 | E-ISSN: 2809-9648 Vol. 3, No. 3, September 2022, Hal. 545-550|

Zahra, Firda., & Taun. 2023. Kajian Hukum Pelaksanaan Penegakan Hukum dengan Pendekatan Restorative Justice dalam Penyelesaian Kasus Tindak Pidana Pencabulan. *Innovative: Journal of Social Science Research*, Vol.3,(No.6), hlm.551-560.  
<https://doi.org/10.31004/innovative.v3i6.6256>

**Books:**

Afthonul Afif, 2015, Pemaafan, Rekonsiliasi dan Restorative Justice, Pustaka Pelajar, Yogyakarta.

Agung Kurniawan, 2005, Transformasi Pelayanan Publik, Yogyakarta, Pembaharuan.

Anas Yusuf, 2016, Implementasi Restorative Justice Dalam Penegakan Hukum Oleh Polri Demi Mewujudkan Keadilan Substantif, Penerbit Universitas Tri Sakti, Jakarta.

Andi Zainal Abidin Farid, 2007, Hukum Pidana I, Cetakan Kedua, Jakarta: Sinar Grafika.

Barda Nawawi Arief, 2001, Masalah Penegakan Hukum dan Kebijakan Penanggulangan Kejahatan, Citra Aditya Bakti, Bandung.

Barda Nawawi Arief, 2003, Kapita Selekta Hukum Pidana, Citra Aditya Bakti, Bandung.

Barda Nawawi Arief, 2008, Mediasi Penal: Penyelesaian Perkara Pidana Di Luar Pengadilan, Semarang: Pustaka Magister.

Barda Nawawi Arief, 2012, Mediasi Penal Penyelesaian Perkara Pidana di Luar Pengadilan, Pustaka Magister, Semarang.

Bernard L Tanya, Yoan N. Simanjuntak, dan Markus Y Hage, 2010, Teori Hukum: Strategi Tertib Manusia Lintas Ruang Dan Generasi, Yogyakarta: Genta Publishing.

Burt Galaway dan Joe Hudson, *Criminal Justice, Restitution and Reconciliation*, Monsey, NY: Criminal Justice Press.

- Departemen Pendidikan Nasional, 2000, Kamus Besar Bahasa Indonesia Pusat Bahasa, Balai Pustaka, Jakarta.
- Erdianto Effendi, 2014, Hukum Pidana Indonesia Suatu Pengantar, Bandung, PT. Refika Aditama.
- Hamzah, 2008, Asas-Asas Hukum Pidana: Edisi Revisi 2008.
- Howard Zehr, 1990, Changing Lenses: A New Focus For Crime and Justice, Scottsdale: Herald Press.
- Jan Remelink, 2003, Hukum Pidana (Komentar atas Pasal-Pasal Terpenting dari KUHP Belanda dan Padanannya dalam KUHP Indonesia), Gramedia Pustaka, Jakarta.
- Lamintang, P.A.F, 1997, Dasar-Dasar Hukum Pidana Indonesia, Citra Aditya Bakti, Bandung.
- Lamintang, P.A.F, 2002, Hukum Penitensier Indonesia, Bandung, Amrico.
- Lawrence M. Friedman, 1975, The Legal System: A Social Science Perspective, Russel Sage Foundation, New York.
- Mahrus Ali, 2015, Dasar-Dasar Hukum Pidana, Sinar Grafika, Jakarta.
- Mansyur Ridwan, 2010, Mediasi Penal Terhadap Perkara KDRT (Kekerasan Dalam Rumah Tangga), Yayasan Gema Yustisia Indonesia, Jakarta.
- Marpaung, L., 2015, Tindak Pidana Terhadap Nyawa Dan Tubuh (Pemberantasan Dan Prevensinya), Sinar Grafika, Jakarta.
- Moeljatno, 2008, Asas-Asas Hukum Pidana, Jakarta: Rineka Cipta.
- Onong Uchjana Effendy, 1989, Kamus Komunikasi, Bandung, PT. Mandar Maju.
- Richard M Steers, 1985, Efektivitas Organisasi Perusahaan, Jakarta, Erlangga.
- Riska Vidya Satriani, 2017, Keadilan Restoratif sebagai Tujuan Pelaksanaan Diversi pada Sistem Peradilan Pidana Anak, Mahkamah Agung RI, Jakarta.
- Satochid, (Tanpa Tahun), Hukum Pidana I, Balai Lektur Mahasiswa, Alumni, Bandung.
- Sudarsono, 2007, Kamus Hukum Cetakan Kelima, Rineka Cipta, Jakarta.
- Teguh Prasetyo, 2011, Hukum Pidana Edisi Revisi, Raja Grafindo Persada, Jakarta.
- W.J.S. Purwodarminto, 1986, Kamus Umum Bahasa Indonesia, Jakarta: Balai Pustaka.

Warsito Hadi Utomo, 2005, *Hukum Kepolisian di Indonesia*, Prestasi Pustaka, Jakarta.

Wirjono Prodjodikoro, 2003, *Asas-Asas Hukum Pidana di Indonesia*, Refika Aditama, Bandung.

Zehr, H., 2015, *The Little Book of Restorative Justice*, Good Books, New York.

**Regulation:**

BAPPEDA Yogyakarta City, 2016, "Effectiveness of Yogyakarta Mayoral Regulation Number 64 of 2013."

Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia.

Law Number 8 of 1981 concerning Criminal Procedure Code (KUHP).

Mardjono Reksodiputro, 2009, "Reconstruction of the Indonesian Criminal Justice System." National Law Commission Seminar Paper.

United Nations, 2001, *Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century* (Resolution 55/59).

**Internet:**

Eva Achjani Zulfa, "Mendefinisikan Keadilan Restoratif". diakses 13 november 2025 . pk. 22.30

Laporan akhir pengkajian restorative justice anak" accessed Nopember 10, 2025,[https://www.bphn.go.id/data/documents/laporanakhir pengkajian restorative justice anak.pdf](https://www.bphn.go.id/data/documents/laporanakhir%20pengkajian%20restorative%20justice%20anak.pdf), hal. viii. 20.24 wib

Understanding Restorative Justice Principles <https://www.park.edu/blog/the-role-of-restorative-justice-in-modern-criminal-justice-administration/> (diakses tanggal 11 november 2025)