

EFFECTIVENESS OF RESTORATIVE JUSTICE IMPLEMENTATION IN RESOLVING ORDINARY CRIMINAL CASES AT BARRU DISTRICT POLICE

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Abstract

This study examines the effectiveness of restorative justice in the resolution of general criminal offenses at Polres Barru within the framework of criminal law enforcement in Indonesia. The research employs a normative legal research method, focusing on the analysis of statutory regulations, legal principles, and doctrinal perspectives, particularly Law Number 2 of 2002 on the Indonesian National Police, Law Number 1 of 2023 on the Criminal Code, and Regulation of the Chief of Police Number 8 of 2021 concerning the handling of criminal cases based on restorative justice. The study applies statute and social approaches to assess the consistency and effectiveness of restorative justice implementation at the investigative level. The findings indicate that restorative justice has contributed to improved legal effectiveness by promoting victim recovery, offender responsibility, and social reconciliation, while also enhancing procedural efficiency. However, its implementation faces challenges related to regulatory clarity, law enforcement discretion, and uniformity of application. This study concludes that strengthening normative guidelines and institutional capacity is essential to ensure the sustainable and equitable application of restorative justice in criminal law enforcement.

Keywords: *restorative justice, legal effectiveness, criminal law enforcement, police discretion, Indonesia*

INTRODUCTION

Indonesia, as a state governed by the rule of law, places law enforcement as a fundamental instrument to ensure justice, legal certainty, and the protection of human rights. This principle is constitutionally affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which requires that law enforcement be carried out fairly, professionally, and without discrimination. In practice, law enforcement agencies are expected not only to uphold legal certainty but also to realize substantive justice and social order. At the regional level, the Barru Resort Police (Polres Barru) plays a strategic role in handling general criminal offenses, including the crime of property damage. Such offenses cause not only material losses but also psychological harm to victims and potential social instability within the community. Conventional law enforcement approaches that emphasize retributive justice and formal litigation often end with the punishment of offenders, while the recovery of victims' losses and the restoration of social relationships remain insufficiently addressed.

In response to these limitations, restorative justice has emerged as an alternative approach that focuses on repairing harm, encouraging offender accountability, and involving victims and the community in the resolution process (Zehr, 2015). In Indonesia, this approach has been institutionally strengthened through Regulation of the Chief of the Indonesian National Police Number 8 of 2021, which provides a legal framework for resolving certain criminal cases through penal mediation. Empirical data from Polres Barru indicate a declining trend in the number of general criminal cases forwarded to prosecution, in line with the increasing application of restorative justice mechanisms. This trend suggests that restorative justice may offer a more effective, efficient, and equitable method of resolving eligible criminal cases, particularly general offenses that meet normative requirements. Based on these considerations, this study aims to examine the effectiveness of the implementation of restorative justice in resolving general criminal offenses at Polres Barru. The findings are expected to contribute both academically and practically to the development of law enforcement policies that emphasize substantive justice, victim restoration, and sustainable social harmony.

LITERATURE REVIEW

1. Effectiveness of Law in Criminal Law Enforcement

Legal effectiveness is an essential indicator in assessing the success of law enforcement within society. Soerjono Soekanto (2008) argues that the effectiveness of law is determined by five key factors: legal substance, law enforcement officers, facilities and infrastructure, societal conditions, and legal culture. This framework demonstrates that legal effectiveness depends not only on written norms but also on their practical implementation and social acceptance. In line with this view, Allott (1980) asserts that law can be considered effective when it is capable of preventing undesirable behavior and maintaining social order. However, numerous studies indicate that criminal law enforcement practices that are predominantly formalistic and repressive often fail to achieve these objectives optimally.

2. Restorative Justice as an Alternative to Criminal Case Resolution

According to (Asriadi, Natsir, et al., 2024) restorative justice offers a non-formalistic approach to criminal case resolution that goes beyond strict legal formalism. Rather than focusing solely on punitive measures, restorative justice may be implemented through mediation between offenders and victims, reparative actions to restore damaged property, victim-offender conferencing involving family members and community leaders, and victim awareness programs that encourage offenders to recognize the impact of their actions. Restorative justice has developed as a response to the limitations of conventional criminal justice systems that emphasize punishment and the state-offender relationship while marginalizing the interests of victims and the community. Zehr (2015) and Braithwaite (2002) emphasize that restorative justice is oriented toward harm restoration, offender accountability, and social reconciliation. In the Indonesian context, Zulfa (2010) explains that restorative justice seeks to restore social balance through the active involvement of victims, offenders, and the community in the criminal justice process. Empirical studies suggest that the application of restorative justice can increase victim satisfaction and reduce the escalation of conflict. Nevertheless, its effectiveness largely depends on the professionalism of law enforcement officers and the consistency of policy implementation.

3. The Role of the Police in Implementing Restorative Justice

As the frontline institution in the criminal justice system, the police play a strategic role in determining the success of restorative justice implementation. Law Number 2 of 2002 stipulates that the Indonesian National Police are responsible not only for law enforcement but also for protecting, serving, and maintaining public order. Several studies indicate that police discretion is a critical factor in the application of restorative justice. At the same time, this discretion raises concerns regarding potential abuse of authority and inconsistencies in implementation across different regions.

METHOD

This study employs normative legal research (doctrinal legal research), focusing on the analysis of written legal norms governing the application of restorative justice in criminal law enforcement. The research examines statutory provisions, legal principles, and doctrinal interpretations related to the effectiveness of restorative justice in resolving general criminal offenses. The research applies two main approaches. First, a statutory approach is used to analyze relevant laws and regulations, including Law Number 2 of 2002 on the Indonesian National Police, Law Number 1 of 2023 on the Criminal Code, and Regulation of the Chief of the Indonesian National Police Number 8 of 2021 concerning the handling of criminal cases based on restorative justice. Second, a social approach is employed to examine legal phenomena related to the implementation of restorative justice, particularly in assessing its effectiveness in practice. The research is conducted at Barru Resort Police (Polres Barru), specifically within the Criminal Investigation Unit (Sat Reskrim). The research object focuses on the application of restorative justice by investigators, as well as its implications for offenders and victims in the resolution of general criminal cases.

The study utilizes three categories of legal materials. Primary legal materials consist of statutory regulations relevant to restorative justice and criminal law enforcement. Secondary legal materials include investigation documents, institutional records, and legal literature related to restorative justice practices. Tertiary legal materials comprise reference materials that support legal interpretation and terminology clarification. Data are collected through observation, interviews, and document analysis. Observation is conducted to understand the implementation of restorative justice procedures. Interviews are carried out with selected informants to obtain relevant information, while documentation is used to collect written records related to investigation administration and restorative justice case handling. Legal materials are analyzed using descriptive-analytical and prescriptive normative methods.

Descriptive analysis is applied to systematically describe applicable legal norms and doctrines, while prescriptive analysis is used to formulate legal arguments and recommendations. The analysis employs legal interpretation methods, including grammatical, systematic, and historical interpretation, to assess the effectiveness of restorative justice implementation in resolving general criminal offenses at Polres Barru.

RESULTS AND DISCUSSION

1. Effectiveness of Restorative Justice Implementation in Resolving General Criminal Offenses at Polres Barru

The results indicate that the implementation of restorative justice at Polres Barru represents an integral part of the reform of Indonesia's criminal justice system toward a restorative and victim-oriented approach. The policy framework guiding this implementation is grounded in Regulation of the Chief of the Indonesian National Police Number 8 of 2021, Circular Letter of the Chief of Police Number 8 of 2018, the principle of police discretion under Law Number 2 of 2002, and provisions concerning minor offenses in the Criminal Code. Normatively, Polres Barru operates within a legally valid framework to apply restorative justice, particularly in handling general criminal offenses of a minor nature, such as minor assault, petty theft, and interpersonal conflicts with low levels of harm. However, the effectiveness of restorative justice is not solely determined by regulatory compliance but also by consistency in implementation and alignment between standard operating procedures and actual investigative practices. Based on the review of secondary legal materials, institutional publications, and publicly available case documentation, restorative justice at Polres Barru is generally implemented through a structured process comprising case clarification, voluntary consent of the parties, investigator-facilitated mediation, formulation of a peace agreement, and termination of the investigation in accordance with applicable regulations. This mechanism is predominantly applied to cases with a high potential for reconciliation and minimal social impact.

2. Victim Recovery in the Restorative Justice Framework

The findings reveal that restorative justice at Polres Barru emphasizes comprehensive victim recovery rather than merely procedural case settlement. Psychological recovery is achieved by providing victims with a forum to express their experiences and emotional impact directly to the offender. This dialogical process enables victims to feel acknowledged and heard, thereby reducing emotional distress and trauma. Material recovery is pursued through compensation agreements, including the return of property, repair of damage, or financial restitution. Such recovery mechanisms are often realized more promptly than through formal court proceedings. Furthermore, social recovery is facilitated through deliberative processes involving community leaders, which is particularly effective in the socio-cultural context of Barru, where kinship values remain strong. This approach helps prevent prolonged social conflict and restores communal harmony.

3. Indicators of Restorative Justice Effectiveness

The effectiveness of restorative justice implementation at Polres Barru can be assessed through several key indicators. From a regulatory compliance perspective, investigators have generally adhered to procedural requirements, including case eligibility assessment, verification of party consent, mediation facilitation, and documentation of settlement agreements. This compliance fulfills the legal certainty and legitimacy of restorative justice practices. In terms of case resolution efficiency, restorative justice has demonstrably accelerated case settlement, reduced the caseload of prosecutorial and judicial institutions, and produced mutually acceptable agreements. These findings support the view that restorative justice enhances procedural efficiency without undermining substantive justice.

Regarding social impact, restorative justice contributes to the restoration of social relationships and the prevention of horizontal conflicts. Victims experience meaningful participation in the resolution process, while offenders avoid excessive social stigmatization. From the perspective of satisfaction, both victims and offenders report positive outcomes. Victims obtain direct and tangible recovery, while offenders are afforded an opportunity for accountability and reintegration. The dialog-based process fosters participatory justice rather than state-imposed adjudication. Finally, restorative justice demonstrates a preventive effect against recidivism. Offenders who accept responsibility and publicly commit to behavioral change are subject to informal social control through family and community oversight, thereby reducing the likelihood of reoffending.

4. Obstacles to Restorative Justice Implementation

Despite its relative effectiveness, several obstacles hinder the optimal implementation of restorative justice at Polres Barru. Regulatory limitations restrict its application to specific categories of offenses, excluding cases that may be socially suitable for restorative resolution but fail to meet formal criteria. Additionally, the absence of detailed technical guidelines for mediation leads to variability in practice among investigators. Other constraints include limited mediation skills among investigators, high investigative workloads, victim reluctance to reconcile due to trauma or distrust, socio-cultural pressures that may compromise voluntariness, economic constraints affecting compensation fulfillment, and insufficient public understanding of restorative justice. Concerns over internal accountability and limited mediation facilities further discourage investigators from applying restorative mechanisms consistently.

Research Novelty

The novelty of this study lies in its integrative analysis of restorative justice effectiveness at the regional police level by combining normative legal assessment with contextual evaluation of victim recovery, social impact, and recidivism prevention. Unlike prior studies that focus primarily on procedural or doctrinal aspects, this research demonstrates that restorative justice effectiveness is shaped by the interaction between legal norms, police discretion, and local socio-cultural values. This contribution offers a contextualized model of restorative justice implementation that may inform policy refinement and law enforcement practices in similar jurisdictions.

CONCLUSION

This study confirms that the implementation of restorative justice in resolving general criminal offenses at Barru Police has generally met the objectives outlined in the introduction, particularly in enhancing the effectiveness of criminal law enforcement through victim recovery, offender accountability, and social harmony restoration. The findings demonstrate that restorative justice contributes to procedural efficiency, increased satisfaction among involved parties, and the prevention of recurring conflicts when supported by lawful discretion and community participation. However, its effectiveness remains influenced by regulatory limitations, investigator capacity, and consistency in practice. Therefore, future development should focus on strengthening technical guidelines, enhancing mediation skills of law enforcement officers, and expanding public legal awareness to ensure sustainable and uniform implementation of restorative justice within the criminal justice system.

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