

RESTORATIVE JUSTICE LAW ENFORCEMENT OF THE NORTH MALUKU REGIONAL POLICE FORCE IN RESOLVING MINOR CRIMINAL OFFENSES AT THE INVESTIGATION STAGE

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Abstract

Law enforcement within the criminal justice framework should be implemented through a restorative justice approach. Restorative justice can be applied to minor offenses, subject to clearly defined limitations and parameters in accordance with prevailing laws and regulations. At the investigation stage, this approach entails resolving minor criminal cases by focusing on restoring the situation to its original state; this process relies on the participatory mediation to formulate a peace agreement facilitated by the investigator. The research employs an empirical legal method (*ius operatum*). The data utilized consists of both primary and secondary sources. Research findings indicate that the enforcement of restorative justice—specifically regarding the resolution of minor criminal offenses at the investigative stage within the North Maluku Regional Police—has been quite effective. Guided by Indonesian National Police Regulation Number 8 of 2021, eight cases were resolved via restorative justice between May 2024 and 2025. Many perpetrators and victims resolved their cases amicably, ensuring victims received restitution while perpetrators were given the opportunity to rectify their wrongdoing. The achievement of mutual agreements between the parties demonstrates the effective functioning of the restorative justice process. Challenges related to its application regards difficulties in bringing the parties together; perpetrators failing to compensate for material losses; and a lack of public acceptance of the restorative justice concept.

Keywords: *Investigation; Minor Criminal Offense; North Maluku Regional Police; Restorative Justice.*

INTRODUCTION

The criminal justice system is equated with law enforcement agencies—such as the police, the prosecutor's office, the courts, and correctional institutions—which serve as interconnected structural elements within criminal justice procedures (Afif, 2015). The criminal justice system enshrined in the Criminal Procedure Code is termed an "integrated criminal justice system." Based on the principle of functional differentiation, this system is linked to the roles of law enforcement officials in accordance with the procedures or authority mandated by law. (Manan, 2013). The criminal justice system, long underpinned by the doctrine and theory of the deterrence effect, is no longer effective for resolving issues; consequently, addressing matters through informal mechanisms—involving a third-party facilitator to conduct victim-offender reconciliation and/or Alternative Dispute Resolution—is increasingly perceived as more beneficial by the various parties involved (Sudarsono, 2009).

Today, society requires law enforcement that accommodates interests, resolves issues fairly, and reflects the public's own aspirations—particularly regarding the restoration of victims, who have historically been the aggrieved party and often overlooked. In practice, when carrying out their duties, the police must look beyond a strict adherence to formal legal procedures; they are also called upon to adopt alternative approaches based on various considerations—such as non-formal measures—that prioritize community-oriented justice (Gemilang, 2019). Law enforcement is an effort to implement legal principles desired by society, whereas the rule of law is a process influenced by various factors, including supporting infrastructure as well as societal norms and culture.

Consequently, criminal law enforcement serves as a response to offenders while simultaneously aiming to provide a sense of security for victims. In line with this objective of ensuring security, law enforcement occupies a highly strategic and pivotal position. Therefore, criminal law should function as an *ultimum remedium*—a measure of last resort—and a residual mechanism relative to other areas of law; it is invoked only when other legal fields prove incapable of resolving conflicts arising within society. In other words, criminal law is not a premium remedium; rather, it should be regarded as the final recourse when other sanctions, such as civil or administrative measures, are no longer effective.

Having been deemed a more appropriate concept for complementing a law enforcement system oriented towards participation and victims' rights, the next challenge for restorative justice is how to implement it (Harahap, 2017). Simply put, restorative justice is an alternative within the criminal justice system that prioritizes an integrated approach involving the offender, the victim, and the community—acting as a unified whole—to seek solutions and restore harmonious relationships within society (Supriyanta, 2009). The concept of restorative justice is an approach that prioritizes achieving justice and balance for both the offender and the victim. It shifts the focus of criminal justice procedures—traditionally centered on punishment—toward a process of dialogue and mediation aimed at reaching an agreement or resolution that is fairer and more balanced for all parties involved (Supriyanta, 2009).

Certain provisions that were the focus of the author's previous research (I Made Tambir, 2019: 550) concern the regulations on investigation procedures set forth in Chapter XIV of the Criminal Procedure Code (KUHAP), which comprises two parts: *penyelidikan* (preliminary inquiry) and *penyidikan* (formal investigation). Preliminary inquiry is regulated in Articles 102 through 105, while formal investigation is regulated in Articles 106 through 136. When viewed in conjunction with the KUHAP provisions governing the authority and actions of *penyelidik* (inquiry officers) and *penyidik* (investigating officers), the "series of actions" defining these processes are not confined solely to Chapter XIV but appear across various other chapters and articles of the Code. Consequently, the authority and obligations of investigating officers, as well as the scope of the formal investigation, must also be understood by referencing these other sections of the KUHAP. The Indonesian National Police subsequently sought to organize these scattered provisions into a more systematic framework, as reflected in Chief of Police Regulation No. 14/2012 on Investigation Management and Head of Criminal Investigation Agency Regulation No. 3/2014 on Standard Operating Procedures (SOP) for Investigations (Tambir, 2019).

However, following an analysis and review of relevant regulations, the researcher identified a specific legal provision applied by the police to implement restorative justice: Regulation of the Chief of the Indonesian National Police (Perkap) Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice, which has been in effect since August 20, 2021. The "Considerations" section of Perkap 8/2021 states that the basis for applying restorative justice at the investigation stage constitutes an implementation of the norms set forth in Articles 16 and 18 of Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police (Jiwanti & Soponyono, 2022).

Articles 16 and 18 of Law of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police (Polri) essentially stipulate that, in carrying out criminal law enforcement duties, the police are authorized to take other lawful and responsible actions; furthermore, in the interest of the public, the police may act based on their own discretion while executing their duties and authorities. Upon further examination, the researcher analyzed the Regulation of the Chief of the Indonesian National Police (Perkap) Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice—specifically Chapter III, Section One regarding Minor Criminal Offenses (Article 11)—and identified certain shortcomings. Notably, the regulation lacks defined parameters for classifying an offense as a minor criminal offense and fails to outline the procedures for resolving such offenses at the investigation stage.

On the other hand, societal evolution is highly dynamic, outpacing the development of the law itself. In conducting preliminary inquiries and formal investigations, the National Police are constantly influenced by factors of social change. The police represent the face of day-to-day law enforcement, as their performance unfolds in the public eye and is subject to constant public scrutiny. The public expects the police to consistently deliver justice from the very moment law enforcement proceedings begin.

Given the foregoing, conducting research on this subject is highly relevant. The issues to be addressed include the current resolution of criminal offenses via the restorative justice approach at the investigation stage, as well as future criminal law policies regarding this approach—specifically concerning "Minor Criminal Offenses". Examining this matter at the North Maluku Regional Police level is crucial because the inquiry and investigation phases serve as the gateway for case handling within the criminal justice system; thus, it is essential that the public experiences justice as early as possible in the process.

METHOD

This study is an empirical legal research project employing a "live case study" approach—a method used to examine a legal event while the process is still ongoing. Consequently, the targeted performance indicators—identified through direct field observation and research aimed at establishing accurate facts for the refinement of this study—serve to demonstrate the path toward resolving the research problem.

Data obtained from informants were analyzed using a descriptive research method—an approach designed to systematically, factually, and accurately describe or depict a phenomenon, object, or event based on existing facts—to analyze the implementation of restorative justice in the resolution of minor offenses at the investigation stage (a study conducted at the North Maluku Regional Police).

The data collection techniques employed in this study comprise a literature review and fieldwork—specifically, interviews. The data collected is categorized into primary and secondary data: primary data was obtained through fieldwork, while secondary data was derived from the literature review. This study utilizes a qualitative descriptive approach. Regarding the selection of research subjects, purposive sampling was used; this involved identifying capable informants—individuals who possess understanding, knowledge, or direct involvement regarding the subject matter—to serve as data sources.

The data gathered from fieldwork was analyzed to draw conclusions, utilizing an integrative and conceptual analytical method. This process focused on discovering, identifying, processing, and analyzing legal materials to comprehend their meaning, significance, and relevance. The obtained data was systematically organized following a selection process based on the research issues and an assessment of its alignment with applicable laws and regulations (Wardiono, 2019).

RESULTS AND DISCUSSION

Restorative justice law enforcement through the resolution of minor criminal offenses at the investigation stage within the North Maluku Regional Police.

Criminal law (Dutch: *strafrecht*) comprises the body of regulations that define which acts are prohibited and classified as criminal offenses, as well as the penalties that may be imposed on those who commit them. Thus, criminal law does not establish legal norms *de novo*; rather, it relies on pre-existing norms—such as religious or moral precepts—and attaches criminal sanctions to them to ensure their observance. Substantive criminal law employs the concept of a "criminal offense", which is defined as an unlawful act committed by a person who can be held accountable, and for which a specific penalty is prescribed.

According to Prof. Moeljatno, S.H., criminal law is the segment of a country's legal system that establishes the foundations and rules for:

1. Determining which acts are prohibited, accompanied by the threat of specific criminal penalties for anyone who violates such prohibitions.
2. Determining when and under what circumstances those who violate these prohibitions may be subjected to the prescribed penalties.
3. Determining the procedures for imposing such penalties when an individual is suspected of having violated the prohibitions.

Moeljanto employs the term criminal act. According to Moeljanto, this term encompasses only the act itself; as he stated, "a criminal act refers solely to the nature of the act—specifically, that it is prohibited and carries a penalty if violated." There are two fundamental concepts regarding the structure of a criminal offense: the concept of unifying the act and criminal liability (culpability) to form the offense, and the concept of separating the criminal act from criminal liability (culpability), where both serve as prerequisites for the perpetrator to be subject to punishment. Meanwhile, according to Sudarsono, criminal law is, in principle, the body of law governing crimes and violations against the public interest—acts that are punishable by a penalty involving the infliction of suffering (Tutik, 2006).

A criminal offense can be simply defined as an act for which the perpetrator is liable to criminal punishment. Consequently, the application of criminal law extends to any legal subject who violates rules classified as criminal acts, and it applies to all categories of offenses—whether ordinary (general) crimes, special crimes, or minor offenses. One category of offense applicable to perpetrators is the minor offense, a classification recognized and enforced within Indonesia's criminal justice system. A minor offense is a criminal act characterized by its trivial nature or lack of serious danger. Such offenses encompass not only regulatory violations but also minor crimes listed in Book II of the Criminal Code (KUHP), including minor animal abuse, minor insult, minor assault, petty theft, minor embezzlement, minor fraud, minor property damage, and the minor receiving of stolen goods (Soma, 2013).

In describing this category of offense, Utrecht employed the term “minor crime” as the equivalent of the Dutch *lichte misdrijven*; in this paper, the term “minor criminal offense” is used. A definition of such an offense is difficult to find in the Criminal Code (KUHP); rather, a readily understandable definition is found in the Criminal Procedure Code (KUHP), which serves as the formal procedural counterpart to the Criminal Code (Soma, 2013). Legal provisions regarding minor criminal offenses are set forth in Article 205 paragraph (1) of Law No. 8 of 1981 concerning the Criminal Procedure Code (KUHP), including the procedures for resolving such cases through the summary examination process outlined in Articles 205–210 of the KUHP. When these provisions are viewed in conjunction with other relevant laws, it becomes evident that other regulations addressing minor offenses are found in the Criminal Code (KUHP)—specifically Articles 301 paragraph (2), 352 paragraph (1), 364, 373, 379, 384, 407 paragraph (1), 482, and 315. Law enforcement actions against perpetrators of minor offenses follow a judicial system that generally adheres to the KUHP; under this framework, quality standards and procedural benchmarks for the entire criminal justice process are established within the KUHP. This applies equally to the handling of minor criminal offense cases (Wahyuni, 2023). The proceedings for the adjudication of minor criminal offenses involve several specific provisions, namely:

1. The legal subject acting as the prosecutor is the investigator acting under the authority of the public prosecutor; in this context, “under the authority” is interpreted as “by operation of law.”
2. No formal indictment is drawn up, as the basis for the proceedings consists of the records and case files transmitted by the investigator to the court.
3. Witnesses do not take an oath or make a solemn affirmation, unless the judge deems it necessary.

The initial stage in handling minor criminal offenses is the filing of a complaint. The essence of the complaint procedure for minor offenses is to allow the case to be heard under a simplified process, given the efficiency of the minor offense examination procedure. Formal indictments are not used in the examination of minor criminal offenses because the investigator acts as the prosecutor. The basis for the examination consists of the records and case file submitted by the investigator to the court. According to Yahya Harahap, the examination of minor criminal offenses is conducted as follows (Wahyuni, 2023):

1. The referral and hearing of minor offense cases take place without the involvement or presence of a public prosecutor.
2. All minor offense cases received by the court are heard immediately on the same day.
3. Cases are submitted without a formal indictment.
4. Witnesses do not take an oath or make a solemn affirmation unless the judge deems it necessary.

For minor offenses punishable by a maximum of three months of imprisonment or confinement, detention is not imposed, as detention is only carried out against suspects or defendants in cases involving criminal offenses punishable by five years or more of imprisonment (Wahyuni, 2023).

Based on the foregoing, the author examines the study's relevance to the implementation of restorative justice in North Maluku Province, specifically regarding the fulfillment of substantive and procedural requirements, the extent of victim restitution, and the achievement of a peaceful, non-retaliatory agreement—as stipulated in internal law enforcement regulations such as National Police Regulation (Perpol) No. 8 of 2021 and Prosecutor's Office Regulation No. 15 of 2020 (Budiono, Absori, Wardiono, Yuspin, & Gulyamov, 2023).

The enactment of the National Police Regulation—intended to provide fundamental guidelines for handling minor criminal offenses through restorative justice—constitutes a supplementary regulation operating alongside the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), and other statutes; consequently, it must rest on a solid legal foundation. In this study, the author focuses on National Police Regulation (Perpol) No. 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice, as follows:

1. Substantive requirements for handling criminal cases based on restorative justice under Police Regulation (Perpol) No. 8 of 2021

According to Article 5 of National Police Regulation Number 8 of 2021, the substantive requirements for handling criminal cases based on restorative justice are as follows:

- a. Does not cause public unrest and/or public opposition.
- b. Does not result in social conflict.
- c. Does not have the potential to divide the nation.
- d. Does not involve radicalism or separatism.
- e. The perpetrator is not a repeat offender (recidivist) based on a court ruling.

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f. The offense is not an act of terrorism, a crime against state security, an act of corruption, or a crime against human life.

2. Formal requirements

Meanwhile, pursuant to Article 6 of National Police Regulation Number 8 of 2021, the formal requirements for handling criminal offenses based on restorative justice are as follows:

- a. a settlement between both parties, except for drug-related offenses; and
- b. fulfillment of the victim's rights and the perpetrator's responsibilities, except for drug-related offenses.

The fulfillment of the victim's rights and the perpetrator's responsibilities as referred to in Article 6 paragraph (3) consists of:

- a. returning property;
- b. compensating for losses;
- c. reimbursing costs incurred as a result of the criminal offense; and/or
- d. compensating for damages resulting from the criminal offense.

It should be noted that not all criminal offenses can be resolved through restorative justice. Restorative justice enforcement is applicable only to minor criminal offenses—such as cases involving women in conflict with the law, juvenile delinquency, traffic offenses, and crimes related to electronic information and transactions. Conversely, restorative justice cannot be applied to offenses that threaten national security, corruption, crimes against human life, environmental crimes, or offenses committed by corporations (Budiono et al., 2022).

Prior to the implementation of restorative justice for minor offenses, the standard handling mechanism involved specific stages mandated by prevailing regulations. First, law enforcement agencies—such as the police—conducted inquiries and investigations into the alleged offense. Second, investigators submitted the case file to the public prosecutor for prosecution in court. Third, during the trial proceedings, the judge determined the defendant's guilt or innocence; if found guilty, the defendant was sentenced in accordance with applicable legal provisions.

Over time, the resolution of minor criminal cases through a justice system focused on retribution has failed to provide satisfaction or a sense of justice for either the victim or the defendant. The parties involved believe that a fair solution lies in reaching a peace agreement oriented towards restoration rather than retribution (Marpaung, 1991). This constitutes restorative justice—a theory emphasizing compensation for harm caused by a crime to achieve justice for both the victim and the offender; consequently, law enforcement officials ought to adopt a progressive mindset and approach.

Data regarding minor criminal offense cases handled by Sub-directorate III of the General Criminal Investigation Directorate of the North Maluku Regional Police indicates that, over the two-year period from May 2024 through 2025, eight cases were resolved through restorative justice.

Table 1. Data on minor criminal cases handled by Sub-directorate III (General Criminal Investigation Directorate) of the North Maluku Regional Police that were resolved through restorative justice.

No	Number and Date	Complainant	Reported Party	Article	Supporting documents for the restorative justice process
1	Lp / 37 / V / 2024 / Malut / Spkt Tgl 11 Mei 2024	Nurbati Jayanti	Arsad R Kalian	Article 351 of the Civil Code	a. Request to withdraw the case b. Statement letter c. Settlement agreement / Statement of amicable settlement d. Fulfillment of the victim's rights
2	Lp / 38 / V / 2024 / Malut / Spkt Tgl 13 Mei 2024	Rati Manolang	Awaludin	Article 351 of the Civil Code	a. Request to withdraw the case b. Statement letter c. Settlement agreement / Statement of amicable settlement d. Fulfillment of the victim's rights
3	Lp / B / 41 / V / 2024 / Spkt Polda Malut Tgl 30 Mei 2024	Masqun Abduqish S.H	Muh Azhari Rukmana	Article 362 of the Civil Code	a. Request to withdraw the case b. Statement letter c. Settlement agreement / Statement of amicable settlement d. Fulfillment of the victim's rights

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4	Lp / B / 51 / Vii / 2024 / Spkt Polda Malut Tgl 13 Juli 2024	Juliardi Musa, et al.	Heri Tri Maryadi	Article 362 and or 363 of the Civil Code	a. Request to withdraw the case b. Statement letter c. Settlement agreement / Statement of amicable settlement d. Fulfillment of the victim's rights
5	Lp/B/59/Ix/2024/Spkt/Polda Malut Tgl 3 September 2024	Matreda Dolo	Ronal Sopakua	Article 362 of the Civil Code	a. Request to withdraw the case b. Statement letter c. Settlement agreement / Statement of amicable settlement d. Fulfillment of the victim's rights
6	LP/ B/ 35/ IV/ 2025/ SPKT/ POLDA MALUT, Tanggal 25 April 2025	Muhaykal	Rafly Anugrah I Djoge, et al.	Article 352 of the Civil Code	a. Request to withdraw the case b. Statement letter c. Settlement agreement / Statement of amicable settlement d. Fulfillment of the victim's rights
7	Lp/B/46/Vi/2025/Spkt/Polda Malut Tgl, 15 Juni 2025	Safarudin A Rahman Kedafota	M. Infantri Garwan	Article 351 of the Civil Code	a. Request to withdraw the case b. Statement letter c. Settlement agreement / Statement of amicable settlement d. Fulfillment of the victim's rights
8	Lp / B / 52 / Vi / 2025 / Spkt / Polda Malut Tgl 23 Juni 2025	Wahyudi DJ Rahim	Dalam Lidik	Article 351 of the Civil Code	a. Request to withdraw the case b. Statement letter c. Settlement agreement / Statement of amicable settlement d. Fulfillment of the victim's rights

Data Source: Sub-directorate III of the General Criminal Investigation Directorate (Ditreskrimum), North Maluku Regional Police

Based on the table above, it can be observed that the cases resolved by investigators using the restorative justice approach range from assault (Article 351 of the Criminal Code) and minor assault (Article 352 of the Criminal Code) to ordinary theft (Article 362 of the Criminal Code) and aggravated theft (Article 363 of the Criminal Code). Zulkifli Machmud, S.H., M.H., an officer from Sub-directorate III of the General Criminal Investigation Directorate (Ditreskrimum) of the North Maluku Regional Police, stated that investigative efforts are guided by the Indonesian National Police Chief Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice; this regulation enables investigators to make legal breakthroughs in resolving assault and theft cases through the restorative justice framework (Z. Machmud, Head of Unit, Sub-directorate III, General Criminal Investigation Directorate (Ditreskrimum), North Maluku Regional Police, personal communication, August 3, 2026).

Research indicates that the long-term success of restorative justice requires a paradigm shift in perspectives on criminal justice and a commitment to providing adequate resources to support existing programs. With appropriate support, restorative justice has the potential to become an effective and sustainable solution to issues of criminality and justice (Wibowo et al., 2023). The restorative justice process conducted by investigators should align with the principles outlined by Barda Nawawi: First, the process involves the investigator acting as both a facilitator and a mediator between the parties involved. Second, it is process-oriented, with the investigator encouraging the parties to understand the underlying dynamics so that the needs arising from the conflict can be addressed; for instance, through an agreement, the suspect acknowledges their wrongdoing and commits not to repeat the offense, thereby alleviating the victim's fear of encountering the suspect. Third, it prioritizes a familial approach over rigid formalities, fostering a sense of harmony in resolving the issue. It is a process of mutual conflict resolution that can reveal the moral order governing the individuals involved.

An evaluation of restorative justice implementation within the context of penal policy reveals that this approach holds significant potential to address various challenges facing the traditional criminal justice system. Restorative justice offers a more flexible alternative focused on peaceful conflict resolution, which can alleviate court caseloads and reduce prison overcrowding. Furthermore, this approach can help address the injustices often experienced by victims within a traditional justice system that prioritizes punishment over restoration.

Investigators apply restorative justice in alignment with concepts of penal reform and pragmatism. The concept of penal reform is driven by ideas regarding victim protection, harmonization, restorative justice, and the avoidance of the negative effects associated with the criminal justice and sentencing systems. Investigators view the crime in this case not merely as a violation of the law by the suspect, but rather as a transgression against the victim. Meanwhile, the pragmatic approach is motivated by the need to alleviate case stagnation or backlogs in the courts (Putri & Azhari, 2024). However, the application of restorative justice in certain cases does not preclude the possibility of recurring incidents—such as criminal acts committed by repeat offenders in cases of assault or theft—thereby creating distinct challenges regarding both legal certainty (*Rechtssicherheit*) and the protection of victims' rights. (Syahyudin, 2025).

On the other hand, the implementation of restorative justice—while taking into account factors such as substantive justice and the balance between victim protection and offender rehabilitation—still requires a clear legal framework to prevent abuse or uncertainty in its execution. Given that the objective of criminal law is to protect society, the application of restorative justice must be carefully considered to avoid diminishing the deterrent effect or undermining the principle of prevention (Mutmainnah, Sudarmin, Monika, Supardi, & Yusrial, 2023).

Inconsistencies between written norms and actual practice can also result in a loss of legal predictability. In legal theory, predictability is a key indicator of legal certainty (Dmytrieva, 2021), where the public can foresee the legal consequences of an action (Lvova, 2024). If a repeat offender who commits aggravated assault can resolve the case through Restorative Justice (RJ), the message conveyed to the public is that even serious offenses are open to negotiation, thereby undermining the general prevention function of criminal law. In this context, legal predictability refers to the law's capacity to provide a definite and foreseeable indication of the consequences of future actions or circumstances. Predictable law is a crucial component of the principle of legal certainty, serving to prevent arbitrary action in the law's application (Izziyana et al., 2019).

In the author's view, the implementation of restorative justice—aimed at preventing the recurrence of criminal offenses (recidivism)—should be grounded in the requirement that the offender is not a repeat offender, the enforcement of stricter post-peace agreement supervision, and the mandating of rehabilitation and social integration programs that involve the participation of the community and the offender's family. On this basis, and with reference to Indonesian legal regulations (such as National Police Regulation No. 8 of 2021, Attorney General's Regulation No. 15 of 2020, and Supreme Court Regulation No. 1 of 2024), the author maintains that restorative justice must not be granted to offenders who commit repeat offenses.

The application of strict criteria aligned with established parameters aims to ensure that the peaceful resolution approach applies only to first-time offenders involved in minor crimes, thereby preventing a climate of impunity for potential repeat offenders. Measures to prevent reoffending can be implemented as follows:

1. Firm Restorative Agreements: Formulating agreements for restitution or educational community service so that the offender truly experiences the consequences of, and accepts responsibility for, their actions.
2. Guidance and Supervision: Involving community leaders, social organizations, or community supervision officers to monitor the offender's behavior after the case is closed.
3. Psychological or Social Rehabilitation: Directing the offender toward counseling programs, vocational training, or rehabilitation facilities to address the root causes of the criminal behavior.

Based on the description above, it can be outlined the flow of restorative justice law enforcement through the resolution of minor crimes at the investigation level at the North Maluku Regional Police, including several main conditions for implementing the RJ approach, namely the existence of a peace agreement between the victim and the perpetrator, the criminal act does not cause widespread public unrest, the perpetrator is not a recidivist or repeat criminal, and the victim withdraws the police report voluntarily.

The implementation process begins with identifying the possibility of peace by investigators, then mediation is carried out involving the victim, perpetrator, their respective families, as well as community leaders or village officials. If an agreement is reached, a peace report and a letter of withdrawal of the report are prepared, then the investigation is stopped with SP3 (Order to Stop Investigation). Thus, handling criminal acts based on restorative justice can only be carried out once. If the perpetrator repeats any criminal act, it will be processed according to statutory regulations. The investigator attached a note of proof of the restorative justice statement as proof of the judge's letter of consideration in deciding the case.

Implementation and challenges regarding the application of restorative justice as a means of resolving minor criminal offenses at the investigation stage within the North Maluku Regional Police.

Grindle, van Meter, and van Horn—as cited by Haedar Akib—state that implementation is a general process of administrative action that can be examined at a specific program level. The implementation process begins only after goals and objectives have been established, activity programs have been formulated, and funds have been prepared and allocated to achieve those objectives. From another perspective, policy implementation consists of actions taken by public and private entities—whether individuals or groups—aimed at achieving specific goals. Policy implementation bridges the gap between policy objectives and their realization through the outcomes of government activities. The function of implementation is to enable the realization of public policy goals through the activities of government agencies, involving various stakeholders (Tachjan, 2006).

When viewed through the lens of restorative justice as an area of policy discretion for the Police, the Public Prosecution Service, and the Supreme Court, this concept becomes a matter of great urgency within Indonesia's criminal justice policy framework at the practical (implementation) level. It ensures that offenders whose actions fall within acceptable limits of tolerance need not face incarceration for their crimes—based on various rational and humanitarian considerations that do not infringe upon the rights of victims—thereby fostering social reform in criminal law enforcement that moves away from the prevailing reliance on imprisonment as the sole solution (Yuherawan, 2023).

The resolution of minor criminal offenses through a restorative justice approach signals a fundamental shift in Indonesia's criminal justice system. The prevailing legal paradigm—historically retributive and punishment-oriented—is transitioning toward a system that is more humane, participatory, and grounded in substantive justice. In the context of minor offenses, the application of restorative justice serves as a relevant alternative, offering a legal solution that is swift, simple, and efficient without compromising the sense of justice for victims or the community (Suwardi & Abduh, 2025).

Conceptually, minor criminal offenses are violations of the law with limited impact, meaning their resolution does not necessarily require a formal judicial process. Provisions within the Criminal Code (KUHP), Supreme Court Regulation (PERMA) No. 2 of 2012, National Police Chief Regulation No. 8 of 2021, and the Attorney General's Circular Letter No. 15 of 2020 provide a robust legal basis for law enforcement officials to resolve minor cases through amicable settlement mechanisms. Through the application of restorative justice, offenders can be held directly accountable to the victims for their actions, while victims receive tangible redress without having to endure lengthy judicial proceedings.

The Indonesian National Police is a law enforcement agency expected to implement restorative justice mechanisms to uphold justice within society. The Police were established to ensure domestic security—encompassing the maintenance of public safety and order, the upholding of the rule of law, the provision of protection and service to the community, and the fostering of public tranquility—all while upholding human rights. Thus, the Indonesian National Police serves as a state instrument responsible for maintaining public order, enforcing the law, and providing protection and service to the public to safeguard domestic security; consequently, resolution through restorative justice can serve as an initial step toward realizing justice in society (Alamdari, 2023).

As a subsystem of the criminal justice system, the police force is tasked with law enforcement *in optima forma*. The police represent the law in action, as it is through them that the law finds its practical realization. This process involves significant human decision-making, wherein abstract legal principles are transformed into tangible, human-centric actions. The police are granted authority—under Article 7, Paragraph (1), item j of Law No. 8 of 1981 (Criminal Procedure Code) and Articles 16(1) and 18 of Law No. 2 of 2002 (Indonesian National Police)—to "take other measures" subject to "specific conditions," a power known as "discretion" (Amran, Nggeboe, & Alamsyah, 2025).

This authority allows investigators to exercise discretion—such as halting proceedings, setting a case aside, or refraining from taking action—regarding a statutory violation. In essence, investigators are required to exercise judgment in determining their course of action. The authority vested in them by official regulations serves as a justification for adopting a prudent approach to their duties—one grounded in morality, humanity, and conscience—while navigating formal legal provisions. The application of the relevant article opens the door to alternative criminal dispute resolution processes based on the concept of restorative justice (Amran et al., 2025). The Regulation of the Indonesian National Police regarding the Handling of Criminal Acts based on Restorative Justice represents a step by the police force toward resolving criminal cases by prioritizing restorative justice—an approach that emphasizes restoring the situation to its original state and balancing the protections and interests of both the victim and the perpetrator, rather than focusing on punishment—thereby addressing a legal necessity within society (Amran et al.,

2025). The National Police regulation regarding the handling of criminal cases based on restorative justice represents a new concept in criminal law enforcement; it incorporates prevailing societal norms and values to provide a solution—while ensuring legal certainty, utility, and a sense of justice for the community—in order to address evolving legal needs and satisfy the sense of justice of all parties involved, thereby manifesting the National Police's discretionary authority through approaches such as restorative justice.

Handling criminal cases through restorative justice requires meeting both general and specific criteria. General requirements apply to the execution of criminal investigation functions—specifically during the preliminary inquiry or the formal investigation stages—whereas specific requirements apply only to restorative justice cases during the preliminary inquiry or formal investigation phases. In the course of a criminal case, a victim files a report, and the police conduct a preliminary inquiry, followed by the designation of a suspect and the commencement of the formal investigation. During this process, the investigator may propose a resolution via restorative justice. Restorative justice is typically applied to minor offenses, based on the investigator's assessment of the case's scale and the victim's future interests (Alamdari, 2023).

The restorative justice process does not require as much time as a formal court trial. Once approval is obtained from both parties, police investigators immediately proceed with the restorative justice resolution. However, even when a restorative justice agreement has been reached, the possibility remains that the case could still proceed to trial. Investigators—in consultation with colleagues—may decide to continue the investigation and move the case to court, despite the fact that both the perpetrator and the victim had agreed to a restorative justice resolution.

Investigators still encounter obstacles during the reconciliation phase of resolving criminal cases through restorative justice. The challenges faced in implementing restorative justice case handling at Sub-directorate III of the General Criminal Investigation Directorate (*Ditreskrimum*) of the North Maluku Regional Police include the following:

1. Legitimacy of the Indonesian National Police Chief Regulation: Although restorative justice holds legal legitimacy—being administered by law enforcement agencies authorized to issue policies and enforce the law in practice, in accordance with statutory provisions—there are obstacles regarding the standing of the Chief of National Police Regulation (*Perkap*) within the hierarchy of laws and regulations. The legal basis for resolving minor offenses through restorative justice relies solely on a Chief of National Police Regulation. In contrast, higher-ranking legal norms—such as the Criminal Procedure Code (KUHAP)—stipulate that minor offenses must be resolved through court proceedings rather than at the police level (pursuant to Articles 205–210 of the KUHAP). Similarly, the Police Law does not explicitly authorize the police to resolve cases like minor offenses solely at the police level. Consequently, due to the absence of legal norms that can be harmonized with the KUHAP or the Police Law, the implementation of restorative justice based on Chief of National Police Regulation has proven ineffective in several regions.
2. Difficulty in securing the presence of the parties: In practice, investigators face difficulties in securing the presence of the relevant parties—including victims, suspects, their respective support persons, religious leaders, neighborhood or village heads, and other associated individuals. This poses an obstacle to the reconciliation process, as the presence of these parties is crucial for facilitating solutions and ensuring the process proceeds smoothly; their absence inevitably delays the reconciliation proceedings.
3. The victim finds it difficult to forgive the perpetrator: A key prerequisite for reaching a peace agreement that results in the discontinuation of prosecution is that the victim and the suspect forgive each other and agree to reconcile; in cases of ordinary assault, the victim has often suffered significant harm and may harbor feelings of resentment, making them unwilling to forgive. If the victim cannot forgive the perpetrator, the reconciliation process cannot proceed smoothly.
4. The victim's family refused to settle: The success of the peace process often hinges on the victim's decision; while a victim might be willing to forgive the perpetrator, the physical, emotional, and material suffering endured often leads their family to withhold forgiveness. Consequently, some victims defer to their family's stance—out of respect for and obedience to their parents—to avoid straining the parent-child relationship. Such obstacles can hinder the success of the peace process, particularly in cases involving ordinary assault.
5. The perpetrator has not yet paid off the material losses: The success of a reconciliation process for a simple assault case via restorative justice does not rely solely on the victim forgiving the perpetrator; rather, it hinges on an agreement reached between the two parties—such as the perpetrator compensating the victim for medical expenses. The perpetrator may make payments in stages, whether through installments or by covering a portion of the costs. However, once the prosecution of the case has been discontinued, perpetrators often tend to delay

making these payments; such delays can jeopardize the resolution of the assault case that had otherwise been successfully addressed through restorative justice.

6. The perpetrator struggles to gain acceptance from the community: Perpetrators of common assault often face negative social stigma; the public tends to view anyone who commits such a crime as an inherently bad person. Consequently, society is unable to accept them or respond positively. It is precisely these attitudes and perceptions that hinder the reconciliation process.
7. The public's limited understanding of restorative justice: The public often believes that cases are best resolved through the criminal justice system, largely because many are unaware of the option to settle matters amicably via Restorative Justice (RJ) and do not fully understand how the process works or the benefits it offers. This lack of awareness hinders public support for the reconciliation process.
8. Human Resource Limitations: A limited number of specially certified investigators and a lack of adequate mediation facilities at the Sector and Resort Police levels within the Regional Police jurisdiction are among the obstacles faced in implementing case handling via restorative justice at Sub-directorate III of the General Criminal Investigation Directorate (Ditreskrim) of the North Maluku Regional Police.

The implementation of restorative justice serves not only as a mechanism for resolving cases but also reflects a shift in values within national criminal law. This approach asserts that true justice is not always synonymous with the strict application of the law, but rather with the restoration of social relationships damaged by a criminal act. Applying this principle aligns with the legal ideals of Pancasila, which position humanity and social justice as the moral foundation for every legal policy. Thus, the use of restorative justice to resolve minor offenses is not merely a technical policy measure but a manifestation of the reform of Indonesia's criminal law system. It reflects an effort to create a legal system that is fairer, more dignified, and deeply rooted in the nation's social values. When offenders, victims, and the community find justice through restoration and reconciliation, the law ceases to be merely an instrument of punishment; instead, it becomes a humanitarian tool that fosters harmony and trust within the community (Suwardi & Abduh, 2025).

CONCLUSION

Based on the research findings and discussion above, it can be concluded that the implementation of restorative justice for minor criminal offenses at the investigative stage within the North Maluku Regional Police has been quite effective, in accordance with Indonesian National Police Regulation Number 8 of 2021. Over the two-year period from May 2024 to 2025, eight cases were resolved through restorative justice. The cases resolved by investigators using this approach ranged from assault (Article 351 of the Criminal Code) and minor assault (Article 352) to ordinary theft (Article 362) and aggravated theft (Article 363). Many perpetrators and victims resolved their cases amicably, with victims receiving restitution and perpetrators gaining the opportunity to rectify their wrongdoing. The achievement of an agreement between the two parties demonstrates the effective functioning of the restorative justice process, which involves the perpetrator, victim, their families, and other relevant parties engaging in dialogue and mediation to seek a resolution that is fair to all involved.

The implementation of—and challenges associated with—restorative justice as a means of resolving minor criminal offenses at the North Maluku Regional Police investigation stage involve several factors: the legitimacy of the Chief of National Police Regulation within the hierarchy of laws and regulations; difficulties in bringing the parties together; the victim's family refusing to reconcile; the perpetrator's failure to make restitution for material losses; challenges in gaining community acceptance due to a lack of public understanding regarding the restorative justice concept; the victim's psychological state; and limitations regarding the number of specially certified investigators and the lack of adequate mediation facilities at the Sector Police and Resort Police levels within the Regional Police jurisdiction.

The authors suggest that restorative justice processes within the North Maluku Regional Police should prioritize victim recovery through a psychological approach. Such an approach aims to help victims recover more quickly from their trauma and feel that justice has been served. Law enforcement agencies—specifically the police—should implement a specialized training program for investigators to certify them in resolving minor offense cases using a restorative justice approach. This training would enhance investigators' capabilities in handling such cases, thereby facilitating more effective reconciliation through restorative justice.

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