

Implementation of Restorative Justice in Resolving Aggravated Theft Crimes at the Tebing Police Sector

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Abstract. Enforcement law to action criminal theft with weighting moment This shift to approach justice restorative. However in a way normative. justice restorative No can applied to the act criminal with threat criminal prison over 5 years. Research This aim for knowing and analyzing implementation justice restorative in settlement action criminal crime with aggravation at Tebing Sector Police as well as obstacles and solutions. Research use method juridical sociological and specific study descriptive analytical. The type of data used are primary data and secondary data. Data collection methods is studies field and study bibliography. The data analysis method uses analysis qualitative. As knife analysis use theory enforcement laws and theories law progressive. Based on results study can concluded that implementation justice restorative in settlement action criminal theft with aggravation at Tebing Sector Police has in line with Constitution Number 20 of 2025 concerning the New Criminal Procedure Code and Regulations Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Justice Restorative. which occurs through existence occasionally the victim and the perpetrator. close victim's loss. no existence violation society. as well as fulfillment procedure administration and cases in a way legitimate. Obstacles policy justice restorative covers threat threat criminal in the New Criminal Procedure Code, the difference perception apparatus enforcer law. agreement society. and not achievement agreement peace between the victim and the perpetrator. but obstacle the Still can overcome through optimization implementation justice restorative at the stage investigation. equalization perception apparatus enforcer law. as well as implementation principles caution and approach persuasive in order to realize between justice. certainty law and benefits law.

Keywords: Criminal; Implementation; Aggravation.

1. Introduction

Indonesia is a country of law. as stated in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia (UUD 1945) which states that "Indonesia is a country of law. " In essence, the country law is a country where everything his activities which is always based on law. The article requires that every citizens and the state/ government in all his activities must subject to and based on law (nomocracy).¹

Law as A system functioning supervise and control behavior (*ethical control*) in the communication process. The presence of law looks in the form of norms produced by authorities authorized. namely the party that owns power for form as well as uphold provision law the. ² Criminal law is one of the branch law that contains rules about actions What only those that are prohibited and categorized as action criminal. as well as determine type sanctions or punishment that can be dropped to perpetrator actions the. ³

Implementation rules that basically contain legal norms is part from the enforcement process law. Violation or deviation to law applicable criminal law will charges sanctions criminal in accordance with the provisions stipulated in Constitution. ⁴ Sanctions in law criminal nature firm and functional as effort last (subsidiary), namely new implemented if mechanism enforcement law other No Again adequate. ⁵

One of the violations or deviations regulated in criminal law is the crime of aggravated theft. The crime of theft with the initial aggravation being the crime of ordinary theft which developed become more forms Serious.

T act criminal theft with weighting arranged in Article 363 of the Criminal Code which is threatened with 7 year imprisonment prison. Theft with weighting is theft deep ordinary implementation accompanied by circumstances certain aggravating circumstances⁶ for example done Evening day. by more from one person, or with

¹Gustian Winanda and Jawade Hafidz, Law Enforcement of Corruption Crimes in the Buru District Attorney's Office with Legal Certainty (Case Study: Decision No. 40/Pid.SusTpk/2022/ Pn.Amb), *Khaira Ummah Law Journal* , Vol 20 no 3, September 2025, p. 2585

²Lukman Santoso, "Comparison of *Civil Law* and Islamic Law Systems and Their Interaction in the Indonesian Legal System," *Jurnal Hukum* , Vol. 13 No. 2, 2016, p. 193

³Muchsin, 2006, *Overview of Legal Science* , Iblam, Jakarta, p. 84

⁴ Caswadi and Andri Winjaya Laksana, Ideal Formulation of Corruption Crime Investigation Conducted Under Certain Circumstances, *Ratio Legis Journal* , Volume 3 No. 4, December 2024, p. 835

⁵Irsyad Aditya Purnomo Putra, Fachri Bey, Comparative Law Regarding the Crime of Theft According to Indonesian Law and Irish Law, *Trisakti Legal Reform* , Vol. 4 No. 3, August 2022, p. 578

⁶ Alan Wahyu Pratama (et.al), Legal Review of the Crime of Aggravated Theft Committed by Children Together (Study of Decision No. 03/Pidsus Anak/2015 / PN.Pwd) . *Diponegoro Law Journal* , Vol. 5, No. 3, 2016, p. 6

method damaging. Because of its nature. theft That aggravated threat the penalty.⁷

Theft with aggravating elements arranged in chapter 363 of the Criminal Code which states that d criminal with criminal prison forever and ever seven years: a) theft livestock; b) Theft committed during happen fire. explosion. danger floods. earthquakes earth. or earthquake sea. eruption mountain fire. ship shipwreck stranded. accident train fire. rebellion. riot or danger war; c) theft at night day in something place residence. or above A yard the one above it there is A place residence. which is carried out by someone who be there without to the best of my knowledge or contradictory with the desire of the entitled person; d) theft committed by two or more people more with allied; e) theft for enter to place do crime. or for until the item he took was done with damage. cut. or climb or with use child key fake. command false or clothes position false.

Occurrence action criminal theft influenced by various factors include factors economy. The low income someone so that it doesn't capable sufficient need live. push part perpetrator chooses to do action theft.⁸

Information Center the National Crime Unit (Pusiknas) of the Indonesian National Police (Polri) noted that action criminal theft with weighting become type the most crimes happened in Indonesia throughout 2024. namely reached 52,449 cases.⁹ In the jurisdiction of the Riau Islands Regional Police itself, it was recorded that in 2024, the most dominant crime was is theft with weighting namely 277 cases of theft with violence as many as 51 cases of theft vehicle motorized as many as 273 cases.¹⁰

The data shows that aggravated theft is one of the most common crimes. Theft is a form of disruption to national stability, as it undermines the sense of security, causes losses, and disrupts social stability. In the context of a state based on the rule of law, theft must be handled through fair, transparent, and accountable law enforcement mechanisms.¹¹

Indonesian National Police is state apparatus that plays a role in look after security

⁷ Hermien Hadiati Koeswadi, 1984, *Property Crimes. Principles of Cases and Their Problems* , Sinar Wijaya, Surabaya, p . 25 .

⁸ Ravinska Audina Zhasadoma and Budi Setiyanto, Review of the Criminalization of Aggravated Theft Crimes Committed by Children (Analysis of Decision Number: 15/Pid.Sus/2014/ PN.Skh), *Recidive*, Volume 4 No. 1 January- April 2015, p. 96.

⁹ National Police Education Center: Beware of Theft as the Most Common Crime in 2024, <https://goodstats.id> , accessed November 20, 2025.

¹⁰ Novianto, Riau Islands Regional Police Achievements in 2024: Theft is the Most Dominant Crime, <https://batamclick.com> , accessed November 20, 2025.

¹¹Kevin Ardinal and Arpangi , Legal Analysis of the Settlement of the Criminal act of Theft with Aggregation Based on Legal Certainty (Case Study at Grobogan Resort Police, Khaira Ummah, Vol 20. No. 3 September 2025, p. 2624

and order society. upholding law. as well as give protection. care and service to public in frame maintenance security domestically (Article 5 paragraph (1) of the Law Number 2 of 2002 concerning Republic of Indonesia National Police). In this case, the Indonesian National Police is an institution enforcer the law is at the forefront in the enforcement process law criminal acts that are authorized as regulated in Article 13 of the Indonesian National Police Law that is look after security and order society. upholding law. as well as provide protection. care and service to public.

So the perpetrator is subject to imprisonment. resulting in *overcrowding* or excess inmates at State Detention Centers (Rutan) and Correctional Institutions (Lapas).¹² Furthermore, by imposing a prison sentence, the victim will not be able to recover the stolen goods. This means that criminal punishment does not provide justice for victims of crime. Therefore, in certain cases, aggravated theft is resolved through a restorative justice approach.

Settlement action criminal through approach justice restorative in institutions Police own base more laws clear that is in Regulation Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling Criminal Acts based on Justice Restorative and Law Number 20 of 2025 concerning the Criminal Procedure Code (New Criminal Procedure Code). In the Police Regulation Number 8 of 2021, settlement case based on justice restorative given room with emphasize on recovery victim's losses. peace between the parties. responsibility answer perpetrators. and No existence rejection from society. Meanwhile that. the New Criminal Procedure Code also started accommodate mechanism justice restorative as alternative settlement case criminal law. especially at the stage investigation and inquiry. with still give limitation to type action criminal and threats criminal certain. Settings the show existence development policy law criminal law in Indonesia that is not Again solely oriented towards punishment. but also prioritizes recovery. benefit. and balance interest between victims, perpetrators. and society.

2. Research Methods

The approach method used in this research is a sociological juridical approach method. namely study law with use sciences social as tool (interdisciplinary).¹³ Sociological juridical research examines law with approach interdisciplinary. namely combine knowledge law and science social in A approach single. Research juridical sociological own character study. namely; First. discussion implementation law in society (*law in action*), No only on written law in book or law (law in the book). Second. use logic in study law juridical sociological a

¹²Ibid. p. 36

¹³Esmi Wirasih , et.al, 2016, *Interdisciplinary Legal Research: An Introduction to Socio-Legal* , Yogyakarta, Thafa Media, p . 3

posteriori (knowledge that depends on evidence). empirical). Third. its validity based on facts reality law (legal reality). Fourth. emphasis the data on understanding (verstehen) above meaning in research thoughts /ideas. which are related with action law by individual man.¹⁴ Specification study This is descriptive analytical that is research that aims describe in a way careful characteristics from facts (individual. group or circumstances) and for determine frequency something happen.¹⁵ Intended analysis based on picture. facts obtained will done analysis in a way careful For answer study.¹⁶

3. Results and Discussion

3.1. Implementation of Restorative Justice in the Settlement of Aggravated Theft Crimes at the Tebing Police Sector

Justice restorative is approach settlement case criminal law that focuses on recovery condition back to the beginning consequence occurrence action criminal. good towards victims, perpetrators. and community. Settlement action criminal based on justice restorative done through dialogue, deliberation. peace and recovery losses incurred consequence action criminal. Concept the develop as response to weakness system criminalization that is considered Not yet fully provide a sense of justice for all over party.¹⁷

Implementation justice restorative at the stage investigation and inquiry by the police in law Indonesian criminal law has get legitimacy normative through various regulations. namely in the National Criminal Code, Law Number 20 of 2025 concerning the Criminal Procedure Code (New Criminal Procedure Code), as well as in Regulation Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Justice Restorative. Regulation the show that settlement case criminal No always must ends in criminal punishment. as long as there is peace and recovery condition between the victim and the perpetrator.

Action criminal theft with weighting as arranged in Article 363 of the Criminal Code and Article 479 of the National Criminal Code in essence is action criminals who have level seriousness more tall compared to theft usual. That is Because theft done in condition certain aggravating circumstances. such as done at night day. done by two or more people more. or done with method damage and dismantle place storage goods. Therefore that. the implementation justice restorative to

¹⁴Muhammad Chairul Huda, 2021, *Legal Research Methods (Sociological Juridical Approach)* , The Mahfud Ridwan Institute, Semarang, p. 21

¹⁵Rianto Adi, 2000, *Social and Legal Research Methods* , Granit, Jakarta, p . 58

¹⁶ Sunaryati Hartono, 1994, *Indonesian Legal Research in the Late 20th Century* , Alumni, Bandung, p. 101

¹⁷Tony F. Marshall, 1999, *Restorative Justice: An Overview* , Home Office Research Development and Statistics Directorate, London, p. 5.

action criminal theft with weighting need caution so as not to contradictory with a sense of justice public as well as objective enforcement law.

In practice enforcement law at the stage inquiries and investigations. there are a number of case theft with fixed weighting completed through approach justice restorative. Settlement the done if the victim's losses are not too big. perpetrator new first time doing action criminal. there is confession and regret from perpetrators. and existence agreement peace between the victim and the perpetrator. In addition. the perpetrator is also willing replace victim's loss or return goods results theft. ¹⁸

Implementation justice restorative in institutions police implemented at the stage investigation and inquiry. This as determined in Article 79 paragraph 8 letters a and b of the New Criminal Procedure Code which states that mechanism justice restorative carried out at stages: a. investigation; b investigation. According to provisions of Article 79 paragraph (1) and paragraph (2) of the New Criminal Procedure Code, the mechanism justice restorative done for restore condition back to the beginning must poured in agreement. in the form of:

- a. forgiveness from the victim and/ or his family;
- b. return goods obtained from action criminal to the victim;
- c. replacement cost maintenance medical and/ or psychological;
- d. change make a loss on other losses suffered by the Victim as consequence action criminal experienced by the victim;
- e. repair damage caused from consequence action the crime experienced by the victim; or
- f. pay change losses incurred from consequence action criminal.

Furthermore based on provisions of Article 79 paragraph (3) to with Article (7) of the New Criminal Procedure Code, agreement peace must implement in term maximum period of 7 (seven) days. Revocation Report or Complaint only can carried out after perpetrator fulfil all over agreement. After all over agreement implemented. the case must stop and requested determination court. If agreement No carried out by the perpetrator until with the end term time. investigator must make minutes of implementation mechanism justice restorative as base for continue the judicial process. The minutes of the event must load loading:

- a. identity of the parties

¹⁸Eva Achjani Zulfa, 2009, *Restorative Justice in Indonesia* , Publishing House of the Faculty of Law, University of Indonesia, Depok, p. 72

- b. content agreement;
- c. proof implementation part or all over agreement; and
- d. reason No fulfilled agreement by the perpetrator.

Action criminal offenses that can be completed through mechanism justice restorative must fulfil condition as arranged in Article 80 of the New Criminal Procedure Code. namely as following:

- a. action criminal threatened only with criminal the biggest fine category III or threatened with criminal maximum imprisonment of 5 (five) years;
- b. action first time crime committed; and/ or
- c. No is repetition action criminal. except to action criminal whose verdict in the form of criminal fine or action crimes committed Because negligence.

According to Article 81 of the New Criminal Procedure Code, the mechanism justice restorative done through application submitted by the perpetrator action criminal. suspect. defendant. or his family. and/ or the victim of the crime criminal or his family. In addition. also through offer from investigator. investigator. prosecutor general. or judge to the victim, perpetrator action criminal. suspect. or defendant. Mechanism justice restorative done without pressure. coercion. intimidation. deception power. threat violence. abuse. torture. and degrading acts humanity to suspect. defendant. victim, and/ or his family.

The New Criminal Procedure Code determines that no all action criminal can completed through justice restorative. Article 82 of the New Criminal Procedure Code determines that mechanism justice restorative excluded for:

- a. action criminal to state security. action criminal towards friendly countries. heads of friendly countries as well as his representative. act criminal order general. and action criminal morality;
- b. action criminal terrorism;
- c. action criminal corruption;
- d. action criminal violence sexual;
- e. action the criminal penalties that are threatened with criminal 5 (five) years imprisonment or more. except Because his negligence;
- f. action criminal to people's lives;
- g. action the criminal penalties that are threatened with special minimum sentence;

- h. action criminal certain very dangerous or harm society; and/ or
- i. action criminal narcotics except those with status as users or abuser.

At the stage investigation and inquiry. mechanism justice restorative done through agreement for finish matters before investigator or investigator. Agreement the proven with letter agreement settlement case and signed by the perpetrator. victim and investigator or investigators. Based on letter agreement settlement case said. investigators issue a Letter of Termination Investigation and investigators issue a Letter of Termination Investigation (Article 83 of the New Criminal Procedure Code). Next based on provisions of Article 84 of the New Criminal Code, Letter of Termination Investigation notified by the investigator to Public Prosecutor and requested determination to Chairman District Court in term maximum time 3 (three) days.

In action criminal theft with weighting. mechanism settlement case based on justice restorative started at the stage investigation or investigation by the police. Mediation done between the victim and the perpetrator with involving figure society. family. and device village local. If achieved peace. then made letter agreement peace that becomes base consideration termination matter.

To understand the application of restorative justice in resolving aggravated theft crimes at the Tebing Police Station, the following describes an example case in case number XXX with the alleged perpetrator HZ and the victim RIG. Based on the report received. the investigative team quick do investigation with do observation to place incident matters and collect information from a number of witness that is as following:

1) Witness RIG (victim)

Based on information witness (victim/ reporter), action criminal theft occurred on Wednesday. January 29, 2025 approximately at 03.00 WIB at the stall is located in front of the Darussalam Mosque RT 001 RW 002, Pamak Subdistrict. District Cliff. Regency Karimun. Victims in case the is RIG (witness) together his wife). Before incident. witness and his wife close roadside stall around at 02.30 WIB after serve the man who bought OFO cigarettes. Shortly after man the return with reason his cigarette left behind. but witness ask to come return Because they want to go out eat. After return to stall. witness find door behind roadside stall has open with hinge door damaged and items inside roadside stall scattered. After done checking. known a number of goods has lost in the form of oil petrol about 35 liters, various type cigarettes. and cash amounting to IDR 700,000.00 with a total loss around IDR 3,500,000.00. The witness explained that before leave roadside stall all over door in condition closed and locked. In addition. the witness also remembered characteristic features the man who bought cigarette before incident. namely skinned black. tall about 160 cm, and hairy straight long.

Someday then. precisely on February 3. 2025, the man who was known named HZ back come to roadside stall for take the cigarettes he said left behind. The witness then withhold perpetrator. assisted brother MF, and brought perpetrator to Police Station Cliff. After done interrogation by the parties police. perpetrator confess his actions so that case processed more carry on in accordance provision applicable law.

2) Witness AEM (victim's wife)

Based on information witness. action criminal theft with the aggravation that occurred on Wednesday. January 29, 2025 around at 03.00 WIB, the victim is witness together her husband RIG. The witness explained that before incident. himself together husband want to close roadside stall around at 02.30 WIB after serve a man who bought cigarettes. Not long after. the man the return with reason his cigarette left behind. but the victim asked to come return Because they want to go out Eat during not enough more three tens minutes. After return to stall. witness find door behind roadside stall in condition open with hinge door damaged and items inside roadside stall scattered. After done checking. known a number of goods has is lost in the form of:

- a. 1 Jirengen is approximately 35 liters of pertalif oil
- b. 5 Packs of Menthol Perfect Cigarettes
- c. 4 Packs of Red EVOLUTION Cigarettes
- d. 2 Packs of Perfect Cigarettes splast
- e. 4 Packs of Perfect Ultra Mild 16 Cigarettes
- f. 2 Packs of Dunhill Black Cigarettes
- g. 5 packs of 20 white Dunhil cigarettes
- h. 4 packs of 16 white Dunhil cigarettes
- i. 6 packs of 12 black Marlboro cigarettes
- j. 5 packs of 16 black Marlboro cigarettes
- k. 6 packs of 20 black Marlboro cigarettes
- l. 4 Packs of Inabol Cigarettes
- m. 5 Packs of LA Bol Cigarettes containing 20
- n. 5 Packs of LA Bol Cigarettes containing 16
- o. 5 Packs of Magnum Pilter Cigarettes

- p. 8 Packs of Surya 16 Cigarettes
- q. 5 Packs of Surya 12 Cigarettes
- r. 5 Packs of Surya Nusantara Cigarettes
- s. 4 Packs of Surya Cigarettes Intro
- t. 4 Packs of GF Cigarettes
- u. 70 Packs of OFO Cigarettes
- v. Cash amounting to IDR 700,000.00 (seven hundred thousand rupiah)

Total loss around IDR 3,500,000.00. The witness also explained that before leave roadside stall all over door has confirmed in condition closed and locked. In addition. the witness remember characteristic features the man who came buy cigarette before incident. namely skinned black. tall about 160 cm, and hairy straight long. Next the victim reported incident the Police Station Cliff For processed in accordance provision applicable law.

3) Witness RH

Inspection to witness RH is known to have said that witness confess Once buy cigarette from HZ, which purchase done several times. The witness explained that initially perpetrator come to roadside stall for buy cigarettes and drugs cough. then offer cigarette with price cheap so that interesting interest witness for buy with objective get profit from sale return cigarette said. According to confession perpetrator. cigarette the originate from his friend who works on the ship so that witnesses at first No know that cigarette the is results action criminal theft. From the results sale return cigarette said. witness get profit around IDR 90,000.00. New witness knows that the cigarettes he bought is goods results stolen after party police from Police Station Cliff come together perpetrator and notify origin goods the interest investigation more carry on.

4) Witness SR

Other witnesses examined is SR, which provides information that HZ ever sell cigarette to him witness as much as 1 pack LA cigarettes with price IDR 20,000.00. When asked about origin cigarette said. the perpetrator conveys that cigarette the owned by his friend and himself only help sell it. The perpetrator Then give One wrap Surya Nusantara cigarettes to witnesses. and the next day the day witness take One wrap LA cigarettes from abandoned cigarettes the perpetrator at his house. On February 3. 2025, the witness hand over IDR 20,000.00 to perpetrator as payment cigarette said. The witness explained that himself No know origin cigarette said and not put suspicion that goods the is results action criminal theft. The witness received and purchased cigarette the Because the price offered more

cheap as well as for consumed Alone.

5) Witness MY

Witness MY gave statement. that Once get oil petrol from HZ as much as not enough more 6 liters entered to in 4 bottles of mineral water size big with method exchange 1 piece chain Honda Vario motorcycle worth IDR 70,000.00. HZ arrived offer oil petrol with say that oil the is remainder "Banker" oil from the place work. After hear explanation said. witness together his wife No put suspicion to origin oil and then agreed exchange chain motorbike with 4 bottles oil the Peralite that was brought perpetrator. Witness's reasons do exchange the Because himself more need oil petrol for needs transportation Work compared to chain the previous motorbike No used.

6) Witness MR

Witness MR explained that HZ had selling 1 pack LA cigarettes and 1 pack cigarette Perfect Evolution with price Rp 50,000.00 to witness. After ask price. witness agree purchase with payment planned done then. and the perpetrator deliver cigarette the witness before leave house. The witness explained that himself No know origin cigarette said and only know from confession perpetrator that cigarette the is deposit owned by his friend who was helped for sold. In addition. the witness buy cigarette the Because price relatively cheap and for consumed Alone.

7) Witness HZ

Inspection against HZ (suspected the perpetrator) explained that action starting on January 29, 2025 approximately at 02.30 WIB when HZ bought cigarettes at the stall belonging to the victim. After return to House brother lift it. the perpetrator realizes the cigarettes he bought left behind so that return to roadside stall for take it. However Because roadside stall has close and the victim leaves go out eat. perpetrator Then arise intention for do theft. The perpetrator move bicycle the motorbike to side roadside stall Then enter through door behind with method prying and breaking door use screwdriver as well as power hands. After succeed enter. perpetrator take various type cigarettes. cash from drawer table cashier. and oil Peralite which then brought use motorbike to Beautiful Pangke Beach area for hidden. Next. the oil petrol moved to in bottles plastic. some used alone. whereas cigarettes and oil other for sale and exchanged to several people in the Karimun area. The perpetrator confess use results sale the for need personal. buying drink hard. medicine cough. and needs everyday. On February 4. 2025, the perpetrator return come to victim's stall with reason take cigarettes left behind. but then secured by the victim together residents and brought to Police Station Cliff. After done interrogation. perpetrator confess all over his actions do action criminal theft with weighting at the stall belonging to the victim.

Based on results investigation. next analyzed for determine whether incident the is action criminal and whether already there is proof quite a start for improved to stage investigation.

In the case mentioned above completed through justice restorative. In case This investigator No Can force settlement case based on justice restorative if the victim refuses. However investigator own authority for assess and submit whether A case worthy for completed based on justice restorative or carry on to stage prosecution.

At the police station Cliff. during This implementation justice restorative in settlement case done on base the victim's own will with based on peace between second split parties and perpetrators must confess his actions as well as request sorry. The victim also has to give Sorry without coercion and not cause unrest in society if already succeed restorative.¹⁹

Investigator / Investigator in settlement case based on justice restorative only facilitate in form mediation in a way official and continued with title case for decide whether case the worthy restorative. In the process of completion action criminal theft with weighting based on justice restorative. the parties involved are the Head of Criminal Investigation Unit. investigators. perpetrators. victims and families second split parties. figures community. internal Polri. Sikum. Propam to provide advice.²⁰

After existence agreement peace between the victim's party with perpetrator. then the parties submit application settlement case based on justice restorative. Next done title case led by the Police Chief. In this case This presenter given chance explain and convey the investigation process matter and then later will responded to by participants degree. Degree results case suspicion action criminal theft with weighting that is based on witness statements and examination letters related report intended. then participant title that all participant have an opinion that to case mentioned above can stopped Because has fulfil condition formal and material in Police Regulation 8 of 2021 concerning Handling Criminal Acts based on Justice Restorative.²¹

Reasons for its implementation justice restorative in case theft with weighting mentioned above is because of results presentation investigator has happen agreement peace second split parties and has fulfilled condition material and conditions formal for settlement case based on justice restorative. This is in line

¹⁹Interview results with Aiptu Andi Susilo, as Assistant Investigator of Tebing Police, April 26, 2026.

²⁰Results of an interview with Aiptu Andi Susilo, as Assistant Investigator of Tebing Police, April 26, 2026.

²¹Results of an interview with Aiptu Andi Susilo, as Assistant Investigator of Tebing Police, April 26, 2026.

with provisions of Article 5 of the Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Justice Restorative that is No cause anxiety and/or rejection from society. no impact conflict social. This is can seen that public is at around incident Still in situation conducive. At the time done investigation. officer coordinate with device village / government local for know whether action criminal theft with regional aggravation the cause unrest in society or no. If cause anxiety so settlement case based on justice restorative No can implemented. Other reasons that perpetrator No perpetrator repetition action criminal based on decision court (not recidivist).

In the case the above. the suspect No Once do action criminal the same (not recidivist). In law. the perpetrator is not recidivist viewed Still own opportunity For developed and improved his behavior without must always sentenced criminal prison. From the aspect criminology. the perpetrator who committed the crime for the first time action criminal often influenced by factors situational. such as pressure economy. environment social interaction. lack of control social. as well as factor need urgent. Therefore that. if perpetrator show good faith okay. admit it mistakes. regrets his actions. and is willing replace victim's loss. then settlement through justice restorative can become more solutions effective in prevent perpetrator repeat his actions in the future.

3.2. Obstacles and Solutions to the Implementation of Restorative Justice in Resolving Aggravated Theft Crimes at the Tebing Police Sector

The application of restorative justice in resolving aggravated theft crimes requires strong cooperation between the community and law enforcement officials to create conditions that allow victims and perpetrators to resolve conflicts peacefully. A restorative justice approach returns the problem to the parties most affected—the victim, the perpetrator, and the interests of the community—by prioritizing their needs and interests. Restorative justice also considers human rights and the importance of understanding the impact of social injustice, then correcting it through more humane means, rather than simply imposing formal legal sanctions on the perpetrator while the victim is denied justice. Restorative justice also seeks to restore the victim's sense of security, respect their dignity and honor, and, most importantly, restore control over themselves.²²

Based on results study known that implementation justice restorative in settlement action criminal theft with weighting in the example case unexpected HZ perpetrators do not there is obstacles. because all party want settlement case

²²Putri Qomariyah Dewi Kumala , Samsul Huda , Hasan Basri , Restorative Justice as an Alternative Effort Action Settlement Criminal Law in Indonesia Based on Republic of Indonesia Prosecutor's Office Regulation Number 15 2020 , *Justness, Journal of Political Law and Religion*, Vol. 4 No. 02, December 2024, p. 16

in a way peace.²³ But in general, the implementation justice restorative in settlement action criminal theft with weighting at the stage investigation and inquiry in practice Still face various obstacles. good from aspect law. apparatus enforcer law. perpetrators and victims, as well as condition social society. Obstacles the cause implementation justice restorative No always can implemented in a way efficient. Obstacles the is:

1) There are limitations threat criminal in implementation justice restorative '

Implementation justice restorative in settlement action criminal theft with weighting often hit by limitations regulations formal and properties crime That alone. A threat criminal action criminal theft with weighting as arranged in Article 363 of the Criminal Code and Article 479 of the National Criminal Code is sufficient high. where the Old Criminal Code threatened the penalty is 7 years. while in the National Criminal Code the threat the penalty is 9 years old until with 12 years. Threat sufficient punishment tall cause investigator must more be careful in apply justice restorative Because there is concern that settlement case in a way peace can cause perception weakness enforcement law.

In the Law Number 20 of 2025 (New Criminal Procedure Code). especially Article 80 paragraph (1) letter a. contains restrictions threat criminal related action criminal offenses that can be completed through mechanism justice restorative that is only for action criminal threats the penalty maximum 5 years.²⁴

In action criminal theft with weighting threat criminal over 5 years. so that in a way normative No including category action criminal offenses that can be completed through mechanism justice restorative at the stage investigation and prosecution.

2) Difference perception apparatus enforcer law in matter This investigator / investigator

Restrictions the cause apparatus enforcer law. in particular investigators and investigators. are in a dilemma position. In one side. solution action criminal based on justice restorative often more give benefit for victims and perpetrators. especially if the victim's losses have been recovered. the perpetrator No recidivists. and society No feel disturbed. However, on the other hand. the authorities enforcer law must still notice provisions of the New Criminal Procedure Code so that the termination case No considered contradictory with criminal procedure law.

Solution for overcome obstacle the is increase education and training for

²³Results of an interview with Aiptu Andi Susilo, as Assistant Investigator of Tebing Police, April 26, 2026

²⁴M. Adib Zain, Reviewing the Restorative Justice Regulations in the New Criminal Procedure Code <https://dandapala.com>, accessed May 15, 2026.

apparatus enforcer law about concepts. objectives. conditions and mechanisms implementation justice restorative training the intended so that investigators and investigators own common understanding that justice restorative No just termination matter. but rather form permanent solution emphasize not quite enough answer perpetrators. victim recovery. and harmonization social. With existence improvement capacity mentioned. it is hoped that apparatus enforcer law can apply justice restorative in a way professional. proportional. and appropriate provision applicable law.

Besides that in title perara. there discussion things that fulfill or no fulfil condition justice restorative. so that created standard more assessment uniform in practice handling case. Involvement function internal supervision. function law and leadership play a role it is important that the decision termination case through justice restorative own base consideration strong and unbreakable law done in a way subjective.

3) There is rejection from public

The perpetrator's modus operandi in theft with the weighting that is done with method dismantle. damage. or use tool certain cause impression that action criminal the is crime serious. In condition certain actions perpetrator can cause anxiety society and disturb the sense of security environment around. If public reject settlement case in a way peace. then justice restorative difficult implemented because one of them condition the material is No cause rejection and conflict social in society.

4) Not occur agreement between perpetrator with the victim

In action criminal theft with weighting. No all victims are willing finish case through mechanism justice restorative. Some victims remain want perpetrator processed in a way criminal Because feel experience loss big or trauma due to actions perpetrator. In addition. there are also victims who are worried that perpetrator will repeat his actions if no sentenced criminal prison. As a results in case No can completed based on justice restorative. because justice restorative only can implemented if there is agreement and peace in a way voluntary between the victim and the perpetrator without existence coercion.

Solution for overcome obstacle the is investigator need give understanding to the victims and perpetrator about objective justice restorative. namely No For free perpetrator from not quite enough answer law. but rather for restore victim's loss. repair connection social. and encourage perpetrator responsible answer on his actions. Through approach persuasive said. the victim is expected can understand benefit settlement case in a way peace without reduce his rights as a victim of crime criminal. However if the victim remains No willing so case to be continued to the judicial process.

Community factors. in matter This implementation justice restorative is greatly influenced by acceptance public to settlement case in a way peace. In the action criminal theft with aggravation. the perpetrator's modus operandi with method dismantle. damage. or use tool certain often cause anxiety society and disturb the sense of security environment around. In condition Thus. the victim and public tend reject settlement case through mechanism justice restorative Because considered No give effect deterrent to perpetrator. Rejection public the become obstacle because one of them condition material implementation justice restorative is No cause conflict social and rejection from public.

4. Conclusion

The application of restorative justice in resolving criminal acts of aggravated theft at the Tebing Sector Police is basically... has in line with provision Constitution Number 20 of 2025 concerning the New Criminal Procedure Code and Regulations Republic of Indonesia National Police Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Justice Restorative. good from aspect material and formal. This matter seen from existence peace voluntary between the victim and the perpetrator. confession error by the perpetrator. recovery victim's loss. no existence rejection society. as well as fulfillment stages administrative in the form of letter peace. inspection additional. title case special. up to publishing termination investigation or investigation. Justice restorative No only functioning as mechanism termination matter. but also as means recovery connection social. protection interests of victims, coaching perpetrators. and embodiment mark justice. benefit and certainty law. The obstacle in the implementation of restorative justice in resolving the crime of aggravated theft at the Tebing Police Sector is the existence of restrictions threat criminal in the New Criminal Procedure Code which limits implementation justice restorative only to action criminal with threat maximum sentence of 5 years. difference perception between investigator / investigator. the existence of rejection from society. as well as No achievement agreement peace between perpetrator and victim. Although thus. the obstacles the Still can overcome through implementation principles caution. strengthening understanding law and equality perception apparatus enforcer law. optimization implementation justice restorative at the stage investigation before issuance of SPDP, as well as approach persuasive to victims and society. With Thus. the implementation justice restorative in action criminal theft with weighting still can implemented in a way selective. proportional. and appropriate provision law with still notice balance between certainty law. justice. and utility law.

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