

Implementation of Restorative Justice Towards the Criminal Act Aggravated Theft in The East Medan Sector Police

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ABSTRACT

This study analyzes the application of restorative justice to aggravated theft crimes at the East Medan Police Sector between January 2022 and June 2025. The approach used is a normative-empirical study with a juridical-sociological framework. The normative aspect examines Article 363 of the Criminal Code, Law Number 2 of 2002, Police Regulation Number 8 of 2021, Attorney General Regulation Number 15 of 2020, and Supreme Court Regulation Number 1 of 2024. The empirical aspect captures practices at the East Medan Police Sector through case data, interviews with investigators, victims, and perpetrators, as well as administrative documentation. The caseload under Article 363 has been relatively stable at 28 to 46 reports per quarter, with motorcycle theft accounting for 57 to 64 percent. Restorative justice facilitation is selectively implemented in 4 to 8 cases per quarter, with a success rate of 60 to 75 percent, and a resolution time of 18 to 21 days, faster than the typical 40-day transfer of files. Key criteria include voluntary consent from the parties, non-recidivists, restitution of losses, and a lack of public unrest. Cases involving violence, serious threats, or those that disrupt public security are not transferred to restorative justice and remain in litigation. Findings indicate that this restorative justice mechanism is effective for certain cases, consistent with the principle of ultimum remedium, reduces the burden of the judicial process, and increases party satisfaction. However, obstacles arise from differing perceptions among law enforcement officials, concerns about the deterrent effect, and inconsistent post-mediation monitoring. The study recommends strengthening SOPs based on eligibility indicators, mediation training for investigators, formal coordination with prosecutors and courts, involvement of community leaders, and post-settlement monitoring by Bhabinkamtibmas to prevent recurrence and maintain accountability.

Keywords: Aggravated theft, Police discretion, Restorative justice

Introduction

Restorative justice is an approach to resolving criminal cases that focuses on restoring relationships between perpetrators, victims and the community (Srijadi,2023). This approach emerged as a response to the limitations of the criminal justice system, which tends to be punishment - oriented. Restorative justice provides a space for victims to express their concerns and for perpetrators to be held directly accountable, thus achieving a balance of justice and promoting peace and social relations.

However, not all crimes can be resolved through restorative justice mechanisms. Certain criteria must be met, such as a voluntary agreement between the victim and the perpetrator, the crime being minor, and not causing widespread unrest in the community. Meanwhile, crimes involving elements of violence that result in loss of life or significant losses generally cannot be addressed through restorative justice due to the potential to undermine legal certainty and a sense of justice. From a social science perspective, crime is defined as a social phenomenon arising from structural injustice or a manifestation of diverse human behavior, a reaction to the socioeconomic class of an individual or social group. Regardless of their origin, people in economically disadvantaged and desperate for basic necessities,

coupled with a lack of faith, tend to think short-sightedly. They might even justify any means necessary to meet their needs (Rahmayanti,2023).

In criminal law, criminalization is a part of criminal policy. Criminal policy is the state's efforts to combat crime, which is essentially an integral part of community protection efforts aimed at achieving social welfare.

In aggravated theft, as stipulated in Article 363 of the Criminal Code, the application of restorative justice has been controversial. On the one hand, aggravated theft is a serious crime because it typically involves planning, is committed at night, is carried out by a group of perpetrators, or involves violence. However, on the other hand, there are considerations that resolving cases through restorative justice can reduce the caseload in courts and reduce overcrowding in correctional facilities.

The police often see restorative justice as an effective means of resolving minor criminal cases, because it can expedite the resolution of cases without having to go through a lengthy court process (Sinaga, Sarwin Fernando,2022). However, there are differing attitudes among police officers when it comes to aggravated theft cases. Some believe that restorative justice can still be implemented as long as there is a peace agreement and the victim's losses have been reimbursed, while others oppose it, fearing that it would give the perpetrators the opportunity to repeat their actions (Abdul Rahman Maulana Siregar, Rahul Ardian Fikri, Mhd. Azhali Siregar,2023).

The reason for the parties to bring the dispute that occurred to be resolved through restorative justice or without going through the courts/non-litigation as a way or alternative to reach a consensus or deliberation which is considered effective and efficient and the result is a win-win solution for the parties, while settlement through litigation or courts has a losing and winning party, resulting in an unsatisfactory settlement for the losing party (Abdul Rahman Maulana Siregar, Rahul Ardian Fikri, Mhd. Azhali Siregar,2023). Pros and cons have emerged regarding the issue of aggravated theft. Supporters argue that restorative justice embodies the principle of *ultimum remedium*, which states that criminal law should be a last resort after non-litigation mechanisms have failed. Therefore, restorative justice is believed to mitigate the negative impacts of the criminal justice system, such as stigmatization of perpetrators and psychological burden on victims.

Conversely, opponents argue that implementing restorative justice in aggravated theft cases risks reducing the deterrent effect. This is because aggravated theft often involves elements of violence, threats, and even organization. Therefore, allowing for restorative justice is feared to undermine the authority of law enforcement and undermine the public's sense of justice (Indriyanto Seno Adji,2021).

Specifically, within the context of mugging cases, restorative justice cannot be applied. Mugging is a form of theft with violence (Article 365 of the Criminal Code), categorized as a serious crime and causing widespread social unrest. This crime not only harms the victim financially but also threatens their safety, thus making restorative justice inappropriate. Therefore, mugging cases are excluded from the scope of restorative justice. According to the table data contained in the jurisdiction of the East Medan Police Sector which is within the scope of the Medan Police, the handling of aggravated theft in the period January 2022 to June 2025 is as follows:

Periode	LP Pasa 1363 (total)	Proporsi Curanmor	Proporsi Pembobolan Rumah Malam Hari	Proporsi Pencurian Kabel/Material	Tersangka Ditetapkan	Perkara Dilimpahkan ke JPU	Upaya Restoratif Justice Difasilitasi	Kesepakatan Damai Tercapai	SP3 karena RJ	Rata-rata Lama Penanganan RJ Berhasil (hari)	Rata-rata Lama Perkara Dilimpahkan (hari)
2022 Q1	28	61%	23%	9%	22	12	3	2	1	18	39
2022 Q2	31	60%	25%	8%	24	14	4	3	2	20	42
2022 Q3	34	63%	22%	8%	29	16	5	3	2	19	41
2022 Q4	36	64%	21%	9%	30	17	6	4	3	21	43
2023 Q1	39	62%	24%	8%	33	19	6	4	3	20	42
2023 Q2	41	61%	25%	9%	35	21	7	5	3	20	41
2023 Q3	46	64%	23%	7%	39	24	8	6	4	18	40
2023 Q4	42	62%	24%	8%	35	22	7	5	3	19	41
2024 Q1	38	60%	26%	9%	31	19	6	4	3	19	42
2024 Q2	36	59%	27%	9%	29	18	6	4	3	20	41
2024 Q3	40	61%	25%	8%	33	21	7	5	3	19	40
2024 Q4	37	60%	26%	9%	31	20	6	4	3	19	41
2025 Q1	34	58%	28%	9%	28	17	5	4	3	18	40
2025 Q2	30	57%	29%	9%	25	15	4	3	2	19	41

First, the caseload under Article 363 remains relatively stable, ranging from 28 to 46 cases per quarter. Second, motorcycle theft consistently dominates, accounting for 57 to 64 percent, followed by nighttime housebreaking. Third, restorative justice facilitation efforts are selective, averaging 4 to 8 cases per quarter, with a success rate of 60 to 75 percent and a tendency toward SP3 (prohibition order) due to the stable restorative justice rate of 2 to 4 cases per quarter. Fourth, cases that are successfully reconciled show a shorter handling time, averaging 18 to 21 calendar days, compared to cases that are transferred, which require more than 40 days (¹ <https://dors.sops.polri.go.id>,2025). Empirically, this pattern shows that restorative justice, implemented carefully, can accelerate the recovery of losses and reduce the burden on law enforcement, without sacrificing public safety.

In this case, the East Medan Police, within the Medan City Police, as the vanguard of the law enforcement system, plays a crucial role in determining whether a case can be resolved through restorative justice. The East Medan Police's primary considerations are typically related to the victim's interests, the extent of the damage, the social impact, and compliance with Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice. Therefore, police discretion plays a crucial role in implementing policies on the ground.

In practice, there is a dilemma between the desire to resolve cases peacefully for efficiency and the need to firmly enforce the law for the sake of public justice. Therefore, this study specifically analyzes the application of restorative justice to aggravated theft crimes at the East Medan Police Sector level, weighing the pros and cons and existing legal limitations. This analysis is important so that law enforcement officers have clear guidelines in determining which cases are and are not suitable for a restorative justice approach. In connection with the description above by explaining the background, the main problem can be formulated as follows:

1. What are the legal rules for applying restorative justice in cases of aggravated theft?
2. How is Restorative Justice Applied to Aggravated Theft Crimes in the East Medan Police Sector?

Methods Research

The research method in this study uses a normative-empirical legal approach (Muhammad Syahrums, ST,2022).This involves combining analysis of laws and regulations with the reality of their implementation in the field. The juridical-sociological approach used

to assess the suitability of restorative justice practices in the East Medan Police Sector with applicable positive legal provisions (Suyanto,2023) The research data was obtained through a literature review of primary legal sources such as the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), Law Number 2 of 2002, Police Regulation Number 8 of 2021, Attorney General Regulation Number 15 of 2020, and Supreme Court Regulation Number 1 of 2024, as well as secondary legal materials in the form of books, journals, and scientific articles. Furthermore, field research was conducted through interviews with investigators, victims, perpetrators, and community leaders involved in the case resolution. All data were then analyzed qualitatively using reduction, presentation, and conclusion-drawing techniques to illustrate the effectiveness of the application of restorative justice to aggravated theft crimes in the jurisdiction of the East Medan Police.

Results and Discussion

Conceptual Review of Restorative Justice

The concept of restorative justice emerged as a response to the weaknesses of the criminal justice system, which relies on retributive justice. The retributive system positions crimes as violations against the state, thus focusing on punishment. This model has drawn criticism for failing to provide for the recovery of victims or the reintegration of perpetrators into society (Aulia, Ardiansyah, Stiveen Doorson, and Asmak Ul Hosnah,2024).

The theoretical concept of restorative justice was first introduced in North America and Canada in the 1970s, when justice systems began to seek alternatives to purely repressive punishment. Its pioneering figure was American criminologist Howard Zehr, whose work, "Changing Lenses: A New Focus for Crime and Justice" (Zehr, H., and CA Lenses, 1990), was published. Zehr believed that justice should not be measured by the severity of punishment, but by the extent to which the damage caused by a crime can be repaired. He became known as "The Father of Restorative Justice" for successfully formulating a new paradigm that crime is not merely a violation of state law, but rather a violation of human relationships that requires a process of restoration (Hestaria, Helena, Made Sugi Hartono, and Muhamad Jodi Setianto, 2022).

Besides Howard Zehr, another important figure who helped develop this concept was John Braithwaite, through his theory of reintegrative shaming. According to Braithwaite, the primary goal of the criminal system should be to restore offenders to the social order through constructive social shame mechanisms, not public humiliation (Amry, Muh Ardila,2022). This approach then became the basis for the emergence of various criminal case resolution policies that directly involve victims, perpetrators, and the community.

Conceptually, restorative justice has several basic principles that differentiate it from the conventional criminal system, namely:

- 1) Crime is seen as a violation of human and social relations, not simply a violation of the state.
- 2) Victims, perpetrators, and the community are the main parties in the resolution process, not just the state.
- 3) The focus is restoration, not retribution.
- 4) The resolution process is voluntary, based on mutual agreement (consensus-based).
- 5) The perpetrator is actively responsible for repairing the harm or suffering caused.
- 6) Justice is achieved through dialogue, mediation, and peace agreements, not through sentencing.

Based on these principles, restorative justice prioritizes humanitarian values, substantive justice, and social balance, aligned with customary law and Pancasila. The initial

implementation of restorative justice occurred in Canada in 1974 through the Victim-Offender Reconciliation Program (VORP) in Kitchener, Ontario. The program facilitated meetings between offenders and victims to reach a peaceful agreement under the supervision of social institutions. This model later expanded to various countries, including New Zealand, Australia, the Netherlands, and the United Kingdom.

New Zealand became the first country to formally incorporate the principles of restorative justice into its national legal system through the Children, Young Persons, and Their Families Act 1989, (Wahyuningsih, Dewi. 2024) which emphasizes resolving children's cases through family group conferences. The success of this model has inspired many countries to adopt it, particularly in juvenile justice systems and for minor crimes.

In Indonesia, restorative justice values have long been embedded in customary law traditions. Various indigenous communities, such as those in Aceh, Bali, and Kalimantan, recognize the mechanism for resolving criminal disputes through deliberation (customary peace), with the primary goal of restoring social balance disturbed by violations. In the modern context, this concept has been gradually adopted into the formal criminal justice system. Normatively, restorative justice has gained legitimacy in several laws and regulations (Gemilang, Gilang, and Ismaidar Ismaidar, 2024). among others:

- 1) Indonesian National Police Regulation Number 8 of 2021 concerning the Handling of Criminal Offenses Based on Restorative Justice. This regulation authorizes investigators to terminate investigations based on restorative justice principles under certain conditions.
- 2) Attorney General Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice. This regulation expands the scope of restorative justice at the prosecutorial level by granting prosecutors discretion to terminate prosecutions if the requirements for justice and peace are met.
- 3) Supreme Court Regulation Number 1 of 2024 concerning Guidelines for the Implementation of Restorative Justice in the Criminal Justice System. This regulation serves as a guideline for judges to consider peace and restoration in making decisions on certain criminal cases.

In addition, the spirit of restorative justice is also reflected in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), which explicitly emphasizes the resolution of juvenile cases through diversion as a concrete form of implementing the principle of restoration.

The implementation of restorative justice in Indonesia's criminal justice system cannot be done haphazardly. Based on Articles 5 and 6 of Police Regulation No. 8 of 2021 (Widiatmika, Dewa Putu Hendra, 2023), and similar provisions in Perja No. 15 of 2020 and Perma No. 1 of 2024, The conditions that must be met include:

- 1) There is a peace agreement between the victim and the perpetrator, which is carried out voluntarily without coercion.
- 2) The crime committed is minor, or the material loss does not exceed a certain limit (usually under IDR 2,500,000).
- 3) The perpetrator is not a recidivist or repeat offender.
- 4) The losses incurred have been replaced or restored.
- 5) Does not cause public unrest or threaten public order.
- 6) There are considerations of humanity, justice and public interest.

Furthermore, in its implementation, law enforcement officers are also required to involve community leaders, traditional institutions, or social organizations as mediators to ensure the peace process is transparent and fair. The primary goal of restorative justice is to

restore social balance and relationships between parties disrupted by crime. More specifically, there are three main objectives:

- 1) Victim restoration: victims are given space to express their feelings, losses, and need for restoration.
- 2) Offender accountability: the offender is given the opportunity to take responsibility and repair the damage caused by his actions.
- 3) Community involvement: the community is involved to create social harmony and prevent recurrence of crime.

In practical terms, the restorative justice approach also brings benefits in the form of reducing the court caseload, accelerating case resolution, and reducing correctional facility overcrowding. However, the greatest benefit lies in achieving substantive justice, where the legal process not only upholds norms but also restores human dignity (Kristanto, Andri,2022).

Legal Rules in the Application of Restorative Justice in Cases of Aggravated Theft

The application of restorative justice in the Indonesian criminal law system does not stand alone, but is rooted in the principles of national law which uphold the values of justice, humanity and legal certainty as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia and Article 28D paragraph (1) which guarantees the right of every person to recognition (Ismaidar, Ismaidar, and Rahmi Mailiza Annur,2023) guarantees, protection and fair legal certainty. Within this framework, restorative justice exists as an instrument to achieve a balance between substantive justice and formal legal certainty (Nugroho, Fajar Seto,2023).

Normatively, the legal basis for the application of restorative justice is spread across several laws and regulations which serve as guidelines for law enforcers, including:

- 1) Law Number 2 of 2002 concerning the Indonesian National Police, specifically Articles 13 and 14, authorizes the police to maintain public order and security, enforce the law, and provide protection and services to the community. These provisions form the basis for police discretion in resolving criminal cases through non-litigation channels based on the principles of restorative justice.
- 2) Article 363 of the Criminal Code (KUHP) regulates aggravated theft. This article stipulates that theft committed under certain circumstances, such as at night, by two or more people, by burglary, or in a closed place, constitutes a more serious crime. However, not all forms of aggravated theft are associated with violence or widespread social impact. This is where the role of the police is crucial in assessing whether the case falls within the scope of restorative justice.

Article 363 of the Criminal Code

(1) Threatened with a maximum prison sentence of seven years:

1. *due to theft committed during a fire, eruption, flood, earthquake or other disaster;*
2. *because of theft at night in a house or enclosed yard where there is a house, carried out by a person who is there without the permission of the person entitled;*
3. *because theft is committed by two or more people in collusion;*
4. *because theft in order to enter the place of the crime or to get to the goods taken is done by damaging, cutting or climbing, or by using a fake key, a fake order or fake official clothing;*
5. *due to theft of livestock.*

(2) If the theft is committed at night in a house or enclosed yard where there is a house and is committed by two or more people in collusion, or is committed by means of damaging, climbing, or using fake keys, fake orders, or fake official clothing, then the perpetrator is threatened with a maximum prison sentence of nine years.

- 3) Indonesian National Police Regulation Number 8 of 2021 concerning Handling Criminal Offenses Based on Restorative Justice, which serves as the primary guideline for investigators in terminating investigations of certain cases through peaceful mechanisms, emphasizes that the police may terminate an investigation if a peaceful agreement has been reached between the victim and the perpetrator, taking into account the interests of the victim, the perpetrator, and the community.
- 4) Attorney General Regulation Number 15 of 2020 concerning Termination of Prosecution Based on Restorative Justice, which provides similar authority to public prosecutors to terminate prosecution if certain elements are met, including peace and restitution of losses.
- 5) Supreme Court Regulation Number 1 of 2024 concerning Guidelines for the Implementation of Restorative Justice in the Criminal Justice System, which serves as a guideline for judges in considering aspects of restoration, peace, and social benefit in handing down decisions.

In addition, restorative justice also finds moral legitimacy in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). which introduced the concept of diversion as a form of resolving child criminal cases outside the courts (Masitah Pohan, Rahma Yanti, 2020). Systemically, this mechanism became the forerunner to the application of restorative justice in general criminal cases in Indonesia (Ariani, Nevey Varida, 2014). Thus, the legal basis for restorative justice is multi-layered, starting with constitutional principles, then elaborated through laws, and implemented through technical regulations in each law enforcement agency. This demonstrates that the application of restorative justice is not a deviation from the legal system, but rather a strengthening of the values of substantive justice in the national criminal law enforcement process.

In the Indonesian legal system, aggravated theft is regulated by Article 363 of the Criminal Code, which carries a maximum prison sentence of seven years. In certain circumstances, such as motor vehicle theft, this act can be categorized as a serious crime if it involves violence, conspiracy, or is committed at night in a closed house.

In general, crimes as stipulated in Article 363 of the Criminal Code are classified as conventional crimes of a serious nature. However, in law enforcement practice, not all cases of aggravated theft have a significant social impact or significant losses. For example, cases of theft of helmets, small items, or simple equipment from an empty house without physical violence can still be resolved through restorative justice mechanisms, with certain considerations. Based on Article 5 paragraph (1) letters a-f of Police Regulation No. 8 of 2021, there are a number of conditions that must be met for criminal cases to be resolved based on restorative justice, namely:

1. *There is a peace agreement between the victim and the perpetrator.*
2. *The victim and perpetrator signed a peace agreement without coercion.*
3. *The crimes committed were minor and did not cause social unrest.*
4. *The perpetrator is not a recidivist or repeat offender.*
5. *The losses incurred have been recovered or replaced.*
6. *Investigators consider the interests of justice and humanity.*

This provision serves as a guideline for investigators in determining whether certain aggravated theft cases can be handled through restorative justice. For example, in cases of motorcycle theft by a first-time offender, who has committed a non-violent crime and has repaid the loss, the police can facilitate a settlement under direct supervision from the investigator.

However, Article 7 paragraph (2) letter c of Police Regulation No. 8 of 2021 emphasizes the important limitation that criminal acts that result in loss of life, are carried out with

violence, or cause public unrest cannot be resolved through restorative justice. Thus, thefts involving violence (e.g. mugging or robbery) fall outside the scope of this mechanism (Mufrizal, Fhika Maisyarah, Irsyam Risdawati, and Rahmayanti Rahmayanti, 2024).

The police's authority to implement restorative justice during the investigation phase is based on the principle of police discretion as stipulated in Article 18 of Law Number 2 of 2002. This article states that "in the public interest, Polri officials in carrying out their duties and authorities may act according to their own judgment." Thus, investigators have discretionary power to determine whether a case is worthy of being terminated on the grounds of restorative justice.

However, the use of this discretion is not absolute. Investigators are required to consider the principles of legality, proportionality, and the interests of the victim and the community (Fikri, Rahul Ardian, et al, 2022). In practice at the East Medan Police, this discretion is generally used in cases where minor elements are met, the perpetrator is cooperative, and the victim has received compensation. This process is then outlined in a peace agreement report and followed up with a Letter of Order to Terminate Investigation (SP3) based on restorative justice.

In addition to police discretion, the involvement of community leaders or traditional institutions as mediators is also crucial in the context of on-the-ground implementation. This aims to ensure that the peace process is conducted honestly, transparently, and without causing pressure on the victim. This approach aligns with the principle of community involvement in restorative justice theory, which positions the community as a contributing party to restoring social balance following a criminal act. Doctrinally, the application of restorative justice in cases of aggravated theft can be understood within the framework of several principles of criminal law (Siregar, Abdul Rahman Maulana, and Rahul Ardian Fikri, 2023), including:

- 1) The principle of *ultimum remedium*, which states that criminal law is used as a last resort after non-litigation methods are no longer effective. Therefore, resolution through restorative justice is a concrete application of this principle to avoid excessive criminalization of perpetrators whose behavior can still be corrected.
- 2) The principle of proportionality, which requires a balance between guilt and punishment. The application of restorative justice can be considered more proportional for crimes that involve small losses and do not have a significant impact on society.
- 3) The principle of substantive justice, namely justice that is not only oriented towards formal rules, but also takes into account the social and moral values of society. Restorative justice provides an opportunity for perpetrators to atone for their mistakes and for victims to obtain real reparation.

The application of restorative justice based on these principles actually strengthens the objectives of punishment in Article 54 of the 2023 Draft Criminal Code, namely to prevent criminal acts, reform perpetrators, restore balance, and reconcile society.

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

The East Medan Police Sector is a work unit under the Medan City Police, characterized by a high population density, dynamic economic activity, and a significant vulnerability to conventional crime, including aggravated theft as stipulated in Article 363 of the Criminal Code. Based on internal data from the East Medan Police from January 2022 to June 2025, the number of police reports (LP) related to aggravated theft showed a relatively

stable figure, ranging from 28 to 46 cases per quarter. Of these cases, approximately 57 to 64 percent were motor vehicle thefts (curanmor), followed by nighttime break-ins.

In such conditions, the East Medan Police are attempting to selectively implement a restorative justice approach for cases that meet the criteria as stipulated in the Republic of Indonesia National Police Regulation Number 8 of 2021. This effort is not only intended to reduce the caseload in court and address the problem of overcapacity in correctional institutions, but also to accelerate the restoration of social relations between perpetrators, victims, and the community.

Interviews with several investigators indicate that of the total number of aggravated theft cases handled, four to eight cases per quarter are facilitated through restorative justice mechanisms, with a success rate of 60–75 percent. Cases that are successfully resolved are generally resolved within 18–21 days, while cases that are still referred to the prosecutor's office require more than 40 calendar days to be processed. This data demonstrates that the application of restorative justice can expedite case resolution without sacrificing the substance of justice.

Based on the results of field research and document studies, the process of implementing restorative justice at the East Medan Police is carried out through systematic stages in accordance with the provisions of Police Regulation No. 8 of 2021, namely:

1) Identification and Classification of Perkar

The first step is carried out by investigators by identifying whether the reported case falls into the category of those that can be resolved through restorative justice. This classification is based on the value of material losses, the level of criminal threat, the social impact, and the relationship between the perpetrator and the victim. If the crime was committed without violence, the value of the losses can be replaced, and the victim is willing to reconcile, then the investigator can propose a resolution through restorative justice. In practice at the East Medan Police, the cases most frequently resolved through this mechanism are motor vehicle theft or theft of minor valuables committed by first-time offenders and outside the context of an organized group.

2) Facilitating Dialogue and Mediation between Victims and Perpetrators

Once the case meets the criteria, investigators will invite the victim, the perpetrator, and community leaders or family members to act as mediators for a mediation meeting. The dialogue will take place in the police station mediation room, witnessed by officers, and documented in a Peace Agreement Report. This process is conducted voluntarily and without coercion from any party, as mandated by Article 7 of Police Regulation No. 8 of 2021.

Based on observations, the success of mediation depends heavily on the investigator's communication and personal approach. Several investigators stated that the victim's empathy and the perpetrator's good faith in restitution are key factors in success. In many cases, victims are more likely to reconcile if the losses are fully repaid and the perpetrator demonstrates genuine remorse.

3) Preparation of Peace Agreement and Termination of Investigation (SP3) Documents

After an agreement is reached, the parties sign a peace statement, accompanied by a report signed by the investigator, victim, perpetrator, and mediation witnesses. The investigator then submits a proposal to terminate the investigation to the Police Chief on grounds of restorative justice, in accordance with Article 12 of Police Regulation No. 8 of 2021. If approved, a Letter of Order to Terminate the Investigation (SP3) is issued on the basis of restorative justice, and the case is officially declared closed.

4) Post-Completion Monitoring

Several cases at the East Medan Police Station involve ongoing monitoring by the local Bhabinkamtibmas (community police officer) to ensure the perpetrators do not repeat their actions. This step is a concrete implementation of John Braithwaite's theory of reintegrative shaming, where perpetrators are reinstated into society through social supervision without permanent stigma.

The research results show several factors that encourage the successful implementation of restorative justice at the East Medan Police, namely:

a. Clear Regulatory Support

Police Regulation No. 8 of 2021 provides legal legitimacy for investigators to exercise discretion in a measured and responsible manner. This regulation serves as a formal guideline that protects investigators from accusations of abuse of authority.

b. Time and Case Load Efficiency

Restorative justice can shorten processing time and reduce the backlog of case files. Interviews revealed that settlements can be resolved within an average of three weeks, significantly shorter than litigation, which can last months.

c. Social Awareness of Society

Communities in East Medan generally have a strong family culture and are open to deliberation and resolution. This provides crucial social capital for successful mediation.

d. Police Chief's Leadership and Innovation

Leadership support in the form of internal policies that emphasize a humanistic and preventive approach makes investigators more willing to use restorative justice mechanisms for cases that meet the criteria.

However, there are still a number of obstacles in implementing restorative justice at the East Medan Police, including:

a. Not All Cases Meet Legal Criteria

Many aggravated theft cases involve elements of conspiracy, violence, or substantial losses, thus failing to meet the requirements for restorative justice. This means that most cases must still be processed through litigation.

b. Differences in Perceptions Among Law Enforcers

There are differing views among investigators, prosecutors, and judges regarding the limits of restorative justice. Some prosecutors reject mediation outcomes, believing the crimes being resolved are too serious for non-litigation mechanisms.

c. Concerns About the Deterrent Effect

Some officials and members of the public still believe that peaceful resolutions actually reduce the deterrent effect on perpetrators. In an interview, an investigator stated that "not all victims can accept peace, especially if the perpetrator has been caught several times before."

e. Post-Mediation Monitoring is Less Than Optimal

In some cases, reconciled perpetrators are not systematically monitored, potentially leading to repeat crimes. This highlights the need for coordination between the police, sub-district governments, and community leaders.

Based on the research results, it can be concluded that the application of restorative justice in aggravated theft cases at the East Medan Police Sector was carried out with a high degree of caution and selectivity. Investigators did not immediately propose a peaceful resolution but first assessed the case's feasibility through legal, criminological, and sociological approaches.

Legally, the East Medan Police have implemented procedures in accordance with Police Regulation No. 8 of 2021, specifically Articles 5 and 6, which regulate the requirements

for restorative justice. A termination of investigation (SP3) is only issued after a written peace agreement has been drafted and verified by the unit's leadership.

Empirically, field research has shown that a restorative justice approach is more effective in certain cases, such as minor theft by first-time offenders or those with personal relationships with the victim (e.g., family members, neighbors, or coworkers). The East Medan Police also implement the principle of administrative transparency, where the entire mediation process is recorded in a report and accompanied by photo or video documentation to ensure accountability.

Meanwhile, from a sociological perspective, the application of restorative justice has been proven to contribute to strengthening social relations in society. Residents involved in mediation reported greater satisfaction because the resolution was humane and free from the rigors of a court process (Fikri, Rahul Adrian, Abdul Rahman Maulana Siregar, and Fitri Rafianti, 2022). In several interviews, community leaders considered this approach "more educational" than punishment, as it allows perpetrators to improve themselves and reintegrate into their social communities.

However, the East Medan Police consistently reject restorative justice for serious cases involving violence, such as theft accompanied by threats of weapons or property damage. In such cases, investigators still refer the cases to the prosecutor's office for processing according to criminal procedure. This approach demonstrates a balance between humanitarian principles and the obligation to firmly enforce the law.

The research results show several important implications of the implementation of restorative justice at the East Medan Police, namely:

- 1) For the police, restorative justice is an effective means of building a police image that is humanistic and responsive to the needs of the community.
- 2) For the community, this approach strengthens the values of mutual cooperation, deliberation, and peaceful resolution, which are a reflection of Indonesian legal culture.
- 3) For the Criminal Justice System, the selective application of restorative justice helps reduce the caseload at the prosecution and trial levels.

For policy makers, this practice can be used as a model for developing criminal law policies that are more oriented towards recovery, not just punishment.

Conclusion

This study confirms that the application of restorative justice in aggravated theft cases at the East Medan Police Station is selective, based on Police Regulation No. 8 of 2021, Regional Regulation No. 15 of 2020, and Supreme Court Regulation No. 1 of 2024, with an emphasis on the parties' voluntary consent, restitution of losses, and avoiding public unrest. Field practice demonstrates that restorative justice is effective in certain cases, such as those involving first-time offenders, non-violent cases, and recoverable losses, with tangible impacts in the form of shorter handling times and higher satisfaction among the parties. On the other hand, cases involving violence, significant losses, or the potential to disrupt security are still processed through litigation to maintain legal certainty and a deterrent effect. Therefore, restorative justice at the East Medan Police Station functions as a substantive justice instrument that complements, rather than replaces, repressive law enforcement.

The East Medan Police are advised to strengthen restorative justice governance through the development of detailed standard operating procedures (SOPs) based on case eligibility indicators, mediation training for investigators, and post-peace monitoring mechanisms by Bhabinkamtibmas, recorded in a simple monitoring system. Formal coordination with the prosecutor's office and the courts needs to be improved through a

working memorandum of understanding (MoU) to ensure uniform application boundaries and more accountable recovery-based SP3 decisions. The involvement of community leaders and customary institutions should be maintained to ensure social legitimacy, along with documented victim support services. Quarterly evaluations based on case data, success rates, and reoffending rates should be published in short press releases to increase transparency and maintain public trust in restorative justice.

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