

## **INVESTIGATION PROCESS OF PERPETRATORS OF MOBILE PHONE THEFT BASED ON RESTORATIVE JUSTICE (CASE STUDY AT BATU POLICE)**

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### **Abstract**

The Indonesian legal system recognizes the term criminal justice system as a system of law enforcement aimed at resolving and overcoming criminal cases that occur in society. The purpose of the criminal justice system is not only to process the settlement of criminal cases that are fast, inexpensive, and short but also to provide human rights protection, respect the principle of presumption of innocence and the process of punishment that provides a balance of law, defendants and victims. In dealing with these conditions, it takes the rules that underlie the settlement of criminal cases by promoting the principles of justice, expediency, and legal certainty. The Republic of Indonesia Police Agency is the main key in determining whether or not a criminal case can proceed into a criminal justice process, in this case issuing the Republic of Indonesia State Police Regulation Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice. The author conducted research on the case resolution process carried out by the Batu Police in handling theft cases and whether the settlement process has realized restorative justice. The rule can be used as a reference by investigators in conducting mediation outside the court by using the development of the principle of restorative justice, which means returning to normal before the crime took place.

**Keywords:** *Investigation, Theft Crime, Handphone, Restorative Justice.*

### **INTRODUCTION**

Good law enforcement is when there is harmony between the values stated in the legal rules or regulations with human behavior as the implementers. The Indonesian legal system recognizes the term criminal justice system as a law enforcement system that aims to resolve and overcome criminal cases that occur in society. The purpose of the criminal justice system is not only to process the settlement of criminal cases quickly, cheaply and briefly, but also to provide protection of human rights, respect the principle of the presumption of innocence and the sentencing process that provides a guarantee of balance for the law, the accused and the victim. The criminal justice system is a manifestation of the purpose of the law which consists of several components, namely the benefits, certainty and justice of the law in society. Regarding the points of substance of the laws and regulations and procedural practices must run harmoniously in order to realize the purpose of the law in order to instill a sense of justice for all levels of Indonesian society. (Hartini, 2010)

The criminal justice system is a manifestation of the objectives of the law which consists of several components, namely the benefits, certainty and justice of the law in society. Regarding the points of substance of the laws and regulations and the practice of law must run harmoniously in order to realize the objectives of the law in order to instill a sense of justice for all levels of Indonesian society. The entry point for criminal justice enforcement in Indonesia is known as the term criminal investigation and inquiry. The Indonesian National Police (Polri) is the main key to determining whether or not a criminal case can be continued into the criminal justice process. The police are the key point for starting criminal law enforcement because the police have the authority to receive reports and complaints about crimes that occur in society. The Polri has one of the duties of enforcing the law to create security, order and peace in society, both prevention and eradication as well as taking action after a violation of the law occurs. The existence of an event that is considered a criminal act cannot be determined whether the event is a criminal act or not. To determine whether the event is a criminal act, further investigation is carried out on the event as regulated in Article 1 number 5 of the Criminal Procedure Code. Based on the investigation process, the investigator in this

case is the authorized police officer who then concludes whether the event is a criminal act or not. The criminal justice process begins to show us that the function of the investigation is a filtering tool for events that can be investigated or not. When it has been determined that the act is a criminal event, it is continued to the investigation stage. The investigation aims to clarify the criminal act found and also determine the perpetrator as stipulated in Article 1 number 2 of the Criminal Procedure Code. Investigation is a very important process in the judicial process. By conducting an investigation, it determines whether the case can be brought to the prosecution stage or not. To achieve this, the investigator collects information with certain facts or events that can be used as evidence of a criminal act. (Erlangga et al., n.d.) Law enforcement carried out at the investigation and inquiry stage is not only driven by the criminal justice system, there are many other actions that can be taken by investigators through their authority in resolving a crime and these actions are called discretion, namely a policy carried out in which a ruler or law enforcer exercises the power or authority given to him by law as stated in Article 18 Paragraph (1) of Law No. 2 of 2002 concerning the Police which reads: "For the public interest, officials of the Republic of Indonesia National Police in carrying out their duties and authorities can act according to their own judgment".

The form of discretion at the investigation and inquiry stage is the mediation process between the victim and the perpetrator of the crime and the role of the investigator is only as a mediator. Although Indonesian laws and regulations do not recognize the existence of mediation in the criminal justice system, in practice many criminal cases are resolved through a mediation mechanism which is an initiative of law enforcement as part of the resolution of the case. In this case, investigators apply mediation to the parties involved in a crime on the basis that the perpetrator has returned material losses to the victim to be used as a reference in stopping the case process. The implementation of mediation carried out by investigators prioritizes justice for the parties involved in a crime itself. The development of the concept of mediation in resolving criminal acts carried out by investigators is a development of the principle of restorative justice which means returning the situation to its original state before the crime occurred. The principle of restorative justice is not interpreted as a peaceful termination of the case, but rather the fulfillment of justice for all parties involved in the criminal case through efforts involving victims, perpetrators and the local community as well as the role of investigators as mediators. Restorative justice is a handling of criminal acts that is not only seen from a legal perspective, but is associated with moral, social, economic, religious and customary aspects. (Insani, n.d.)

The implementation of mediation in resolving criminal acts is motivated by, among other things, the emergence of various problems in the process of enforcing criminal law in Indonesia, such as over-capacity Correctional Institutions, increasing case backlogs, the number of law enforcers that is not balanced with the number of cases, court costs that are unable to support the increase in cases and so on, has an impact on changes in the legal culture of society, especially the way Indonesian society views the process of enforcing criminal law in the criminal justice system. (Arief, 2000) In this case, the Batu Police Criminal Investigation Unit investigators have implemented mediation in a case handled by the Batu Police Criminal Investigation Unit investigators regarding the crime of theft with material losses in the form of 1 (one) cellphone worth approximately IDR 3,000,000 (three million rupiah) in accordance with Police Report Number: LP/B/15/II/2022/SPKT/BATU POLICE/EAST JAVA REGIONAL POLICE, dated February 8, 2022 as regulated in Article 362 of the Criminal Code. The case studied is a crime that only causes material losses with a loss value that is not that large, so if the case is resolved through litigation, many things will be sacrificed. Therefore, the Batu Police Criminal Investigation Unit needs to exercise discretion in handling the case.

Based on this, the author is interested in studying further the Investigation Process of Perpetrators of the Crime of Cellphone Theft Based on Restorative Justice (Case Study at the Batu Police). Based on the background of the problems that have been presented above, the author draws several problems as follows: 1. How is the investigation process against perpetrators of cellphone theft based on restorative justice carried out by the Batu Police Criminal Investigation Unit? What are the obstacles to the implementation of restorative justice in the investigation of cellphone theft and the efforts made by the Batu Police Criminal Investigation Unit in overcoming these obstacles?

## **METHOD**

This research uses a legal research method that examines and discusses the legal problems raised so that the results obtained are truly in accordance with the facts that exist in society. (Nasution, 2016) This empirical legal research was conducted to determine the rules and authority of the Batu Police Criminal Investigation Unit Investigators in implementing mediation for theft criminal cases and to analyze the purpose of mediation carried out by the Batu Police Criminal Investigation Unit Investigators whether it has fulfilled restorative justice for the parties involved in the crime. The respondents in this study were AKP Yussi Purwanto, S.H, M.H., as the Head of the Batu

Police Criminal Investigation Unit, AIPTU M. Amin Makmun, S.H., as the Head of Administration and Secretariat Affairs of the Batu Police Criminal Investigation Unit, AIPDA Parsuji, S.H., as the Head of the General Crime Unit of the Batu Police Criminal Investigation Unit as well as an Investigator who has carried out the process of implementing restorative justice for theft criminal acts. In this study, the author used descriptive analysis techniques, namely by presenting data obtained from field observations and literature studies, then analyzing them using relevant theories. (Burhan Ashofa, 2002) In this case, the author presents data that has been obtained through field research through interviews and library studies, both through literature, laws and regulations and documents related to mediation, so that information is concluded that is easy to digest and easy to understand to answer problems related to police actions in implementing mediation related to resolving criminal acts of theft.

## **RESULTS AND DISCUSSION**

### **Investigation Process of Mobile Phone Theft Perpetrators Based on Restorative Justice Conducted by the Criminal Investigation Unit of the Batu Police**

The implementation of case resolution based on restorative justice can be said to exist and not exist, because in the legislation until now there has been no clear regulation regarding restorative justice. However, in practice, many law enforcers apply mediation in handling criminal cases based on discretion. Such as the Netherlands, Austria, and Belgium which have regulated penal mediation in their positive law, where the main purpose of implementing penal mediation is to provide the possibility of material compensation and moral responsibility to victims caused by a criminal act. (Mulyadi, 2015) However, in Indonesia, the implementation of mediation in resolving criminal cases is still not directly recognized in the laws and regulations. Penal mediation in enforcing criminal law in Indonesia can be said to be an effort to reform Indonesian criminal law. The settlement of criminal cases in Indonesia is known through one of the functions of the Indonesian criminal justice system which in this case includes various agencies such as the Police, Prosecutor's Office, Courts and Correctional Institutions. Each component in the criminal justice system must run harmoniously so as not to ignore the principles and objectives of existing law. The initial stage of resolving criminal cases is at the stage of investigation and inquiry of criminal acts by the Police. The Police in this case is the main gateway for resolving criminal cases. The process of investigating and investigating criminal acts is the main key to determining whether or not a criminal case can be continued to the prosecution stage to trial in order to realize the objectives of the law, namely justice, legal certainty and legal benefits while still prioritizing the principles of simple, fast and low-cost justice. (Mulyadi, 2010)

The police as mentioned above is a subsystem of law enforcement apparatus in the criminal justice system, all of its activities have a role in addition to maintaining public security and order (Kamtibmas) also as a law enforcement apparatus in the criminal justice system. As in carrying out its functions and roles, the police act based on laws and regulations and the Polri professional code of ethics as a moral reference that must be adhered to in carrying out its duties, functions and authorities. (Husin & Husin, 2016) The principle of implementing restorative justice cannot be interpreted as a method of peaceful termination of cases, but more broadly on fulfilling the sense of justice of all parties involved in criminal cases through efforts involving victims, perpetrators and the community. Sociologically, the fulfillment of justice in the application of restorative justice involves the local community and investigators/investigators as mediators and is mutually agreed upon by the parties involved in a crime. The product created in the results of the deliberation is a peace agreement and the revocation of the right to sue from the victim.

Termination of a case in a crime cannot be interpreted further as a term of penal mediation, but the fulfillment of justice for the parties involved is certainly a benchmark that restorative justice has been applied through penal mediation arrangements. Restorative justice provides a different response to the criminal justice process, namely by adopting the original concept of justice in society through alternative offers for recovery from conditions resulting from criminal acts. (Widodo, 2017) The form of restorative justice in resolving criminal acts through the regulation of penal mediation is something that helps the effectiveness of the implementation of criminal law itself. However, regulations related to mediation regarding non-criminal settlement have not been regulated in positive Indonesian law, but in practice, mediation is often implemented based on the discretion of law enforcement officers. The police in this case as the gateway to the criminal justice system issued the Regulation of the Republic of Indonesia National Police (PERPOL) Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice as regulating the Implementation of Restorative Justice in the Settlement of Criminal Cases. Regulations related to the implementation of penal mediation are not explained directly in the PERPOL, but it is explained that the realization of restorative justice in handling criminal cases through the fulfillment of justice for the parties involved, especially for victims, cannot be interpreted like normal mediation, but in PERPOL the fulfillment of a sense of justice for victims and perpetrators in particular is a benchmark for the realization of restorative justice. If it only prioritizes the

principle of legal certainty without considering the benefits and justice, of course the law will not create welfare in society. The formation of PERPOL aims to harmonize and implement the law harmoniously with certainty, justice and legal benefits. The occurrence of a criminal incident certainly has various negative impacts, both for the perpetrator, the victim and the community. The losses caused by the occurrence of a crime can be material and immaterial. Of course, immaterial losses such as the crime of murder where the object of the loss is life, are different from crimes that cause material losses such as the crime of theft where the object of the loss is goods or objects that have economic value. Restorative justice in PERPOL is the fulfillment of justice for the parties involved in the crime, therefore, like the crime of theft which causes material losses, restorative justice can certainly be attempted in resolving the crime itself. The settlement of theft cases carried out through deliberation involving the victim, perpetrator and investigator as mediators to reach an agreed agreement in this case is the return of losses in the form of a cellphone belonging to the victim and the victim is willing to forgive the actions of the perpetrator. The police in doing this are said to be the embodiment of restorative justice, sociologically when the victim returns to the original state when the crime has not been committed and the victim forgives the perpetrator's actions, it is better if the problems experienced by the victim and the perpetrator are considered resolved.

Legally, the object that is the element of the crime of theft is an item or object. Therefore, the investigators of the Batu Police Criminal Investigation Unit attempted mediation for the crime of theft because it met the formal and material requirements, namely the type of general crime and the loss is material (goods and/or objects). The following are the stages carried out by the Batu Police Criminal Investigation Unit investigators in implementing mediation as an effort to realize restorative justice:

- a. Issuance of a peace request letter  
Both parties (the perpetrator and the victim) make a peace request letter and it is signed by the parties on a stamp which is then submitted to the investigator.
- b. Approval of the peace request letter  
After the formal and material requirements have been met, the investigator submits it to the investigator's superior in this case the Police Chief and the Head of Criminal Investigation Unit to obtain approval regarding the peace request letter.
- c. Implementation of deliberation  
When the request letter has been approved by the investigator's superior, a deliberation is then carried out with the perpetrator, victim, the perpetrator's family, the victim's family and community leaders as well as the investigator as a mediator to reach a mutual agreement. The existence of additional examination minutes (hereinafter referred to as additional BAP) of the parties to the case after the case has been settled through mediation.
- d. Issuance of a special case title service note  
If the mediation deliberation is successful, the investigator makes an official note to the investigator's supervisor or investigator's superior regarding the request for the implementation of a special case title.
- e. Implementation of a special case title  
The investigator carries out a special case title involving the investigator's supervisor and investigator's superior in the presence of the perpetrator, victim, and parties related to the case. At this stage, the investigator explains the chronology of the incident, the results of the investigator's examination which are stated in the Examination Report (BAP), and the results of the deliberations of the parties along with the formal completeness. After the implementation of the special case title, the investigator/investigator makes a Special Case Title Results Report.
- f. Issuance of a letter of termination of investigation/investigation  
After compiling the completeness of the administration and case title documents along with the results of the case title, the next stage is the issuance of a letter of termination of investigation/investigation based on PERPOL, namely the settlement of cases in the application of restorative justice. For cases at the investigation stage, the investigator issues a Letter of Order to Terminate Investigation and a Letter of Determination to Terminate Investigation. If the case has entered the investigation stage, the investigator will issue a Letter of Termination of Investigation as regulated in Article 109 Paragraph (2) of the Criminal Procedure Code, but a point will be added regarding the reasons for terminating the investigation based on restorative justice.
- g. Recording in the investigation/investigation termination register  
After the case termination letter is issued, all results of the mediation process are recorded in the register (usually referred to as book B-19 on termination). This recording can be said that a case is closed and resolved based on restorative justice.



Legally, anyone who commits a crime must be punished or sentenced to a criminal penalty/penalty with an attempt to revoke their freedom. Viewed from a philosophical perspective, the purpose of punishment is: (Muladi & Arief, 2010)

- a. That the purpose of deprivation of freedom is to guarantee the security of prisoners and provide prisoners with opportunities for rehabilitation.
- b. That the nature of the function of deprivation of freedom often causes dehumanization of perpetrators of criminal acts and ultimately causes losses for prisoners who are in prison for too long, namely in the form of prisoners' inability to continue their lives productively in society.

Penal mediation in state law (*ius constitutum*) is actually not yet known and still leaves controversy between parties who agree and disagree to be implemented. (Mulyadi, 2015) However, through PERPOL, it has been regulated regarding the mechanism and procedures for implementing mediation for the settlement of criminal cases. There is a theory that has been put forward by Barda Nawawi Arief, one of the models for penal mediation is Family and Community Group Conferences, namely mediation involving the perpetrator, victim, perpetrator's family, victim's family which in the mediation deliberation produces a comprehensive agreement and satisfies the victim and can help to keep the perpetrator out of trouble for a crime. (Arief, 2012) To realize restorative justice, the Batu Police in this case applies mediation to the settlement of criminal theft cases based on PERPOL. The Police do not merely apply mediation to all criminal acts, but in criminal theft, mediation is carried out based on the reasons explained above by considering the fulfillment of justice for the parties involved. The following is the author's analysis regarding the implementation of mediation, whether it has realized restorative justice. The data obtained by the author through interviews are as follows:

Based on interview data with AIPDA Parsuji, S.H., as the Batu Police Investigator, the author will describe the chronology of the case of theft that was stopped by investigators through mediation based on restorative justice. On February 8, 2022, there was a police report regarding theft with the following chronology: That initially on Saturday, January 29, 2022 at around 17.00 WIB the victim was playing futsal with his friends on the FFP Arena futsal field, Jl. Abdul Gani Atas No. 20 Kel. Ngaglik Kec. Batu, Batu City. Then when the victim was playing futsal, the victim put 1 (one) ASUS brand cellphone, type ZENFONE MAX PRO M1, gold color, belonging to the victim on the edge of the field and covered it with the victim's pants and jacket. After finishing playing futsal, the victim realized that his cellphone was no longer in its original place and the victim tried to search around the field but could not find it and the victim tried to contact his cellphone but it was no longer active. The incident was then reported by the victim to the Batu Police for further investigation/investigation. That the investigator in this case the investigator of the Criminal Investigation Unit of the Batu Police collected evidence through statements from the reporter regarding the conditions experienced by the victim and then conducted an investigation.

Based on the results of the investigation, members of the Batu Police found evidence in the form of 1 (one) ASUS brand cellphone, type ZENFONE MAX PRO M1, gold color, which was owned by a man in the area of Jl. Flamboyan Kel. Songgokerto Kec. Batu Kota Batu. Then the person was taken to the Batu Police for examination by investigators from the Batu Police Criminal Investigation Unit. During the examination, the person admitted to having taken 1 (one) ASUS brand cellphone, type ZENFONE MAX PRO M1, gold color, belonging to the victim on Saturday, January 29, 2022 at around 17.30 WIB when the victim was playing futsal with his friends on the FFP Arena futsal field, Jl. Abdul Gani Atas No. 20 Kel. Ngaglik Kec. Batu Kota Batu. That the actions carried out by the perpetrator have fulfilled the elements as referred to in Article 362 of the Criminal Code concerning theft. Next, the investigator called the victim to meet the perpetrator who took 1 (one) ASUS brand cellphone type ZENFONE MAX PRO M1 gold color belonging to the victim. That when the perpetrator was met with the victim, the perpetrator apologized to the victim for the incident he had done, the perpetrator was willing to return the victim's cellphone.

- a. That there was an agreement between the victim and the perpetrator through mediation with the investigator including:
  - 1) The perpetrator apologized and made a statement of apology for the actions that had been committed against the victim.
  - 2) The perpetrator was willing to return 1 (one) ASUS brand cellphone type ZENFONE MAX PRO M1 gold color belonging to the victim that the perpetrator had taken.
  - 3) The victim was willing to forgive the perpetrator's actions and accept back 1 (one) ASUS brand cellphone type ZENFONE MAX PRO M1 gold color belonging to the victim.
- b. That based on the agreement, the investigator then carried out a mechanism to stop the investigation into the theft case based on restorative justice as regulated in the PERPOL and the investigator issued a Letter of Termination of Investigation.

There are several considerations for investigators in implementing mediation for the crime of theft, based on the results of an interview with AIPDA Parsuji, S.H. as the Head of the General Crimes Unit of the Batu Police Criminal Investigation Unit, as follows:

- a. The legal basis used by investigators of the Batu Police Criminal Investigation Unit in conducting mediation for the crime of theft is PERPOL, therefore in its implementation investigators adhere to the mechanisms that have been regulated in PERPOL and observe the conditions that occur in society.
- b. Mediation is applied when there is an agreement between the perpetrator and the victim which then fulfills justice for both the victim and the perpetrator. In addition, investigators also see whether the perpetrator is able to fulfill the agreement stated in the deliberation, if the perpetrator is unable then the mediation is declared a failure and the case continues in accordance with the Criminal Procedure Code mechanism. The target of investigators in conducting mediation is for crimes that do not cause loss of life and are not a repetition of a crime. The classification of a criminal case that can be mediated includes a crime that is relatively not serious or in the sense that it causes material losses.
- c. The mechanism used by investigators must be in accordance with the mediation regulations that have been regulated in PERPOL. Investigators also consider the benefits and risks of the mediation. Investigators must ensure how to realize certainty, benefits and legal justice from the implementation of the mediation.
- d. Investigators in mediation deliberations are neutral, all agreements stated in mediation are the wishes of the victim and perpetrator to achieve peace. Investigations can be reopened if novum (new evidence) is found from a crime through a special case title mechanism.
- e. The interests of the victim and perpetrator must also be considered in the implementation of mediation. First, to the interests of the victim, namely where the victim has obtained a condition that according to him has fulfilled justice and given benefits from the implementation of the mediation. Furthermore, the willingness of the perpetrator to fulfill the agreement stated through the mediation deliberation is also one of the reasons investigators conduct mediation based on PERPOL.
- f. The occurrence of a crime of theft is an unlawful act and causes harm to the victim. The suffering of the victim due to the occurrence of a crime has not ended with the imposition of punishment on the perpetrator.

#### **Obstacles to the Implementation of Restorative Justice in the Investigation of Mobile Phone Theft Crimes and Efforts Made by the Batu Police Criminal Investigation Unit in Handling the Obstacles**

So far, the mediation process carried out by the Batu Police has not run smoothly as it should, there are obstacles experienced by the Batu Police Criminal Investigation Unit Investigators in the implementation of restorative justice as the results of the interview with APTU M. Amin Makmun, S.H. as the Head of Administration and Secretariat Affairs of the Batu Police Criminal Investigation Unit, including:

- a. Lack of regulations on the procedural law for implementing mediation in criminal law. This is an urgency for other law enforcement officers to make implementing regulations in the formal criminal law structure for the implementation of mediation in resolving criminal cases.
- b. The lack of human resources in each unit in the Batu Police Criminal Investigation Unit causes the implementation of mediation to take a long time. In addition, investigators are also often unable to cope with the division of tasks for investigating criminal acts and handling mediation.
- c. Lack of public awareness of the benefits of implementing restorative justice in handling criminal cases carried out by investigators of the Batu Police Criminal Investigation Unit, the public is less satisfied with perpetrators of criminal acts who are not processed to trial.
- d. Other factors can be caused by the conditions and motivations of the parties (victims, perpetrators and the community) in implementing restorative justice. Because the process of resolving criminal cases based on restorative justice emphasizes the magnanimity of the parties in accepting the restoration of the situation without having to imprison the perpetrator.

Based on the results of the interview with AKP Yussi Purwanto, S.H., M.H., as Head of Criminal Investigation Unit of Batu Police, in enforcing the law, the Criminal Investigation Unit of Batu Police has alternative efforts that are used to overcome obstacles in the process of implementing restorative justice, namely as follows:

- a. Conducting audiences and discussions with academics to be submitted to the legislative council regarding the formal legal umbrella for law enforcement officers as in the Criminal Procedure Code which is the basis for implementing material criminal law, therefore to avoid abuse of authority from PERPOL, it is necessary to regulate the legal procedures for implementing mediation based on restorative justice.

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- b. Providing input to the leadership at the Batu Police level, namely the Chief of Police to increase the strength of personnel who will be made investigators and provide training to prospective investigators in order to create professional investigators who understand the concept of implementing restorative justice, so that they can accelerate the process of implementing restorative justice in criminal cases handled by the Batu Police Criminal Investigation Unit and can realize a transparent, fast and low-cost case handling process.
- c. Providing counseling to community leaders in each village in the jurisdiction of the Batu Police which is carried out once a week every Friday in the Friday Curhat program to increase public insight regarding the benefits of implementing restorative justice in the process of handling criminal cases without having to imprison the perpetrator so that these benefits can be felt by the victim's family and the perpetrator's family.
- d. The exemplary behavior of the Batu Police Criminal Investigation Unit Investigators who are free from corruption, collusion and nepotism and implement regulations in accordance with statutory regulations without exceeding their authority is an important milestone in the success of implementing restorative justice in resolving criminal cases handled by the Batu Police Criminal Investigation Unit Investigators.

## CONCLUSION

The implementation of the investigation process against the perpetrators of the crime of cellphone theft carried out by the Batu Police Criminal Investigation Unit has realized the principle of restorative justice. This was obtained based on the results of interviews and analysis conducted by the author. The agreement reached by both parties was then implemented by considering justice for the victim and the perpetrator's ability to carry out the results of the agreement. In implementing the settlement of criminal cases based on restorative justice, the Batu Police Criminal Investigation Unit found several obstacles, including the lack of regulations for the implementation of penal mediation for the settlement of theft criminal cases. In addition, the lack of investigators is also an obstacle because it is not balanced with the number of cases whose processes will be stopped through the application of restorative justice. The criminalization process against the perpetrators is also still the main thing in public knowledge during the case handling process. Another factor is the generosity of the parties to the case to want to resolve the case based on restorative justice, which is an important point in the obstacles experienced by investigators at the Batu Police Criminal Investigation Unit. However, it does not stop there, investigators from the Batu Police Criminal Investigation Unit have made alternative efforts to overcome these obstacles, namely by holding audiences with academics to design regulations for the implementation of restorative justice, increasing the number of investigators from the Batu Police Criminal Investigation Unit, providing education to the community in the Batu Police Friday Curhat program, and cultivating Batu Police Criminal Investigation Unit investigators to stay away from KKN (Corruption, Collusion and Nepotism) practices.

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