



Handling Minor Crimes Through *Restorative Justice* As A Form Of Efficiency In The Makassar Police

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ABSTRACT

This study explores the implementation of restorative justice as a form of efficiency in handling misdemeanor cases at the Makassar Police. The need for humane and efficient justice for the handling of minor crimes, where the restorative approach is an alternative that is increasingly encouraged. The purpose of this study is to analyze the handling of misdemeanor crimes through restorative justice as a form of efficiency in the Makassar Police by identifying the implementation of restorative justice for misdemeanor cases and the factors that hinder their success. The method used is a qualitative approach with a descriptive design, which involves data collection through literature studies and interviews related to the implementation of restorative justice in the institution. The results of the study show that the use of restorative justice is able to accelerate the resolution of minor criminal cases, increase the sense of justice for victims and perpetrators, and reduce the burden on the formal justice system. However, its implementation is still hampered by several factors such as abuse of authority from investigators and public resistance

Keywords: Restorative Justice, Misdemeanor Offenses, Efisiensi.

1. Introduction

The principle of legality outlined in the provisions of the Indonesian Criminal Code theoretically eliminates the discretion for law enforcement officials to investigate or not investigate a criminal act. This means that every crime reported or known by the police must be followed up through an official investigation process. However, in practice, law enforcement authorities in Indonesia do not always strictly apply the principle of legality due to limitations. Until now, various limitations still exist in detention centers and correctional institutions in Indonesia. Indonesia still has limited administrative detention facilities. However, the crime rate continues to increase, which has an impact on the number of prisoners and inmates increasing every year (Sirad and Basyarudin 2025). Most of the inmates of correctional institutions are known to come from cases of minor crimes, which should be resolved through alternative mechanisms without the need for formal criminal proceedings. One of the approaches that is considered to be able to be a solution is *restorative justice* (Article 2025)

In addition to the burden of the case and the level of settlement, one of the important indicators to assess the efficiency of the judicial process is the length of the settlement process of a case. Through the implementation of restorative justice, the number of inmates is expected to be significantly reduced, thereby helping to overcome the problem of limited capacity in correctional institutions and the consolidation of judicial processes in court. Restorative justice is an approach that focuses more on the conditions for creating justice and balance between the perpetrators of criminal acts and the victims. The criminal justice mechanism and procedures that focus on criminalization are changed to a dialogue and mediation process to create an agreement on a fairer and more balanced criminal case settlement, both for the victim and the perpetrator. Restorative justice has the meaning of restorative justice. In the criminal justice system, it is currently known that there is restitution or compensation for the victim, while restoration has a broader meaning (Hanafi arif 2013). Where the implementation in law enforcement aims to resolve criminal cases in a different way from the conventional criminal justice system (litigation pathway) (Flora 2023). This perspective is also in line with Packer's theory of efficiency in the criminal justice system, which emphasizes that law enforcement should not only focus on punitive measures but also on

creating mechanisms that minimize delays and optimize resources. By applying this theory, restorative justice can be seen as a means to balance justice and efficiency in criminal law enforcement.

Based on the Regulation of the National Police of the Republic of Indonesia (PERPOL) Number 8 of 2021 concerning the Handling of Criminal Acts Based on Restorative Justice in article 1 paragraph (3) it is explained that: "Restorative Justice is the settlement of Criminal Acts by involving the perpetrator, the victim, the perpetrator's family, the victim's family, community leaders, religious leaders, traditional leaders or stakeholders to jointly seek a just settlement through peace by emphasizing the restoration of the the original state." Currently, the Makassar Police through the Samapta Unit is actively implementing Restorative Justice in handling various cases of minor crimes, with a focus on the recovery and achievement of justice that is as fair as possible for all parties. However, its application in practice is still a matter of debate. This research is related to previous research by (Wirajaya, Dewi, and Karma 2022) which examined the application of penal mediation as a form of ADR in the realm of criminal law in realizing restorative justice in seeking criminal law reform (penal reform). But in reality, the application of penal mediation for minor crimes has not run optimally, this is because law enforcement regulations regarding penal mediation for minor crimes are only regulated limited to the police level issued by the National Police Chief and there are no laws and regulations on it that regulate penal mediation for minor crimes which causes the uneven implementation of penal mediation in all regions.

The next research from (Yani and Djanggih 2023) on the effectiveness of the application of restorative justice in petty crimes in the process of resolving it with the Circular Letter of the National Police Chief Number: SE/8/VII/2018 at the Makassar City Resort Police where the implementation system is still less effective because there are several factors where the application or settlement of petty crime cases in *restorative justice*. There are several obstacles in the solution. Finally, research by (Sirad and Basyarudin 2025) which highlights the problem of *overcrowding* in correctional institutions (Lapas) has become a major issue in the criminal justice system in Indonesia, including in the Makassar Class I Correctional Institution and the role of *restorative justice* in reducing *overcrowding*. Although, these studies examine *restorative justice* issues in criminal law in Indonesia, most of them do not adequately address the obstacles that may be faced in the implementation of restorative justice at the police level as the efficiency of the judicial process, such as abuse of authority from investigators and public resistance.

The difference between this research and the previous research is that the research focuses on handling minor crimes through *restorative justice* as a form of efficiency in the Makassar Police to overcome the accumulation of cases in the judiciary. The study also identified challenges in the use of restorative justice, such as abuse of authority from investigators and community resistance. This research highlights the importance of developing policies and regulations that support, in-depth studies and training for police investigators and the public. The novelty of this research lies in its focus on practical challenges and potential solutions in the implementation of restorative justice at the police level, especially in the Makassar Police through the Samapta Unit. In contrast to previous studies that generally examine restorative justice from the perspective of legal reform, policy frameworks, or the problem of prison overcapacity, this study emphasizes the operational dimension by analyzing how restorative justice can function as an efficiency mechanism in resolving minor crimes before entering the judicial realm. Furthermore, this study contributes by identifying specific obstacles such as abuse of investigator authority and community resistance, which have not been widely studied in previous studies. Therefore, the findings of this study not only strengthen the theoretical discourse on restorative justice, but also provide practical recommendations that can be applied to improve its implementation in the law enforcement system in Indonesia.

2. Method Research

This research is included in the category of analytical descriptive research (Ilham 2025). This research is descriptive because it aims to describe (reveal) the circumstances, causes, and impacts of the problem of *restorative justice* implementation in handling minor crime cases in the Makassar Police. Furthermore, the problem of *restorative justice* as a form of efficiency will be analyzed using various theories and opinions to then draw conclusions that can produce strategies to overcome the obstacles faced (Fadhilah 2025). This study uses a qualitative approach with a descriptive research design. The qualitative approach was chosen because the purpose of this research is to explore a deeper understanding of the phenomenon and handling of minor crimes through *restorative justice* as a form of efficiency in the Makassar Police and aims to dig deeper data on the implementation of *restorative justice*, as well as the factors that hinder its success (Sahar et al. 2025). The data sources in this study were obtained through a review of relevant literature, journals, and reports. The data collection process was carried out by means of literature studies and interviews. The collected data will then be analyzed using a qualitative

descriptive analysis method (Nasadi and Akdaji 2025), This research was carried out at the Makassar Police, with the reason for its choice as the location of the research, namely because the agency is authorized and competent in providing data on the implementation of *restorative justice* in the enforcement of petty crimes in Makassar City.

The data sources in this study were obtained through a review of relevant literature, journals, and reports. The data collection process was carried out by means of literature studies and interviews. The collected data will then be analyzed using a qualitative descriptive analysis method, there is data on the number of cases that have been successfully resolved through *the restorative justice* approach at the police level (Hastia 2025). In this study, the method used is data collection through searching, inventory, and analysis of laws and regulations, doctrines, and other secondary data (Rusli, Irmawati, Saharuddin 2025). Data on the number of cases resolved through the restorative justice approach were used to assess the extent to which this method was applied and how effective it was in reducing the accumulation of cases in formal courts, as well as its impact on the decline in the number of inmates in correctional institutions. Information about the success rate of the program, such as the number of cases successfully resolved at the investigation stage or referred to the judicial stage, can provide an idea of the effectiveness of this approach. In addition, using a comparison between the number of cases resolved through conventional and *restorative justice* channels can provide insight into the difference in outcomes and their impact on judicial capacity

3. Results and Discussion

3.1 Implementation of Restorative Justice as a Form of Efficiency in Handling Petty Crime Cases at the Makassar Police

The discussion of Supreme Court Regulation (PERMA) Number 2 of 2012 concerning the Adjustment of Limits on Misdemeanor Crimes and the Number of Fines in the Criminal Code is very important when it comes to the implementation of *restorative justice* at the police level, especially in the Makassar Police. This PERMA was basically born as an answer to the legal need to simplify the process of handling minor crimes that have been burdening law enforcement officials, ranging from the police, prosecutor's offices, to the courts. However, in the context of research that emphasizes the efficiency of *restorative justice* implementation, the discussion of PERMA should be placed proportionately so as not to shift the main focus of the research. PERMA Number 2 of 2012 stipulates that criminal acts with a maximum loss of Rp2,500,000.00 can be categorized as minor crimes. This regulation expands the scope of cases that previously only covered losses with a much smaller amount. The implication of this rule is that more and more petty criminal cases can be handled simply, quickly, and at a low cost. For the police, especially the Makassar Police, this PERMA is a juridical basis in sorting out cases that do not need to be processed for a long time through formal judicial channels. However, the rule only provides a *normative framework*, while its effectiveness depends on how the lower level officials are able to combine this rule with a *restorative justice* approach.

The advantage of PERMA Number 2 of 2012 is its ability to reduce the accumulation of cases in court. However, if the discussion of this regulation is carried out too long and in detail, then the focus of research that should emphasize *restorative justice* risks widening it. The essence of this research should highlight how the police use the legal space to accelerate the peaceful settlement of cases between victims and perpetrators. This means that PERMA is only a supporting instrument, while *restorative justice* is the spirit of the efficiency of handling minor crimes. In the Makassar Police, *the restorative justice* approach is used as a case resolution mechanism that is oriented towards restoring social relations, not punishment alone. For example, in cases of petty theft or simple persecution that falls under the category of *tipiring*, the police facilitate mediation between the victim and the perpetrator. This process aims to seek an agreement in the form of compensation, an apology, or other form of remedy agreed upon by both parties. With the existence of PERMA Number 2 of 2012, the police have stronger legitimacy not to proceed the case to court if the material loss is still within the regulated limits. This directly supports the principle of efficiency in law enforcement.

The efficiency in question is not only from the side of law enforcement officials, but also from the perspective of the community. Victims do not have to go through a lengthy, exhausting, and often added psychological distress to the courts. For perpetrators, especially perpetrators who commit minor crimes for the first time, *restorative justice* provides an opportunity to correct mistakes without having to undergo stigma as a prisoner. In addition, the state

also benefits because judicial costs can be reduced, and correctional institutions are not overcrowded by prisoners in small cases. However, the implementation of *restorative justice* based on PERMA Number 2 of 2012 is not free from obstacles. First, there are still law enforcement officials who interpret PERMA rigidly so that they continue to push criminal cases to the court even though they can actually be resolved peacefully. Second, in practice at the Makassar Police, mediation between the victim and the perpetrator often fails because a fair agreement is not reached. Third, the public has not fully understood the importance of *restorative justice*, so there is still a view that peaceful settlement means "weakening the law".

To overcome these obstacles, the police need to strengthen the capacity of the apparatus in conducting penal mediation, as well as socializing the benefits of *restorative justice* to the community. On the other hand, internal supervision must also be tightened so that the peaceful approach is not misused for the personal interests of the apparatus or becomes a venue for transactional practices. The desired efficiency can only be achieved if *restorative justice* is truly implemented with the principles of justice, transparency, and accountability. Thus, the position of PERMA Number 2 of 2012 in this study is as a legal instrument that strengthens the juridical framework for the application of *restorative justice*. However, the discussion of this regulation is quite explained in terms of its relevance to the limits of minor crimes, without needing to be detailed too far. The main focus should be directed to how the Makassar Police translate the rules into efficient, humane, and social justice-oriented case resolution practices (Yani & Djanggih, 2023).

Those included in the misdemeanor offenses according to Law Number 1 of 1946 concerning Regulations on Criminal Law include:

Table 1. Misdemeanor Crimes According to Law Number 1 of 1946

No.	Types of Misdemeanors	Article KUHP
1	Disturbing Public Order	Article 172
2	Disrupting a Public Meeting	Article 174
3	Making a Religious Meeting Noise	Article 176
4	Blocking the Way	Article 178
5	Disrupting the District Court Proceedings	Article 217
6	Destroying the Notice Letter	Article 219
7	Forgetfulness to remove or hide confiscated goods	Article 231
8	Animal Abuse	Article 302
9	Minor Insults	Article 315
10	Insult With Writing	Article 321
11	Because of their negligence/mistakes, people become restrained	Article 334
12	Minor Abuse	Article 352
13	Petty Theft	Article 364
14	Minor Fraud	Article 379
15	Light Damage	Article 407
16	Light Handling	Article 482
17	Light Darkening	Article 373

In many countries, including Indonesia, there is often dissatisfaction and frustration in the formal justice system, causing a response to an alternative in law enforcement, namely *restorative justice*. *Restorative justice* is the settlement of criminal cases by involving the perpetrator, victim, family of the perpetrator or victim, and other parties directly related to the settlement of criminal cases together to seek a fair settlement oriented towards the restoration of the original state and not retribution or punishment. This alternative provides the parties involved and the surrounding community to participate in resolving conflicts that occur (Dewi, Hartono, and Dantes 2022) The Criminal Code has stipulated that a person who commits a criminal act is threatened with criminal sanctions. However, criminalization is considered inefficient for the law enforcement process for minor crimes. In the enforcement of criminal law, it is not enough just to regulate a criminal act in the law. Law enforcement officials as implementers of the law, namely as authorized institutions, are urgently needed. In addition, the increasing number of inmates entering prisons can cause many social institutions to experience overcrowding, this is caused by the disproportionate number of inmates with the prison occupancy capacity. In addition, overcrowding raises the

problem of the prison system's inability to design rehabilitation, training, and education programs. Through the implementation of restorative justice, the number of inmates is expected to be significantly reduced, especially from cases of minor crimes, thereby helping to overcome the problem of overcapacity in correctional institutions.

To respond to this, investigators must use their authority to make efforts to resolve criminal cases outside the Indonesian criminal justice system. This authority is discretion where discretion is the authority of the police to make decisions or choose actions in resolving legal problems, both violations and crimes that they handle. One form of internal police discretion is the authority to terminate investigations carried out by the police on the basis of consideration and belief by prioritizing morality rather than the applicable legal framework. In the institution of the Indonesian National Police, investigators through their authority are allowed to resolve their discretion in cases by prioritizing the principle of restorative justice. Then supported by several internal regulations of the National Police as follows:

Table 2. Case Settlement Through ADR and Restorative Justice by the National Police

No.	Legal Basis	Number & Date	Substance/Subject Arrangement
1	Letter from the National Police Chief	No. Pol.: B/3022/XII/2009/Sde Ops, 4 Desember 2009	About Case Handling through <i>Alternative Dispute Resolution</i> (ADR).
2	Telegram Letter of the Kabareskrim of the National Police	Nomor: ST/110/V/2011, 18 Mei 2011	About Alternatives to Settlement of Cases Outside the Court.
3	Secret Telegram Letter of the Kabareskrim of the National Police	Nomor: STR/583/VIII/2012, 18 Agustus 2012	About the Implementation of <i>Restorative Justice</i> .
4	Circular Letter of the National Police Chief	Nomor: SE/7/VII/2018, 27 Juli 2018	About the Termination of the Investigation.
5	Circular Letter of the National Police Chief	Nomor: SE/8/VII/2018, Tahun 2018	About the Application of Restorative Justice in Criminal Case Resolution.
6	Regulation of the National Police of the Republic of Indonesia (Perpol)	Perpol Nomor 08 Tahun 2021	Regulating the Handling of Criminal Acts based on Restorative Justice.

In addition, the legality of *restorative justice* can be found related to misdemeanor crimes, namely in the Memorandum of Understanding (Nokesber) of the Chief Justice of the Supreme Court, the Minister of Law and Human Rights, the Attorney General and the Chief of the National Police of the Republic of Indonesia concerning the Implementation of the Adjustment of Criminal Limits and the amount of fines, the Rapid Examination Event, and the Implementation of Restorative Justice. This Memorandum of Understanding (Nokesber) is an implementation of Supreme Court Regulation (PERMA) Number 2 of 2012 concerning the Adjustment of Limits for Misdemeanor Crimes and the Number of Fines in the Criminal Code. The case that is included in the misdemeanor offense regulated by PERMA Number 2 of 2012 is in the articles contained in the Criminal Code, namely articles 364, 373, 379, 482, 384 and 407 where the value of the loss does not exceed Rp. 2, 500,000,-. Law enforcement of minor crimes through a restorative approach in police institutions, one of which is issued by the National Police Chief, namely the National Police Chief Regulation No. 7 of 2008 concerning Basic Guidelines for the Strategy and Implementation of Community Policing in the Implementation of Police Duties, as the first step of the regulation with the concept of implementing settlement outside the court. In this Regulation of the National Police Chief, the application of the ADR concept is determined. Where the type of ADR used is through penal mediation so that minor crimes can be resolved at the police level. PERMA and the Regulation of the National Police Chief regulate cases that include minor crimes and *seek restorative justice* for minor crimes can be resolved at the police level. Therefore, cases of minor crimes should be handled with *restorative justice* (Wirajaya, 2022). However, ironically, although the *restorative justice approach* has been agreed upon by law enforcement officials, in practice it has not been implemented optimally.

The Makassar Police Samapta Unit actively used restorative justice strategies to handle 288 cases of Tipiring over the past three years. Of these cases, 96 cases were resolved in 2022, 96 cases were resolved in

2023, and 96 cases were resolved in 2024. The *restorative justice* process at the investigation level, including at the Makassar Police, ideally follows a systematic flow in accordance with Perpol No. 8 of 2021. The procedures for settling misdemeanor offenses are:

1. The settlement of Misdemeanor Crimes as referred to in Article 2 paragraph (4), is carried out for: a. reports/complaints; or b. directly find an alleged criminal act.
2. A report/complaint as referred to in paragraph (1) letter a, is a report/complaint before the police report.

The settlement of minor crimes as referred to in Article 11 is carried out by: members of the National Police who develop the function of Community Development and members of the National Police who carry out the function of the National Police Samapta. Furthermore, the Termination of Investigation/Investigation of Criminal Acts as referred to in Article 2 paragraph (5) is carried out by submitting a written application letter made by the perpetrator, victim, perpetrator's family, victim's family, or other related parties. The application letter is completed with a peace statement document and evidence that the restoration of victims' rights has been carried out for the Resort Police and Sector Police level is submitted to the Chief of the Resort Police. The implementation of *restorative justice* in the settlement of minor crimes at the Makassar Police must be in line with the provisions of Perpol Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice, namely if the material requirements and material requirements as stipulated in Article 3, Articles 5 and 6 of Perpol 8/2021 have been met.

Based on the results of an interview with Briptu Arfan Tri Mudayanto, as the Head of the Tipiring Unit of the Makassar Police Samapta Unit, on April 24, 2025, that explained: "the implementation of restorative justice itself is directly guided by Perpol Number 8 of 2021. So, if there is a case that comes in, it will be studied first, whether it can be resolved by RJ (*restorative justice*) or not by restorative justice. In reviewing it, we can see in Article 3, namely that there are general conditions and special conditions that must be met in applying restorative justice to minor crimes. So what are the general requirements? It is further divided into two, namely material requirements and formal requirements, in the material requirements it is explained that cases that can be resolved by RJ (*restorative justice*) are cases that do not cause unrest or cases that are not rejected by the community, cases that do not have a social impact, cases that do not divide the nation, cases that are not radicalism or separatism, cases where the perpetrator is not a repeat offender or a perpetrator who has never been sentenced, and is not a case of terrorism crimes, crimes against state security, corruption crimes, and crimes against people's lives. So, if there is a case that comes in, the case must be reviewed first so that it can be followed up in RJ or not based on the material requirements in Perpol Number 8 of 2021."

So, although Perpol 8/2021 specifically regulates the settlement of Tipiring, not all misdemeanor crimes can be resolved through *restorative justice* because there are several criteria for a criminal act that can be committed by RJ, namely:

1. Non-recidivist suspect
2. It is not a repeat criminal act.
3. There is a peace agreement on the part of the victim.
4. There is an application for revocation.
5. The fulfillment of the right of return to the victim was carried out by the suspect.
6. It does not cause social conflict.

The number of cases of misdemeanor crimes at the Makassar Police during the 2022-2024 period since the issuance of Perpol 8/2021 is described in the following table:

Table 3. Data on the Number of Misdemeanor Crime Cases (Tipiring) at the Makassar Police in 2022-2024

Year	Tipiring Case	<i>Restorative Justice</i>	Judicial
2022	96	84	12
2023	96	89	7
2024	96	91	5

Source: Data of the Tipiring Unit of the Makassar Police Samapta Unit

Based on the results of research conducted by researchers at the Makassar Police, there were 96 cases of misdemeanor crimes that occurred during 2022 and 84 of them were resolved through *restorative justice*, while as many as 12 cases of misdemeanor crimes were continued to the Court process. Then in 2023 there will also be 96 cases, 89 of which will be resolved with *restorative justice*, and 7 cases will proceed to the Court process. Furthermore, a total of 96 cases of misdemeanor crimes will occur in 2024 and also an increase of 91 cases will be resolved with *restorative justice*, while 5 cases will be processed to the Court.

The Head of the Makassar Police Samapta Unit explained that of all cases of misdemeanor crimes that often occur, such as minor persecution (Article 352 of the Criminal Code) and liquor circulation (*ballo*), the settlement should be facilitated from the first level, namely investigation, in accordance with the applicable authorities and regulations in the Police. This mechanism is implemented to reduce the accumulation of cases in the courts which has caused the judicial process in Indonesia to be slow. Based on existing data, the implementation of *restorative justice* at the Makassar Police shows quite good effectiveness in resolving minor criminal cases outside the formal judicial channels. To strengthen this argument, it is necessary to analyze the trend of case settlement from year to year, for example comparing the proportion of cases resolved through *restorative justice* with formal channels and looking at the consistency of their application. In this way, conclusions about the effectiveness of such approaches are supported by empirical evidence, not just assumptions. In the context of the efficiency of handling cases, the Dutch procedure known as ZSM (*Zo Snel Posible* or "as quickly as possible") can be a reference. This procedure was introduced in 2011 by the Dutch Prosecutor's Office and Police to speed up the handling of misdemeanor crimes by involving all relevant parties from the outset, including community guidance officers, victim assistance services, or child welfare institutions, through a special coordination center. The goal is to solve most cases within six to nine hours of the suspect being arrested, with a maximum limit of three days. The result can be in the form of termination of the case, issuance of a ticket, or transfer of the case to the court. Judicial statistical data in 2014 shows that about 43% of ZSM cases are resolved in one day, and 87% are resolved in one month. This comparison gives an idea that accelerating the case resolution process, both through the ZSM and *restorative justice* mechanisms, can **reduce the burden of court administration and accelerate legal certainty for the community**, while opening up opportunities for the broader implementation of *restorative justice* principles in Indonesia. (Hofmann 2021)

However, the ZSM procedure has been criticized because its speed is considered to be able to hinder the adequate defense process, thus potentially ignoring the suspect's rights in self-defense. "*Obstacles Faced by Investigators in Handling Petty Crime Cases through Restorative Justice at the Makassar Police*" *Restorative Justice* is currently in Indonesia still interpreted as a tool for stopping cases. The implementation of *restorative justice* by police institutions is carried out through two police functions in the field, namely *reserse* (investigators) and community services (*Binmas*). However, even though the Indonesian National Police (Polri) already has various internal regulations related to restorative justice, there are still no training modules or special competency standards prepared for police members in charge of implementing these regulations (Karjono and Malau 2024)

The existence of Perpol 8/2021 as a legal umbrella that regulates and becomes the basis for legitimacy in making decisions in the investigation process, whether based on *Restorative Justice*, certainly does not guarantee that the maximum implementation of case settlement outside the judicial process for minor crimes at the police level in several regions including Makassar City has been applied. Although *restorative justice* is a new paradigm in criminal law enforcement, the concept has actually long been developed and practiced in the resolution of criminal cases in several countries that adhere to the *common law system*. Because the concept is relatively new, it is not surprising that efforts to implement the concept in law enforcement practices in Indonesia, especially by the National Police and Prosecutors, encounter many obstacles.

In line with these conditions, this is in accordance with the theory of legal systems (*Legal Systems*) by Lawrence M Friedman that law enforcement is influenced by 3 (three) factors, namely the legal structure related to law enforcement institutions or institutions or can be said to be law enforcement officials, legal substance and legal

culture (Lawrence M. Friedman 1969). In the application of restorative justice, the author finds several problems faced by law enforcement, especially National Police investigators, that need to be resolved immediately. One of these problems is that the competence of investigators in the field of legal knowledge, laws and regulations, the criminal justice system, and technical and tactical skills of investigation is still not optimal, which is caused by the lack of in-depth studies related to Police Regulation Number 8 of 2021. So they think that the settlement of cases through restorative justice is only an ordinary peace effort and is considered a tool for stopping the case. In fact, there are material and formal requirements that must be met in its implementation.

In addition, the culture of the society is still largely against those who may not be familiar with this concept. Public expectations of prison sentences and "out-of-court settlements" often raise suspicions of investigators in resolving cases. The existence of an agreement between the victim/complainant and the perpetrator/reported person in the police investigation process can be considered problematic. This practice also risks expanding the discretionary authority that was originally applied to misdemeanors, becoming applicable to serious crimes if the police deem it appropriate to terminate the case. Nevertheless, the National Police continues to supervise the implementation of *restorative justice in stages through investigative* supervisory organs at the Police level to the National Police Headquarters and the National Police Propam. The implementation of *the restorative justice mechanism* is also recorded in a special register. So that in the future the National Police must be able to prepare standard operational guidelines for *restorative justice* within the scope of the police that focus on justice, benefits, and legal certainty for the community

Based on the results of an interview with an investigator at the Makassar Police Criminal Investigation Unit, the public still has a conservative view on handling minor cases through restorative justice. According to him, "Many people still expect a prison sentence for the perpetrator, so when we offer an out-of-court settlement, there is a suspicion that the investigator is 'biased' or weakens the legal sanctions" (Interview, August 12, 2025). This shows that the legal culture of society still emphasizes punitive, so the mechanism of restorative justice is often seen as controversial. A community leader who was also a resource person said that "When there is an agreement between the victim and the perpetrator in the investigation process at the police, some residents question the fairness. They are worried that this practice will be abused if it is applied to more severe cases" (Interview, August 14, 2025). This statement indicates that public perception can be a challenge in the implementation of restorative justice, especially related to the perception of the risk of expanding investigators' discretion from minor to severe cases.

However, the implementation of restorative justice is still monitored in stages by investigation supervision organizations at the police level up to the National Police Headquarters, including through Propam supervision. An official from the Propam Division stated that "Every application of restorative justice is recorded in a special register, so that we can monitor the process and ensure there is no abuse of authority" (Interview, August 16, 2025). This shows that there is internal control that can reduce the risk of abuse of authority in restorative justice practice. With official registration and multi-level supervision, the National Police is expected to be able to develop clearer standard operational guidelines (SOPs) regarding restorative justice. An investigator added, "In the future, this SOP must emphasize the principles of justice, benefits to the community, and legal certainty, so that the restorative justice mechanism is widely accepted and implemented consistently" (Interview, August 12, 2025). This statement emphasizes the importance of standardizing procedures so that restorative justice is not only a formal policy, but also an effective, fair, and accepted practice by the community.

4. Conclusion

The legal basis for the implementation of restorative justice by the National Police of the Republic of Indonesia is expressly regulated in *the National Police Regulation of the Republic of Indonesia Number 8 of 2021 concerning the Handling of Crimes Based on Restorative Justice*. The regulation serves as a legal umbrella that provides legitimacy as well as policy direction for law enforcement officials, especially police investigators, in prioritizing a restorative justice approach over formal legal mechanisms that tend to be rigid and criminal-oriented. Philosophically, the birth of this rule cannot be separated from the need of the Indonesian people for a more

humane, responsive, and substantive justice system, where the settlement of cases does not solely focus on punishment, but also on the restoration of social relations between perpetrators, victims, and society. Restorative justice is seen as relevant to the legal culture of the Indonesian people who have long known the principles of deliberation and peace as the main instruments in resolving social conflicts. With this legal basis, the police obtain formal legitimacy not to proceed certain cases to the judicial process, as long as the conditions of restorative justice are met, such as a peace agreement between the perpetrator and the victim, minor criminal acts, and the recovery of losses for the affected parties. At the practical level, the implementation of restorative justice in the Makassar Police has shown its effectiveness. Misdemeanor cases, which usually drag on in court proceedings, can be resolved in a short period of time, which is about 1-2 weeks, compared to formal litigation processes that can take up to months. This time efficiency provides a double benefit, both for law enforcement officials who can reduce the accumulation of cases, and for the public who obtain legal certainty more quickly. In addition, restorative approaches can also increase a sense of substantive justice, as victims are given space to express their aspirations, needs, and recovery directly, while perpetrators are given the opportunity to take responsibility without having to bear the heavier social stigma of the formal criminal process. Thus, the existence of this regulation also answers public anxiety about the criminal justice system which has been considered convoluted, expensive, and lacks attention to the humanitarian dimension. Furthermore, the implementation of restorative justice is also in line with the government's vision to realize a modern, adaptive, and social-welfare-oriented legal system, so that the function of law is not only a means of control, but also an instrument of social reconciliation that prioritizes harmony and peace in society.

However, despite having a strong legal foundation and real effectiveness, the application of restorative justice at the operational level, including in the Makassar Police, is not completely unimpeded. The author found that there are a number of obstacles both from cultural and structural aspects that have the potential to hinder the optimization of restorative justice in the field. From the cultural side, there is still resistance from some people who do not fully understand the concept of restorative justice. They often view that the settlement of criminal cases through peace outside the court is a form of "announcement" of the criminal acts committed, so that it has the potential to weaken the deterrent effect for the perpetrators. This kind of perception arises because the criminal law paradigm that has long been embedded in society is the retributive paradigm, where justice is synonymous with the imposition of appropriate punishment. In addition, there are still community groups who consider that the restorative approach benefits the perpetrator rather than the victim, thus casting doubt on the promised substantive justice. From a structural perspective, obstacles also come from the police themselves, especially related to the potential abuse of authority by investigators. The authority to stop investigations on the basis of restorative justice has the potential to be abused as a means of transactional negotiation that deviates from the original purpose of regulation. This situation poses a dilemma, because on the one hand restorative justice is intended to speed up the resolution of cases and bring more substantial justice, but on the other hand without a strict supervision mechanism risks giving rise to new corrupt practices.

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