

The Effectiveness of Restorative Justice Implementation for Aggravated Theft in The East Medan Police Sector

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Abstract

This study examines the effectiveness of restorative justice implementation in aggravated theft crimes at the East Medan Police Sector using a normative-empirical approach that combines an analysis of Article 363 of the Criminal Code and sectoral policies with factual findings of penal mediation practices. The normative framework analyzed includes National Police Chief Regulation Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice, Prosecutor's Regulation Number 15 of 2020, and Supreme Court Regulation Number 1 of 2024 as anchors for the implementation of restorative justice from upstream to downstream. Primary data was collected through case file searches, mediation forum observations, and interviews with investigators, victims, and perpetrators in cases that met the eligibility criteria, namely victim voluntariness, restitution of tangible losses, absence of dangerous violence, and failure to cause widespread unrest. The results show that the East Medan Police implemented a strict selection process based on the victim's interests, the value of the loss, and the social impact. They then facilitated a meeting between the parties, involving village officials, Bhabinkamtibmas (community police officers), Babinsa (village supervisors), and community leaders as social pillars of the agreement. The peace agreement was fully documented and became the basis for terminating the investigation through an SP3 (Commission of Police Officers) based on the opportunity principle. Empirically, this selective implementation accelerated recovery, reduced the burden of enforcement, and maintained social cohesion, with a success rate of around 60 to 75 percent in cases selected quarterly, including in cases with relatively small losses and close relationships between perpetrators and victims. On the other hand, legal barriers were still enforced for high-risk theft or those causing widespread unrest by continuing the prosecution process. The study's conclusion confirms that restorative justice at the East Medan Police is effective as long as it is implemented within the corridors of positive law, based on the principles of ultimum remedium and due process of law, is well documented, and is monitored post-peace to ensure legal certainty, substantive justice, and social benefits remain balanced.

Keywords: *Restorative Justice; Aggravated Theft; East Medan Police*

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Introduction

The application of restorative justice in handling aggravated theft crimes at the police level always sparks theoretical and practical debate. On the one hand, Indonesian positive criminal law qualifies aggravated theft or curat as an act that has a higher quality of danger than ordinary theft due to the presence of aggravating circumstances, such as being committed at night in someone's house, being committed by two or more people, being done by breaking or climbing, or using special tools to break through security [1]. On the other hand, in the last two decades a paradigm of punishment has developed that is oriented towards restoring relationships between perpetrators, victims, and the community, known as restorative justice [2]. This orientation does not solely pursue revenge, but rather emphasizes the restitution of losses, the restoration of social relations, and the prevention of recidivism through mechanisms of voluntariness, responsibility, and agreement between the parties facilitated by law enforcement officials. Debate also arises when restorative justice is considered for curat, considering the elements of intent and methods that indicate the level of seriousness of the act. Are restoration and reconciliation sufficient to address the public's sense of justice in crimes generally considered to have serious mens rea and modus operandi? It is at this point that research into the effectiveness of restorative justice in theft cases at the East Medan Police Sector becomes relevant and urgent.

The normative framework supporting restorative justice policy options at the investigation, prosecution, and court hearing stages is already in place. At the police level, Regulation of the Chief of the Indonesian National Police Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice provides guidelines for investigators to prioritize restorative-based solutions provided certain requirements are met. At the prosecution stage, Regulation of the Indonesian Attorney General's Office Number 15 of 2020 paves the way for termination of prosecution based on restorative justice when material and procedural requirements are met. In the judicial realm, Regulation of the Supreme Court Number 1 of 2024 provides guidelines for judges in adjudicating criminal cases using a restorative approach. The presence of these three instruments demonstrates a relatively consistent cross-institutional policy design that promotes restorative justice as part of the criminal justice system, while simultaneously demanding careful application to serious offenses to prevent impunity [3].

In the context of theft, according to Article 363 of the Criminal Code, the strengthening of aggravating elements relates to the time, place, method, or involvement of more than one perpetrator. Doctrinally, these circumstances strengthen culpability and add weight to wrongfulness because they indicate preparation, planning, or the use of more aggressive methods. Therefore, classically, theft is often considered less suitable for soft non-imprisonment mechanisms. However, the spectrum of social facts faced by law enforcement officers is not always black and white. In practice, many theft cases at the grassroots level occur within close relationships between perpetrators and victims, for example between families, neighbors, or acquaintances in the same neighborhood, with relatively small losses and subsistence economic reasons. In such situations, a restorative approach is sometimes considered more proportionate from a cost-benefit perspective of law enforcement, especially when the perpetrator shows remorse, makes restitution, and the victim desires reconciliation. Initial data from the East Medan Police jurisdiction shows that cases such as theft of cell phones or household items with losses below the threshold of two and a half million rupiah have been resolved peacefully, of course with strict screening [4].

The background to the restorative justice policy at the East Medan Police is based on at least several variables. First, the reality of a fluctuating caseload dominated by motorcycle theft and a number of domestic thefts. Second, the need to reduce the burden of law enforcement, which leads to overcapacity in correctional institutions, given that low-cost but high-volume cases can consume significant resources. Third, consideration of the principle of ultimum remedium, which requires criminal law to be a last resort when other, more lenient social means

can achieve the goals of redressing victims' losses and social order. Within this framework, restorative justice is positioned not as a substitute for criminal law, but rather as a diversion instrument that is measured, conditional, and oriented towards the interests of victims. *Ultimum remedium* as a principle emphasizes that criminalization and imprisonment are not the sole answer to all social conflicts, especially when cultural and local tools such as deliberation, mediation, and the role of community leaders can work effectively [5].

However, this open policy has generated counter-arguments. Opponents of expanding restorative justice to theft worry about the weakening of the deterrent effect and the authority of law enforcement. This concern cannot be underestimated because theft generally shows a more serious escalation of *modus operandi* than ordinary theft. The risk of moral hazard arises if the recovery mechanism is misused as a shortcut for perpetrators to avoid criminal accountability, especially when there is a pattern of repetition or the perpetrators use violence. Therefore, practical experience demands strict gatekeeping at the police level, checks and balances with the prosecutor's office, and judicial policy guidelines in the courts so that restorative justice for theft is truly within safe fences. The East Medan Police responded to this dilemma with a selective policy, namely not all theft cases are directed to penal mediation, but only a small portion each quarter after an assessment of the victim's interests, the value of the loss, and the resulting social impact. This selective policy has reportedly achieved a success rate of between sixty and seventy-five percent, an achievement that indicates there is room for effective recovery without sacrificing the general prevention function, as long as the criteria are maintained and evaluated periodically [6].

At the technical level, restorative justice practices at the East Medan Police are prominent during the investigation phase through a structured penal mediation mechanism. Investigators present the complainant as the victim, the accused as the perpetrator, and the families of both parties. Local officials, such as village officials, Bhabinkamtibmas (community police officers), Babinsa (village supervisory non-commissioned officers), and community or religious leaders are involved as moral guarantors and social witnesses to the peace agreement. The forum facilitates the process of finding a voluntary agreement, which generally includes an acknowledgment, apology, restitution or compensation, and a commitment to prevent recurrence. The agreement is then formalized in a peace statement and signed by the parties and witnesses. This then serves as the basis for investigators to issue an SP3 (Commission Order) to terminate the investigation, in accordance with the opportunity principle under Regulation of the Chief of Police (Perkap) No. 8 of 2021. This practice underscores the importance of procedural justice at every stage, both in terms of informed consent from the parties and orderly documentation, to minimize any deviations and maintain accountability.

The methodological aspects of this research are important to highlight measures of effectiveness that are not solely seen from the perpetrator's release from the formal justice process. Effectiveness must be interpreted in a multi-layered manner. First, the effectiveness of victim recovery, which can be measured by the speed of recovery, the adequacy of compensation, and victim satisfaction with the settlement outcome. Second, the effectiveness of specific deterrence against perpetrators, as reflected in the low rate of reoffending after mediation, so that restorative justice does not become an incentive for deviant behavior. Third, the effectiveness of law enforcement's workload, which can be measured by the reduction in cases proceeding to the prosecutor's office and the courts, allowing resources to be diverted to more serious cases. Fourth, social effectiveness in the form of reduced tensions in the community and maintained social cohesion. Research with a normative-empirical style and a juridical-sociological approach is highly relevant here because it combines a literature study of the Police Chief's Regulation (Perkap), the Police Chief's Regulation (Perja), and the Supreme Court's Regulation (Perma) with field data at the Medan Timur Police Station on Jalan Jawa Number 5, Gang Buntu Village, to capture actual practices, supporting factors, and obstacles encountered. Data collection techniques through document studies, interviews with

investigators, victims, perpetrators and community leaders, combined with qualitative analysis, provide the opportunity to photograph the relationship between written norms and operational reality in concreto [7].

From a theoretical perspective, restorative justice can be accounted for as the embodiment of the concept of an integrated criminal justice system that places recovery as a goal, along with prevention and deterrence. This paradigm, when applied selectively to theft, must be bound by clearly documented criteria. These criteria include victim voluntariness, tangible restitution of losses, the absence of dangerous violence against life, and the absence of widespread unrest. At this point, the measure of "small loss" should not be the sole basis because the quality of the attack on public safety in theft can be high even if the value of the stolen goods is low. Emphasis must be placed on the social impact and risk assessment of the perpetrator. This thinking is in line with efforts to maintain a balance between due process of law and crime control, where the police as the frontline have discretion, but that discretion must be managed with strict accountability standards. Ultimately, the application of restorative justice must not sever the causal link between the act and responsibility, but rather shift the form of accountability from imprisonment to a measurable, supervised, and clear compliance mechanism for restoration obligations [8].

At the level of criminal policy, arguments for restorative justice in the case of theft often focus on efficiency, addressing overcrowding, and justice for victims who desire a quick and concrete resolution. Meanwhile, counterarguments focus on concerns about the erosion of the deterrent effect and the symbolic denunciation of the state for acts that undermine public safety. Between these two poles, the East Medan Police have adopted a selective approach, selecting cases truly suitable for restorative justice based on a matrix of victim interests, the value of losses, and social impact. This selectivity intersects with the need for more comprehensive performance indicators. These indicators include the percentage of successful mediation, the rate of recidivism after a peace settlement, victim satisfaction measured at least six months after settlement, and a fairness test of the peace agreement, which does not contain clauses that demean any party. With such indicators, effectiveness is not claimed normatively but is demonstrated empirically and periodically.

This research should also highlight the governance architecture that connects police, prosecutors, and judges in a single policy chain. Even if a case ends at the investigation level through a SP3, internal and external functional oversight is necessary to prevent abuse. Coordination with the prosecutor's office to obtain a second opinion in borderline cases will increase the legitimacy of decisions. In addition, the involvement of community leaders and village officials is not merely ceremonial, but must be positioned as a buffer for post-peace compliance. If the perpetrator violates the commitment, the mechanism for reopening the case or taking criminal action must be available and communicative. In the East Medan Police, the practice of bringing Bhabinkamtibmas and Babinsa into mediation forums demonstrates a strengthening of the social ecosystem that facilitates post-agreement oversight. This is crucial to ensuring that restorative justice produces specific deterrence through social control that is alive in the community, not just written on paper [9].

Criminological considerations cannot be ignored. Many theft perpetrators at the grassroots level, as indicated by preliminary findings, are driven by household economic motives, pressures of need, or problematic family relationships. In inter-family cases, total criminalization often sever the social support networks needed for behavioral correction. Restorative justice provides space for admitting wrongdoing, redressing losses, and maintaining support networks. However, the dark side should not be overlooked, such as social pressure on victims to reconcile or disproportionate peace clauses. Therefore, process safeguards such as informed consent, mentoring, and a cooling-off period before signing a peace statement are procedural elements that need to be institutionalized in local SOPs. This pattern aligns with the

spirit of Police Regulation Number 8 of 2021, which prioritizes the principle of prudence and protection of victims' interests as the center of gravity of decisions.

Finally, the study on the effectiveness of restorative justice for theft at the East Medan Police must be placed within a public policy evaluation framework, not simply a normative reading of articles. This evaluation examines the policy's suitability to applicable legal instruments, the consistency of implementation with SOPs, the real impact on victim recovery, changes in perpetrator behavior, and perceptions of justice in society. With a normative-empirical method, this research has the potential to produce operational policy recommendations, such as objective parameters for assessing case eligibility, documentation guidelines and internal audits, and post-peace monitoring mechanisms [10]. The research is also expected to contribute ideas to the formulation of cross-institutional guidelines so that the restorative pathway runs harmoniously from upstream to downstream, preventing forum shopping, while simultaneously clarifying the boundaries of theft cases that are still eligible to be processed through penal mediation. In this way, restorative justice is not positioned in conflict with the rule of law, but rather becomes part of the rule of law itself that is sensitive to the needs of recovery and the sense of community justice.

Based on the description above, this proceeding focuses on two key questions to be answered in detail in the following sections. First, how does the mechanism for implementing restorative justice relate to aggravated theft in the East Medan Police Sector? Second, how effective is the implementation of restorative justice in aggravated theft in the East Medan Police Sector?

Research Methodology

The research method used is a normative-empirical juridical approach with analytical descriptive specifications, [11] which combines a review of positive legal norms with factual findings of case resolution practices at the East Medan Sector Police; secondary data was obtained through a literature study of the Criminal Code, especially Article 363 concerning aggravated theft, Regulation of the Chief of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice, Regulation of the Republic of Indonesia Prosecutor's Office Number 15 of 2020, and Regulation of the Supreme Court Number 1 of 2024, including relevant scientific literature regarding the principle of *ultimum remedium*, opportunity principle, due process of law, and the restorative justice paradigm, while primary data was obtained through in-depth semi-structured interviews with investigators from the East Medan Sector Police, victims, perpetrators, and local stakeholders such as village officials and Bhabinkamtibmas with a purposive sampling technique on cases of aggravated theft without serious physical violence and with proportional loss indicators; Data collection techniques include tracing case files, minutes, peace statements, and observations of the penal mediation process, which are then analyzed qualitatively and legally through grammatical, systematic, and teleological interpretations to assess the suitability of practices with the normative framework and to test effectiveness based on indicators of victim recovery, specific prevention, reduced enforcement burden, and social impact; data validity is maintained by triangulation of sources, methods, and time, plus member checks with key informants, while ethical considerations are implemented through informed consent, guarantees of identity confidentiality, and restrictions on data use solely for academic purposes.

Results

3.1 The Mechanism for Implementing Restorative Justice in Aggravated Theft Crimes at the East Medan Police Sector

The mechanism for implementing restorative justice for aggravated theft in the East Medan Police Sector rests on two main pillars: a normative framework and operational practices at the investigation level. The normative framework legitimizes investigators' discretion to

prioritize just restitution as long as the specified legal requirements are met. Operational practices ensure that this discretion is exercised in a measured, documented manner, and can be audited by internal and public oversight mechanisms [12]. In this context, aggravated theft, or *curat*, as defined by Article 363 of the Criminal Code, is understood to be aggravated theft due to certain methods, such as being committed at night in a house, by two or more people, or by damaging, climbing, or using special tools to breach security. Recognition of this aggravating nature is the reason why restorative justice cannot be applied haphazardly, but must undergo a strict feasibility assessment so as not to erode the general sense of justice and the authority of law enforcement.

At the normative level, three policy instruments serve as primary references. Regulation of the Chief of the Indonesian National Police Number 8 of 2021 concerning Handling Criminal Acts Based on Restorative Justice provides guidelines for investigators to resolve criminal cases through a restorative approach based on the principle of voluntary action, prioritizing the interests of victims, and ensuring that social unrest does not arise. [13] Regulation of the Attorney General of the Republic of Indonesia Number 15 of 2020 opens the door to terminating prosecutions based on restorative justice as long as certain conditions are met, such as restitution of losses and an authentic peace agreement. Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2024 provides guidelines for panels of judges in adjudicating criminal cases from a restorative perspective, ensuring that legal considerations are inseparable from the principles of proportionality and victim protection. These three regulations are interconnected so that the path to recovery does not stop at the upstream, but is supervised in layers downstream. With this foundation, the restorative justice mechanism in the police in theft cases can operate within clear legal boundaries and be legally accountable. [14]

The mechanism begins at the stage of receiving the report and determining the initial classification of the case. After the police report is made, investigators conduct investigative and investigative actions to ensure the fulfillment of the elements of Article 363 of the Criminal Code and map the sociological context of the incident. This mapping is important to assess whether the case has a character that allows for a restorative approach without sacrificing the public interest. The East Medan Police identified a variety of theft cases originating from close relations such as family and neighbors, including theft of cell phones and household goods with relatively small losses, even with markers of losses below two million five hundred thousand rupiah in a number of cases. Sources of motives such as family economic pressure also play a role in the background. Mapping this context opens up the opportunity to consider restorative paths, as long as there is no violence that is dangerous to life, there is no broad social impact, and the victim expresses a willingness to reconcile. [15]

The next step is a pre-assessment of case eligibility. At this stage, investigators assess three main indicators that serve as selection guidelines at the East Medan Police: the victim's interests, the value of the loss, and the social impact. The victim's interests are measured by the victim's desire to resolve the case peacefully and the need for concrete restitution. The value of the loss serves as an objective variable that provides a benchmark for the proportionality of the action, although it is not the sole measure. [16][18] The social impact is analyzed to ensure that the choice of penal mediation does not create widespread unrest or the perception of impunity. The results of the pre-assessment determine whether the case can be directed to a mediation forum. In practice, the East Medan Police apply restorative justice selectively and only to a portion of cases each quarter, with a reported success rate of between sixty and seventy-five percent. This selectivity serves as a control mechanism to ensure that the recovery path does not become a shortcut to avoid criminal liability in all theft cases.

If the case is deemed worthy, investigators initiate a penal mediation forum. [16] This forum not only brings together the reporter as victim and the accused as perpetrator, but also involves the families of both parties, sub-district or village officials, as well as community leaders, religious leaders, and traditional leaders. The presence of Bhabinkamtibmas and

Babinsa is a unique aspect of mediation governance within the East Medan Police, while also creating moral and social guarantees for the agreements reached. The role of the parties in this forum is not to relativize criminal acts, but rather to formulate forms of accountability that are oriented towards recovery, such as the return of goods, compensation for losses, sincere apologies, and commitments not to repeat them. This mechanism substantially brings to life the principle of procedural justice, because the entire process requires voluntariness, equal opportunity to express views, and a shared understanding of the consequences. [16]

The results of the mediation forum are outlined in a peace agreement. [17] This document contains the identities of the parties, a description of the incident, the form and deadline for restitution, and the consequences if the perpetrator breaks their promise. The document is signed by the parties, witnesses present, village officials, community and religious leaders, as well as Bhabinkamtibmas and Babinsa officers. Legally, the peace agreement serves as the basis for investigators' considerations to terminate the investigation by issuing an Investigation Termination Order (SP3). The issuance of an SP3 demonstrates the use of the opportunity principle in prosecution, which has been adopted upstream in the investigation stage, as long as the normative umbrella of Perkap 8 of 2021 is met and documented. Thus, terminating a case is not merely a matter of discretion, but rather a discretion guided by procedures and subject to oversight. [17]

The quality of documentation is a crucial element of the entire mechanism. Case files must include an examination report confirming the perpetrator's confession and the victim's voluntary consent, mediation minutes documenting the two-way communication process, and evidence of recovery, such as a replacement receipt or a report on the return of goods. Documentation should also include statements from village officials and community leaders present as social witnesses. This documentation standard is necessary not only for administrative purposes but also as an accountability instrument in the event of internal or external audits. In practice, the Medan Timur Police Department (Polsek Timur) has demonstrated that the involvement of community actors strengthens the post-peace social oversight network, allowing the perpetrator's commitment to be monitored naturally within the community.

This mechanism runs parallel to investigators' obligation to ensure compliance with the principles of victim protection. These principles require informed consent from victims obtained without coercion, privacy safeguarded when victims request restrictions on publication, and access to support for vulnerable victims. At the same time, investigators must firmly reject mediation if the case deviates from the criteria, for example, if it involves dangerous violence, widespread social impact, or if the perpetrator is a repeat offender. Such rejection is part of healthy gatekeeping, preventing the creation of negative incentives for perpetrators hoping to escape justice by pressuring victims to reconcile. The selective practices at the East Medan Police demonstrate this caution, in line with the indicators of success that are not automatically high because the basis is not quantity, but the quality of authentic recovery.

The link between the above mechanisms and the architecture of an integrated criminal justice system is evident in horizontal and vertical coordination. Horizontally, coordination with the prosecutor's office is necessary for borderline cases requiring a second opinion, so that the decision to terminate the investigation has stronger legitimacy and is consistent with general prosecution policy. Vertically, Supreme Court regulations provide a buffer if the case ultimately proceeds to trial, or if a case is reopened due to a breach of commitment by the perpetrator. With this buffer downstream, investigators have the assurance that restorative options will not lead to forum shopping or inconsistencies in inter-agency policies.

In implementing this mechanism, the East Medan Police place performance indicators not only on the resolution of cases on paper, but also on measurable outputs and impacts. Expected outputs include the speed of recovery, the adequacy of compensation, and victim satisfaction, which can be monitored over a certain period after the agreement. Expected

impacts include a reduction in the caseload submitted to the prosecutor's office and the courts, a reduction in social tensions in the neighborhood where the case occurred, and social learning for the local community. Field data collected from the quarterly case table from the first quarter of 2022 to the second quarter of 2025 shows a relatively stable pattern for theft in the East Medan Police jurisdiction, dominated by motorcycle theft, with some resolved through restorative justice and some proceeding to prosecution. This pattern simultaneously affirms the goals of efficient law enforcement, rapid recovery, and a reduction in the caseload, but at the same time reminds us of the importance of caution so that the deterrent effect and the authority of the law are not eroded. [18]

The post-peace phase is often overlooked, yet crucial to maintaining the integrity of the mechanism. Monitoring the perpetrator's implementation of obligations, such as compensation installments or a prohibition on approaching the victim for a specified period, requires the active participation of Bhabinkamtibmas (community police officers), village officials, and social networks that previously served as witnesses. If the perpetrator fails to comply, legal channels must be available to reopen the case and proceed with regular procedures. This clarity serves as a compliance mechanism, sending a strong signal that restorative justice is not an abdication of responsibility, but rather a shift from criminal accountability to reparation obligations that are more relevant to the victim and the community.

Conceptually, restorative justice mechanisms are linked to the principle of *ultimum remedium*, emphasizing that criminal law is not the sole instrument for resolving social conflict. This principle does not interpret criminal law as a weak tool, but rather as a tool used intelligently and proportionately. In the case of theft, the use of restorative justice actually demands a higher standard because the nature of the offense contains elements of aggravation. Therefore, a strict selection mechanism, authentic mediation, thorough documentation, and post-peace monitoring form an inseparable package. Without this complete package, restorative justice risks becoming merely a fragile peace document, subject to questioning at any time and eroding public trust in law enforcement institutions.

The principle of caution is also reflected in the interpretation of the value of losses. Even though there are references to relatively small losses in a number of cases, the mechanism should not be solely tied to nominal values, because theft essentially increases the quality of the error due to its *modus operandi*. The assessment must include the impact on the sense of security of the environment, the potential for recidivism, and community consensus. In densely populated areas with high levels of mobility such as East Medan, the sense of security of the environment is a social capital that must be maintained. Therefore, every restorative decision must explain its legal and sociological reasons, so that the community understands that restoration is not carried out because law enforcement is lenient, but because this choice is most relevant to the victim and most effective in maintaining order. [19]

The mechanism also responds to the reality of correctional overcapacity. However, this argument does not stand alone; rather, it is a legitimate criminal policy consideration as long as it does not compromise public protection. Diverting certain cases to restorative justice channels allows criminal justice resources to be focused on high-risk, violent, or organized theft cases. Thus, restorative justice becomes an instrument that helps the system operate more efficiently without relinquishing its general preventive function. The selective approach adopted by the East Medan Police demonstrates how this balance is sought in daily practice, including by limiting the number of restorative cases per quarter and maintaining realistic standards of success.

Geographically and administratively, the mechanism's implementation is centered at the Medan Timur Police headquarters on Jalan Jawa No. 5, Gang Buntu Subdistrict. This location serves not only as a case administration site but also as a mediation meeting space that brings together the parties and local social networks. Placing the forum within the police station signals that, despite the recovery path, the state remains present to oversee and ensure the process is

conducted according to law. This is crucial to avoid the authority vacuum that can arise if mediation is left entirely to private initiative, which risks creating unequal bargaining power and social pressure on victims.

In practice, the mechanism also incorporates a legal education dimension for the parties and the community. Investigators, along with Bhabinkamtibmas (community police officers), explain the legal consequences of violating the agreement, the rights of victims, and the obligations of perpetrators. This education strengthens the legitimacy of the agreement because the parties consciously and rationally understand it. Education serves as a social investment so that restorative justice is not perceived as a concession to be exploited, but rather as a new social contract supported by moral norms and the threat of sanctions if violated.

The mechanism outlined above is intertwined with the substantive guidelines of Article 363 of the Criminal Code. Aggravating factors, such as the crime being committed at night in a house, by two or more people, and the use of destructive or climbing methods, are not removed by mediation, but rather become factors considered in assessing the suitability of the case. In other words, restorative justice does not modify the elements of the crime, but shifts the form of resolution based on legitimate discretion. If the aggravating factors are accompanied by dangerous violence or widespread social impact, the restorative path is not used and the case proceeds to the prosecution and trial stages in order to meet the needs of general and symbolic deterrence. This is where the selection mechanism becomes the pulse that maintains the balance between crime control and due process. [19]

Ultimately, the restorative justice mechanism at the East Medan Police Station is designed to address three objectives simultaneously. First, it provides swift, tangible, and directly felt recovery for victims. Second, it encourages meaningful perpetrator accountability through confession, rehabilitation, and a commitment to non-repetition, with inherent social oversight. Third, it maintains order and a sense of security by placing high-risk cases through conventional justice channels. All of these objectives are supported by participatory procedures, accurate documentation, and periodically measurable success indicators. Thus, the restorative justice mechanism for theft at the East Medan Police Station is not a soft policy without standards, but rather a rational law enforcement instrument oriented toward the interests of victims and public order, while also aligning with the spirit of modernizing criminal policy in Indonesia.

3.2 The Effectiveness of Restorative Justice Implementation in Aggravated Theft Crimes at the East Medan Police Sector

Effectiveness in law enforcement discourse is not simply a matter of numbers indicating how many cases are “solved,” but rather concerns the success of the criminal justice system in achieving its normative goals: restitution of victims’ losses, strengthening public order, controlling recidivism, and rational use of resources. When restorative justice is positioned as an instrument for resolving aggravated theft crimes, the measure of effectiveness must be read in layers [20]. The first layer is tangible restitution for the victim; the second layer is specific deterrence against the perpetrator, evident in the non-recurrence of the act; the third layer is the efficiency of law enforcement’s workload; and the fourth layer is social order in the community where the crime occurred. Within this framework, assessing effectiveness in the East Medan Police Sector requires an integrated reading of the norms of Article 363 of the Criminal Code, which emphasizes the aggravating nature of theft, the policy corridors provided by National Police Chief Regulation Number 8 of 2021, Prosecutor’s Regulation Number 15 of 2020, and Supreme Court Regulation Number 1 of 2024, and factual findings of case resolution practices in this region. Based on this foundation, restorative justice is not envisioned as mere “leniency,” but rather as a form of accountability that is relevant, proportional, and measurable under conditions that meet the criteria for its appropriateness for application.

First, effectiveness is measured from the perspective of the victim's interests. Within the framework of restorative justice, the victim is not positioned merely as a witness, but as a

subject whose losses are concretely restored through the return of goods, compensation, and an admission of guilt accompanied by an apology. The East Medan Police constructed a penal mediation forum that brought together the reporter as the victim and the reported as the perpetrator, involving the families of both parties, sub-district or village officials, community leaders, religious leaders, and traditional leaders, and presenting Bhabinkamtibmas and Babinsa as part of the social buffer for compliance with the agreement. The results were documented in a peace statement signed by the parties and witnesses, which then became the basis for terminating the investigation with an SP3. Normatively, this design guarantees that the victim's interests are the center of gravity of the recovery process. In fact, this forum design is commonly implemented at the East Medan Police and has an impact on accelerating recovery, because the decision on compensation and the procedure for repatriation are agreed upon directly in the presence of the parties and local social supervisors [21].

Second Effectiveness must be measured by specific deterrence measures taken against the perpetrator. Resistance to restorative justice in theft cases often stems from concerns about a reduced deterrent effect. This concern can be addressed if the peace agreement contains clear, time-bound obligations, with sanctions for reopening the case if breached. In East Medan, the presence of Bhabinkamtibmas (community police officers) and Babinsa (village supervisory officers) in the mediation forum was not a symbolic element, but rather strengthened post-peace social control. The involvement of local networks provides a monitoring capacity lacking in formal litigation mechanisms, as the perpetrator's obligations are carried out within their own neighborhood. With inherent informal oversight, social warnings become more effective than abstract threats. This means that the deterrent effect is not solely measured by imprisonment, but also by the perpetrator's compliance with agreed obligations and their commitment to refrain from repeating the offense—an atmosphere fostered through well-organized restorative justice.

Third, effectiveness means managing the burden of law enforcement more intelligently without sacrificing a sense of justice. Field data collected between the first quarter of 2022 and the second quarter of 2025 shows a relatively stable pattern of theft cases at the East Medan Police Station, dominated by motorcycle theft. Some cases are handled through restorative justice mechanisms, while others proceed to prosecution by the prosecutor's office. This pattern simultaneously indicates two things: on the one hand, restorative justice has proven effective in accelerating case resolution, reducing the workload of law enforcement, and recovering victims' losses more efficiently; on the other hand, this mechanism is operated selectively to avoid eroding the general preventive function and the authority of the law. In other words, effectiveness is measured by the balance between efficiency and prevention, not by the dominance of one or the other.

Fourth, effectiveness is closely related to social peace. Many theft cases in East Medan stem from close relationships between perpetrators and victims, such as family or neighbors, with complex economic motives and small losses. When the social environment is a shared living space for the parties, penal mediation opens up local policies that maintain coexistence and prevent the escalation of prolonged conflict. Here, effectiveness is measured by reducing tensions, restoring previously damaged social interactions, and providing channels for correcting the perpetrator's behavior through community supervision. Presentation data shows that there are quite a lot of police reports of theft where the perpetrator is a family member, with common examples being theft of a cell phone with a loss of under Rp2,500,000, a landscape that is indeed more suitable for handling recovery as long as there is no dangerous violence and the victim agrees [21].

Quantitative benchmarks still have a place, although they are not the sole indicators. The East Medan Police selectively implement restorative justice in only a few cases per quarter and report a success rate of around 60 to 75 percent. This figure, when viewed in the context of careful case selection, indicates that penal mediation operates with a level of success relevant to local social capacity and victims' need for rapid recovery. Effectiveness, then, is not a claim

that exists in a vacuum, but rather one supported by the case selection process, social network engagement, formal documentation, and tangible outputs recognized by the parties.

The effectiveness of restorative justice in the case of theft must also be assessed by adherence to the normative boundaries of the offense. Article 363 of the Criminal Code outlines aggravating circumstances for theft, including those committed at night inside a home, by two or more people, or by vandalism, climbing, or using special tools to breach security. These circumstances dogmatically increase the perpetrator's culpability and increase the degree of disruption to public safety. In practice in East Medan, the eligibility criteria utilize aggravating circumstances as a filtering factor. If the aggravating elements include dangerous violence, widespread unrest, or repeat offenders, the case proceeds through the normal channels of prosecution and trial, precisely to maintain a deterrent effect and symbolic denunciation by the state. Effectiveness, therefore, does not mean that all theft is directed to mediation, but rather that it is positioned as a restorative channel that operates on the sociologically and normatively appropriate part of the case spectrum.

Adherence to policy guidelines also determines effectiveness, as it guarantees legitimacy. National Police Chief Regulation Number 8 of 2021 provides guidelines for handling criminal offenses based on restorative justice. Prosecutor's Office Regulation Number 15 of 2020 opens the option of terminating prosecution based on restorative justice. Supreme Court Regulation Number 1 of 2024 provides guidelines for adjudicating criminal cases with a restorative perspective. This policy network forms a policy pipeline from upstream to downstream, ensuring that every restorative decision at the investigation level is seamlessly linked to prosecution and judicial policy. In the context of East Medan, this policy pipeline strengthens effectiveness because mediation outcomes are not held in a private space but are instead governed by norms and subject to accountability [22].

From a due process of law perspective, effectiveness is synonymous with fair procedures. Penal mediation in East Medan ensures informed consent, equal opportunity to speak, and accurate documentation. Mediation minutes, examination minutes, evidence of return of goods or compensation, and a peace agreement form a series of documents that not only bind the parties but also serve the needs of internal audits and external oversight. Such procedures protect the victim's rights from pressure and ensure that the consent given is truly free will. From the perpetrator's perspective, this procedure addresses the element of accountability, as restitution is positioned as a legal obligation bound by sanctions, including reopening the case if they fail to comply. A systematic documentation pattern is not merely administrative; it is the heart of effectiveness, as it connects the world of facts with positive legal norms that demand certainty and order.

Effectiveness also relates to resource allocation. Theft cases suitable for restorative justice are resolved quickly and resource-efficiently, freeing up law enforcement capacity to focus on violent, organized, or widespread theft cases. Presentation data confirms that implementing restorative justice can expedite resolution, reduce the burden on law enforcement, and more efficiently remediate victims' losses. A multiplier effect arises when cases requiring complex evidence are not hampered by less serious cases that could be resolved through penal mediation. In the medium term, this type of management contributes to reducing the burden on correctional institutions, without the need to relax standards for cases that endanger lives or cause widespread unrest.

However, effectiveness does not mean ignoring risks. The first risk is moral hazard, namely the possibility of the perpetrator or a third party pressuring the victim to reconcile [22]. Here, process safeguards are a determining factor: investigators refuse mediation if they detect coercion, ensure assistance for the victim, and provide a sufficient cooling-off period before signing the agreement. The second risk is the erosion of legal authority if restorative justice is applied to unsuitable cases. A suitability filter that combines parameters of the victim's interests, the value of the loss, and the social impact prevents this. The presentation by the East Medan

Police emphasized that the application of restorative justice is carried out selectively on only a few cases per quarter. This selectivity is essentially a safeguard design so that the recovery mechanism always remains within the appropriate scope and its quality is maintained.

Effectiveness also has a place-based dimension, namely the alignment between mechanisms and the local context. Implementation at the Medan Timur Police Headquarters, located at Jalan Jawa Number 5, Gang Buntu Village, provides formal communication while also being familiar with the local social structure. This location facilitates the involvement of village officials and community leaders in the mediation process, which continues with post-peace monitoring. Geographical accessibility shortens the gap between written norms and actual behavior, making compliance with agreements easier to monitor and report. This contextual variable strengthens effectiveness by linking legal decisions with the social control systems that exist within the community.

In the final assessment, the effectiveness of the implementation of restorative justice for theft in East Medan can be formulated as the success of achieving four simultaneous targets. First, rapid and adequate victim recovery [22]. The indicators are the return of goods or validated compensation for losses and victim satisfaction that can be retested within a certain time horizon. Second, specific deterrence against perpetrators through adherence to peace commitments, which are monitored by local social networks and community development officers. Third, the efficiency of law enforcement is evident from the reduction in cases that need to be handled through to prosecution and trial when penal mediation is indeed more relevant. Fourth, social peace is maintained through realistic reconciliation in cases involving close relationships, subsistence economic motives, and small losses, as long as normative and sociological conditions are met. The success rate of around 60 to 75 percent for cases selected per quarter shows that this mechanism works well within the corridor of caution established by the East Medan Police.

The balance between community protection and victim recovery is maintained by positioning restorative justice as a channel that does not change the elements of the offense in Article 363 of the Criminal Code, but rather shifts the form of criminal responsibility into a measurable obligation to restore [23]. When the aggravating elements are intertwined with dangerous violence or cause widespread unrest, the case is still directed to the prosecution and judicial path to ensure the goals of general prevention and affirmation of norms are achieved. In this way, the effectiveness of restorative justice stands not because all cases can be reconciled, but because this mechanism is able to sort out cases that are normatively and empirically appropriate to be restored outside of imprisonment, while maintaining the authority of the law and the social ecology of East Medan.

In closing this effectiveness evaluation, it is necessary to emphasize the relationship between the results of this study and the available article formulation and field data. Article 363 of the Criminal Code serves as a dogmatic anchor that what is assessed is not simply "theft," but rather aggravated theft, so the prerequisites for implementing restorative justice must be stricter than for minor offenses. Field data indicates a suitable case configuration for recovery, such as cases involving family members and minor losses, where victims are more likely to require quick compensation and guarantees of non-recurrence than lengthy sentences. Selective performance per quarter with moderate to high success rates reinforces the claim that restorative justice works when fenced in by clear parameters, complete documentation, and active social oversight. In such a landscape, effectiveness is not merely an administrative measure, but rather the result of harmony between norms, procedures, and social realities in East Medan, with the Sector Police as the vanguard managing discretion accountably and oriented toward the greater legal interest.

Conclusion

The conclusion of this study confirms that the implementation of restorative justice for aggravated theft crimes in the East Medan Police Sector represents an innovative law enforcement policy oriented toward recovery, not retribution. Although Article 363 of the Criminal Code categorizes theft as a crime with a higher degree of seriousness than ordinary theft, the East Medan Police have successfully managed its implementation mechanism selectively by prioritizing the principles of *ultimum remedium*, the opportunity principle, and victim protection. The penal mediation process facilitated by investigators, with the involvement of Bhabinkamtibmas, Babinsa, village officials, and community leaders, has proven effective in recovering victims' losses, preventing recurrence of the offense, and strengthening social cohesion in the community. The success rate of 60 to 75 percent in cases selected each quarter demonstrates that restorative justice can be an effective and legally valid means of resolving theft cases that have unique social and economic dimensions, provided it is implemented within the corridor of positive law, well-documented, and continuously monitored. Thus, the implementation of restorative justice at the East Medan Police is a real representation of a progressive legal policy that maintains a balance between legal certainty, substantive justice, and social benefits in the Indonesian criminal justice system.

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