Implementation of Restorative Justice in the Settlement of Criminal Cases in the Police Office of the North Sumatra Regional Police

Anyar Ayu Bening Wirya Cherdika, Mhd Azhali Siregar, T. Riza Zarzani

Abstract

Restorative justice is an approach in the criminal justice system that emphasizes restoring relationships between perpetrators, victims, and the community through dialogue and peace mechanisms, as an alternative to the retributive approach to punishment. Following the enactment of Law Number 1 of 2023 concerning the Criminal Code, the restorative justice approach has gained increasingly strong legal legitimacy in law enforcement practices in Indonesia, including at the police level as the gateway to the criminal justice system. This study aims to analyze the implementation of restorative justice in resolving criminal cases in the police, specifically in the North Sumatra Regional Police, and examine the obstacles and legal implications that arise in its implementation. The research method used is a normative legal approach supported by empirical data (normative-empirical), through the study of legislation, legal doctrine, and relevant field data. The results of the study indicate that the implementation of restorative justice within the police environment has been implemented and has made a positive contribution to the effectiveness of case resolution, especially in cases of minor crimes that allow for reconciliation between perpetrators and victims. This approach has been proven to accelerate case resolution, reduce the burden on the criminal justice system, and increase satisfaction of the parties. However, its implementation still faces various obstacles, including the lack of uniform standard operating procedures, reliance on investigator discretion, and the potential for imbalance between victims and perpetrators. Legally, the application of restorative justice demonstrates effectiveness in terms of legal benefits, but it does not fully guarantee legal certainty and uniformity of practice. Therefore, strengthening regulations, developing comprehensive technical guidelines, and increasing the capacity of law enforcement officials are needed to realize a fair, effective, and accountable implementation of restorative justice.

Keywords: Restorative Justice, Police, Criminal Case Resolution, 2023 Criminal Code, Law Enforcement

Anyar Ayu Bening Wirya Cherdika
[1]Law, Universitas Pembangunan Panca Budi, Indonesia e-mail: cherdikaa2404@gmail.com[1]

Mhd Azhali Siregar[2], T. Riza Zarzani[3]
[2,3]Law, Universitas Pembangunan Panca Budi, Indonesia e-mail: azhalisiregar@dosen.pancabudi.ac.id[2], tengkuriza@umsu.ac.id[3]
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Introduction

The development of the criminal justice system in Indonesia demonstrates a significant paradigm shift from a retributive approach to a more humanistic and recovery-oriented restorative approach. This shift not only reflects a change in perspectives on crime but also demonstrates the state's efforts to create a criminal justice system that is more responsive to the needs of society. In this context, justice is no longer solely defined as punishing the perpetrator, but also as an effort to restore the victim's losses and repair social relationships disrupted by the crime.

With the enactment of Law Number 1 of 2023 concerning the Criminal Code, the concept of restorative justice has gained stronger normative legitimacy within the national legal system. The new Criminal Code explicitly accommodates the resolution of criminal cases through non-litigation mechanisms that emphasize conflict resolution, restoring social balance, and reintegrating the perpetrator into society. This demonstrates that Indonesian criminal law has moved toward a more modern and adaptive paradigm to social dynamics.

Restorative justice itself is an approach to criminal case resolution that emphasizes the active participation of the perpetrator, victim, and community in resolving the conflict. This approach is based on the view that crime is a violation of social relations, so its resolution must involve all affected parties to achieve substantive justice. Therefore, restorative justice functions not only as an alternative but also as a complement to the modern criminal justice system.

In practice, the application of restorative justice has become increasingly relevant in Indonesia given the persistently high caseload in the criminal justice system and the overcrowding of correctional institutions. This situation indicates that a repressive approach alone is no longer effective in comprehensively resolving criminal law issues. Therefore, restorative justice is seen as a solution capable of increasing the efficiency of law enforcement while providing more balanced justice for all parties.

The Indonesian National Police (Polri) plays a strategic role as the gateway to the criminal justice system. During the investigation and inquiry stages, the police have considerable discretionary authority in determining the direction of a case. This authority opens up space for the application of restorative justice as an alternative case resolution, particularly in certain cases that meet the requirements.

Regulations regarding the application of restorative justice within the police force have been accommodated through various internal regulations, one of which is Police Regulation Number 8 of 2021 concerning Handling Criminal Offenses Based on Restorative Justice. This regulation provides a legal basis for investigators to resolve cases outside the formal judicial process, prioritizing the principle of restoration.

However, in practice, the implementation of restorative justice by the police still faces various challenges, both normative and empirical. One major problem is the lack of uniform standard operating procedures for its implementation, resulting in differences in practice between regions and between investigators. This has the potential to create legal uncertainty and open up room for abuse of discretion.

Furthermore, the position of victims in the restorative justice process is also a critical concern. In some cases, victims do not fully receive optimal protection, particularly when there is an imbalance in power relations between the perpetrator and the victim. This situation can result in a peace process that does not fully reflect substantive justice.

On the other hand, the implementation of restorative justice also has a positive impact on the effectiveness of criminal law enforcement. Resolving cases through a restorative approach has been proven to accelerate the case resolution process, reduce the burden on judicial institutions, and increase public satisfaction with the legal system. This shows that restorative justice has great potential to improve the quality of law enforcement in Indonesia.

However, this effectiveness has not been fully matched by adequate legal certainty. Disharmony in regulations between law enforcement agencies and the lack of clear standards for the implementation of restorative justice are factors that hinder the optimal implementation of this approach. Therefore, efforts to harmonize regulations and strengthen oversight mechanisms are needed to ensure consistent and accountable implementation.

In the regional context, particularly within the North Sumatra Regional Police, the implementation of restorative justice has shown significant progress. Several criminal cases have been resolved through a restorative approach involving relevant parties. However, its implementation still relies on internal policies and investigators' interpretations, leading to variations in practice.

This phenomenon demonstrates a gap between legal norms stipulated in legislation and actual practice. This gap poses a serious challenge to realizing an effective, just, and sustainable criminal justice system. Therefore, a more in-depth study is needed to understand how restorative justice is implemented and its legal implications.

Based on this description, this research is crucial for a comprehensive analysis of the implementation of restorative justice in resolving criminal cases within the police force, particularly within the North Sumatra Regional Police. This study is expected to contribute to the development of more effective, equitable, and responsive criminal law policies that meet the needs of modern society.

Research Methodology

This research employs a normative-juridical legal approach supported by empirical data (normative-empirical). This approach was chosen because the research aims not only to examine applicable legal norms but also to observe how these norms are implemented in practice, particularly in the application of restorative justice by the North Sumatra Regional Police. The normative approach is used to analyze relevant laws and regulations, legal principles, and doctrines, while the empirical approach is used to obtain a factual picture of the implementation of law in society

The normative-juridical approach in this research is conducted by examining various legal provisions related to restorative justice, including Law Number 1 of 2023 concerning the Criminal Code, internal police regulations, and other relevant legal policies. This analysis aims to determine the legal basis and the suitability of legal norms with the concept of restorative justice in the Indonesian criminal justice system.

Meanwhile, the empirical approach is used to complement the normative analysis with data obtained from field practice. This approach aims to examine how restorative justice is implemented by the police and to identify the obstacles encountered in its implementation. Therefore, this research is not merely theoretical but also provides a concrete picture of the effectiveness of law enforcement in society.

The data sources in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations, such as the 2023 Criminal Code and police regulations related to restorative justice. Secondary legal materials include books, scientific journals, research findings, and legal doctrines related to the research topic. Tertiary legal materials include legal dictionaries and encyclopedias, which were used to clarify legal terms.

Data collection was conducted through library research and field research. The former involved reviewing legal literature, scientific journals, and relevant legal documents. The latter involved interviews with stakeholders involved in the implementation of restorative justice within the police force to obtain empirical data to support the research analysis.

Furthermore, the data analysis technique employed was a juridical qualitative analysis, which examined and interpreted data based on legal norms and facts found in the field. The analysis was conducted systematically using deductive reasoning, drawing conclusions from

the general to the specific. This approach was used to assess the alignment between legal norms and the implementation of restorative justice in criminal law enforcement practices.

By employing a normative-empirical research method, this study is expected to provide a comprehensive overview of the implementation of restorative justice in resolving criminal cases within the police force, as well as identify problems and solutions that can be used to improve the effectiveness of criminal law enforcement in Indonesia.

Results 1. Implementation of Restorative Justice in Criminal Case Resolution in the Police (North Sumatra Regional Police Study)

The implementation of restorative justice in resolving criminal cases within the police force is part of the transformation of the criminal justice system, prioritizing a humanistic and recovery-oriented approach. In this context, the police, as the gateway to the criminal justice system, play a strategic role in determining the direction of case resolution, particularly during the pre-investigation and inquiry stages. The restorative justice approach allows investigators to focus not solely on the criminalization process but also to consider more equitable resolutions through dialogue between the perpetrator and the victim.

Normatively, the implementation of restorative justice within the police force is based on the discretionary authority held by police officers. This discretion provides investigators with the freedom to make decisions based on considerations of justice and legal expediency in handling criminal cases. Furthermore, the application of restorative justice is legitimized through Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, which serves as a technical guideline for its implementation.

In practice, the implementation of restorative justice is carried out through a mediation mechanism between the perpetrator and the victim, involving relevant parties, such as family members, community leaders, and law enforcement officials. This process aims to reach a mutual agreement that can repair the victim's losses and restore social relationships disrupted by the crime. This form of implementation is known as victim-offender mediation and family group conferencing, which emphasize the active participation of all parties in conflict resolution.

At the North Sumatra Regional Police, restorative justice is generally applied to cases with certain characteristics, such as minor crimes, relatively small losses, and a willingness on the part of the perpetrator and victim to reconcile. In these circumstances, investigators act as facilitators, bridging communication between the parties to reach a fair and balanced agreement. This approach reflects the police's efforts to provide justice that is not only formal but also substantive.

The stages of restorative justice implementation in resolving criminal cases within the police force begin with the receipt of a report, followed by the investigation process, and ultimately mediation between the perpetrator and the victim. If a peace agreement is reached, the investigator can terminate the investigation through the investigation termination mechanism, in accordance with applicable regulations. This process demonstrates that restorative justice does not eliminate the function of criminal law, but rather provides a more flexible and contextual alternative resolution.

Based on research findings in various regions, including within the police force, the implementation of restorative justice has demonstrated positive results in resolving criminal cases. For example, in practice at the police sector level, a number of minor criminal cases have been successfully resolved through a restorative approach, which not only reduces the caseload but also increases the satisfaction of the parties involved.

However, restorative justice cannot be applied to all types of crimes. There are formal and material requirements that must be met, such as the absence of elements of serious violence, not being a repeat offender (recidivism), and the consent of both the victim and the perpetrator. This

provision aims to maintain a balance between the interests of restorative justice and legal certainty in the criminal justice system.

Furthermore, the role of investigators in implementing restorative justice is crucial to the success of the case resolution process. Investigators act not only as law enforcers but also as mediators who must be able to create a conducive atmosphere of dialogue between the perpetrator and the victim. Therefore, communication skills, an understanding of the values of restorative justice, and the integrity of officers are crucial factors in implementing this approach.

In the context of the North Sumatra Regional Police, the implementation of restorative justice is also influenced by the social and cultural conditions of the local community. Local wisdom values that uphold deliberation and peace are supporting factors in the implementation of the restorative approach. This demonstrates that restorative justice is highly relevant to Indonesian legal culture, which tends to prioritize conflict resolution within the family.

However, in practice, there is still variation in the application of restorative justice between regions and between investigators. This is due to the lack of truly uniform standard operating procedures and differences in officers' understanding of the concept of restorative justice. This situation indicates that the implementation of restorative justice is still in its developmental stage and requires systemic refinement.

From a criminal law perspective, the implementation of restorative justice in the police reflects a paradigm shift from a retributive approach to a restorative approach that places greater emphasis on recovery. This shift aligns with the development of modern criminal law, which is no longer solely focused on punishment but also on the rehabilitation and social reintegration of perpetrators.

Thus, the implementation of restorative justice in resolving criminal cases in the police, particularly in the North Sumatra Regional Police, can be said to be ongoing and making a positive contribution to the criminal law enforcement system. However, to achieve optimal effectiveness, regulatory strengthening, increased officer capacity, and the development of more comprehensive technical guidelines are needed to ensure consistent and equitable implementation.

2. Obstacles and Legal Implications of the Implementation of Restorative Justice on the Effectiveness of Criminal Law Enforcement in the Police

The application of restorative justice in resolving criminal cases within the police force not only presents a new approach to the criminal justice system but also raises various legal implications that require in-depth examination. Conceptually, restorative justice aims to provide more substantive justice by emphasizing the restoration of victims' losses and the harmonization of social relations. However, in practice, the implementation of this approach still faces various obstacles that impact the effectiveness of criminal law enforcement.

One of the main obstacles to the implementation of restorative justice is the lack of uniform standard operating procedures within the police force. Although there is a legal basis through Police Regulation Number 8 of 2021, in its implementation, differences in interpretation among investigators remain. This results in disparities in the resolution of criminal cases, potentially creating legal uncertainty.

Furthermore, the use of discretion by police officers in implementing restorative justice also poses a crucial legal issue. Discretion that is not balanced by a clear oversight mechanism can open up opportunities for abuse of authority. From a criminal law perspective, this situation can undermine the principles of legality and legal certainty, which should be the foundation of all law enforcement.

Another equally important obstacle relates to the victim's position in the restorative justice process. In some cases, victims are in an unequal position relative to the perpetrator, both economically, socially, and psychologically. This has the potential to put pressure on victims to accept a peaceful resolution, even if it does not fully reflect justice. Therefore, protecting

victims' rights is a crucial aspect that must be considered in the implementation of restorative justice.

On the other hand, limited human resources and limited understanding of the concept of restorative justice among law enforcement officers also hinder its implementation. Not all investigators have adequate skills and understanding of the restorative approach, resulting in suboptimal implementation. This highlights the need for capacity building and training for police officers to implement restorative justice professionally and fairly.

Despite facing various obstacles, the implementation of restorative justice also has positive legal implications for the effectiveness of criminal law enforcement. From a utilitarian perspective, this approach can reduce the caseload in the criminal justice system and expedite the case resolution process. This aligns with the objectives of the law, which emphasize not only certainty but also benefit and justice.

Furthermore, restorative justice also contributes to increasing public satisfaction with the criminal justice system. Resolving cases through dialogue and peacemaking is considered more effective in fulfilling the public's sense of justice than formal justice processes, which tend to be rigid and procedural. This demonstrates that restorative justice has the potential to strengthen the legitimacy of the legal system in the eyes of the public.

However, from a legal certainty perspective, the implementation of restorative justice still faces significant challenges. Irregularity in its implementation can lead to inconsistent handling of criminal cases, which ultimately has the potential to undermine the principle of equality before the law. Therefore, regulatory harmonization and the development of clear technical guidelines are necessary to ensure consistent implementation.

In an academic context, several studies by legal experts also emphasize the importance of strengthening the legal framework for implementing restorative justice. This approach should not rely solely on the discretion of officials but must be supported by clear regulations and effective oversight mechanisms to prevent deviations in practice.

Furthermore, the thinking of legal academics in Indonesia also suggests that restorative justice should be positioned as part of an integrated legal system, not as a stand-alone alternative. This is crucial to ensure that its implementation remains within clear legal boundaries and does not disregard basic principles of criminal law.

In the context of this research, the legal implications of the implementation of restorative justice in the North Sumatra Regional Police indicate that this approach has made a positive contribution to the effectiveness of criminal law enforcement, particularly in terms of efficiency and expediency. However, in terms of legal certainty and uniformity of practice, significant improvements are still needed to ensure optimal implementation.

Thus, it can be concluded that the application of restorative justice in resolving criminal cases within the police force has significant potential to increase the effectiveness of law enforcement, but also faces various obstacles that must be addressed immediately. Therefore, strengthening regulations, increasing the capacity of officers, and strict oversight are necessary to ensure that the implementation of restorative justice is carried out fairly, consistently, and in accordance with applicable legal principles.

Conclusion

1. The implementation of restorative justice in resolving criminal cases within the police force, particularly the North Sumatra Regional Police, has been ongoing and shown significant progress. This approach is implemented through a mediation mechanism between the perpetrator and the victim, prioritizing the principles of restoration, peace, and social balance. Normatively, restorative justice has gained legitimacy through various laws and regulations, including internal police policies. In practice, this approach is generally applied to minor criminal cases, taking into account legal expediency, case resolution efficiency, and the interests of the parties. This demonstrates

that restorative justice can be a more humane alternative for resolving criminal cases and is responsive to community needs.

2. The application of restorative justice in resolving criminal cases within the police force has positive legal implications for the effectiveness of law enforcement, but still faces various obstacles that hinder its optimal implementation. From a utilitarian perspective, this approach has proven effective in reducing the caseload, accelerating conflict resolution, and increasing public satisfaction with the law enforcement process. However, from a legal certainty perspective, issues remain, including the lack of uniform standard operating procedures, reliance on investigator discretion, and the potential for imbalance between perpetrators and victims. These conditions demonstrate that, while restorative justice is substantively effective, its implementation requires regulatory strengthening, increased capacity of law enforcement officers, and stricter oversight to ensure legal certainty and sustainable justice.

References

[1] Aspan, Henry. "Problematika Penegakan Hukum dan Diskresi Kepolisian dalam Perspektif Hukum Pidana." Jurnal Ilmu Hukum, Vol. 7, No. 1, 2021.

[2] Arief, Barda Nawawi. Bunga Rampai Kebijakan Hukum Pidana. Bandung: Citra Aditya Bakti, 2017.

[3] Bahiej, Ahmad. "Arah dan Tujuan Pemidanaan dalam Hukum Pidana Nasional Indonesia." Supremasi Hukum, Vol. 1, No. 2, 2012.

[4] Dewa Nugraha, Achmad. "Urgensi Pengaturan Restorative Justice." Jurnal Swara Justisia, 2023.

[5] Ginting, G. P., Siregar, A., dan Fikri, R. A. "Penerapan Restorative Justice dalam Sistem Peradilan Pidana." Locus Journal of Academic Literature Review, 2025.

[6] Gulo, N. "Penerapan Restorative Justice dalam Politik Hukum KUHP 2023." Jurnal Hukum, 2024.

[7] Hamzah, Andi. Hukum Acara Pidana Indonesia. Jakarta: Sinar Grafika, 2018.

[8] Huda, M. N. "Restorative Justice dalam Hukum Acara Pidana di Indonesia." Voice Justisia, Vol. 7, No. 1, 2023.

[9] Hutajulu, Rudi. "Restorative Justice dan Diskresi Kepolisian dalam Sistem Peradilan Pidana." Jurnal Ilmu Hukum, Vol. 10, No. 2, 2026.

[10] Indrajaya, N. "Keadilan Restoratif sebagai Pergeseran Paradigma dalam Hukum Pidana Indonesia." Jurnal Hukum dan Peradilan, 2026.

[11] Ismaidar. "Efektivitas Restorative Justice dalam Penegakan Hukum Pidana di Indonesia." Jurnal Lex Suprema, Vol. 4, No. 2, 2023.

[12] Kasvarof, Juri. "Reorientation of Criminal Justice System Towards Restorative Justice." Journal of Indonesian Legal Studies, 2026.

[13] Muladi. Kapita Selekta Sistem Peradilan Pidana. Semarang: UNDIP Press, 2015.

[14] Prasetyo, A. "Tantangan Penegakan Hukum pada Tindak Pidana Ringan di Indonesia." Jurnal Hukum dan Pembangunan, Vol. 52, No. 1, 2022.

[15] Prasetyo, A., dan Wibowo, D. "Efektivitas Restorative Justice dalam Menurunkan Residivisme." Jurnal Kriminologi Indonesia, Vol. 9, No. 2, 2023.

[16] Rafianti, Fitri. "Perlindungan Korban dalam Sistem Peradilan Pidana Berbasis Restorative Justice." Jurnal Hukum dan Peradilan, Vol. 8, No. 1, 2022.

[17] Rahmawati, Siti. "Implementasi Restorative Justice dalam Penyelesaian Perkara Pidana." Jurnal Kriminologi Indonesia, Vol. 8, No. 2, 2024.

[18] Rahman, T. "Restorative Justice sebagai Pendekatan dalam Sistem Peradilan Pidana." Jurnal Hukum, 2023

[19] Republik Indonesia. Undang-Undang Nomor 1 Tahun 2023 tentang Kitab UndangUndang Hukum Pidana.

[20] Republik Indonesia. Peraturan Kepolisian Negara Republik Indonesia Nomor 8 Tahun 2021 tentang Penanganan Tindak Pidana Berdasarkan Keadilan Restoratif.
[21] Republik Indonesia. Peraturan Kejaksaan Nomor 15 Tahun 2020 tentang Penghentian Penuntutan Berdasarkan Keadilan Restoratif.
[22] Sari, R. "Hambatan Implementasi Restorative Justice dalam Sistem Peradilan Pidana Indonesia." Jurnal Hukum dan Masyarakat, Vol. 15, No. 1, 2021.
[23] Siregar, Muhammad Azhali. "Pendekatan Restorative Justice dalam Sistem Peradilan Pidana Indonesia." Jurnal Hukum dan Keadilan, Vol. 5, No. 2, 2022.
[24] Soekanto, Soerjono. Faktor-Faktor yang Mempengaruhi Penegakan Hukum. Jakarta: RajaGrafindo Persada, 2014.
[25] Somantri, Ismawanto. "Implementasi Restorative Justice dalam Sistem Peradilan Pidana Indonesia." Jurnal Hukum, 2026.
[26] Wahyuni, E. "Reformasi Peran Polisi dalam Penerapan Restorative Justice." Jurnal Kriminologi Indonesia, Vol. 10, No. 1, 2024.
[27] Wibowo, E. A. "Kebijakan Formulasi Hukum terhadap Restorative Justice di Indonesia." Jurnal Serambi Hukum, Vol. 19, No. 1, 2025
[28] Zarzani, T. Riza. "Diskresi Kepolisian dalam Penanganan Tindak Pidana." Jurnal Reformasi Hukum, Vol. 6, No. 2, 2020.
[29] Zehr, Howard. The Little Book of Restorative Justice. Pennsylvania: Good Books, 2020.